Second straight victory for students

By Lori Arnold
Research Analyst

For the second time in as many weeks, the strangling entitlements of tenure for poor teachers have taken a hit. In a rare but refreshing display of unity, the California Legislature passed Assembly Bill (AB) 215, which makes it easier for school districts to terminate instructors accused of “egregious” behavior. It also streamlines the dismissal process for underperforming teachers.

The action came just a week after Los Angeles Superior Court Judge Rolf Treu declared the state’s tenure law unconstitutional because it violates the civil rights of poor and minority students.

The latest victory with AB 215—authored by Joan Buchanan (D-San Ramon) and unanimously passed by both the Assembly and the Senate—is the culmination of several years of often-contentious politicking, even as public pressure mounted to end ridiculously cumbersome dismissal procedures for teachers.

The bill now heads to Gov. Jerry Brown, who is expected to sign it into law.

“We all agree that the current dismissal appeal process takes too long and costs too much money,” Assemblywoman Buchanan said in a statement. “The only ones who benefit are attorneys. The public demands a process that is fair and efficient and responds to the needs of school districts to efficiently manage their work force.”

The new bill:

• Consolidates the termination process for teachers accused of immoral acts or felonies such as physical or verbal abuse by requiring a hearing before an administrative law judge within 60 days. Under current law, teachers were able to appeal to a three-member administrative panel or use the courts, a process that could delay cases for years, costing school districts millions of dollars.

• Streamlines the process for terminating underperforming teachers by requiring a hearing within six months. The hearing will go before a three-person panel that will include an administrative law judge. Like the misconduct cases, appeals under the existing law often dragged on for years.

• Allows school districts to dismiss teachers year-round. Current law banned administrators from taking any disciplinary action during the summer months.

Buchanan’s bill, one of four proposals addressing teacher discipline this session, was a modified reincarnation of her AB 375, which passed through the Legislature on party lines last year but was vetoed by Brown. In his veto message, Brown called last year’s bill an “imperfect solution,” saying that some of the changes “make the process too rigid and could create new problems.”

“I encourage the Legislature to continue working with stakeholders to identify changes that are balanced and reduce procedural complexities,” his statement read.
Buchanan heeded his advice by drafting a bill that drew the support of the California Teacher’s Association and EdVoice, an education reform group representing 50,000 Californians. Both groups frequently find themselves on opposite ends of public policy, including AB 375, but managed to find common ground on AB 215. Earlier this year, Brown also announced his support for the bill.

“For years adults in the system have pointed the finger at each other in blame for the loopholes, delays, costs of appeals, and shocking settlement agreements,” Bill Lucia, president of EdVoice, said in a statement. “Parents of the children and innocent staff have waited long enough for a fix; that’s why we came together to work with the CTA, the Legislature and the Governor.”

Despite the unity, which also included support from the Superintendent of Public Instruction, California Labor Federation and California State PTA, the bill was opposed by the Association of California School Administrators. That organization said the bill was too narrow.

“It’s a good start, but doesn’t go far enough,” ACSA Executive Director Wes Smith said in a statement. “What about armed robberies, aggravated assaults and murder? While there is a criminal procedure for these cases, school districts still have the burden of following the dismissal process.”

Even so, it has been it has been the advent of several high-profile abuse cases—including a Los Angeles teacher who spoon-fed students his own bodily fluid—that prompted legislators to finally address the situation of abusive teachers. Despite this, early attempts were slow to materialize.

In 2009, a *Los Angeles Times* investigative report detailed just how widespread the problem is in California as school districts across the state reported spending millions of dollars trying to terminate unfit teachers, paying them off to retire, even paying them to sit in an otherwise empty room because of the red tape protecting tenured teachers.

State Sen. Alex Padilla (D-Van Nuys) attempted to address the issue in 2012 when he introduced his own reform bill Senate Bill (SB) 1530. That bill failed to pass out of committee when four Democrats abstained from voting, prompting a news investigation by CNN’s Anderson Cooper 360° program. The report alleged that the abstaining lawmakers put their own political contributions from the unions ahead of student safety. A second attempt by Padilla the following year with SB 10 also failed to advance out of committee, prompting him to support Buchanan’s AB 375. He is listed as a co-author of AB 215.

“It will protect our children while maintaining important due process rights for educators,” Padilla said.

We commend California legislators for their unified front in taking a big first step in protecting children in the classroom and challenge them to continue that cooperative spirit by tackling other education reforms that will improve student learning and lessen dropout rates. Our children deserve no less.

**Action alert:** The Senate Education Committee on Wednesday will consider AB 2350 (Bonilla D-Concord), a long overdue bill that provides vital leaves of absence for pregnant graduate students. Without such protections, students facing unplanned pregnancies could view abortion as the only avenue to continue with their schooling. Please contact members of the committee and urge a yes vote on AB 2350.

**Senate Education Committee**

Phone: (916) 651-4105  
Fax: (916) 445-7799

Chair Carol Liu (D-Glendale)  
Sacramento Office (916) 651-4025  
District Office (818) 409-0400  
senator.liu@senate.ca.gov

Vice Chair Mark Wyland (R-Carlsbad)  
Sacramento Office (916) 651-4038  
District Office (760) 931-2455  
senator.wyland@senate.ca.gov

Marty Block (D-San Diego)  
Sacramento Office (916) 651-4039  
District Office (619) 645-3133
Actions, week of June 16

**AB 1444** (Buchanan D-San Ramon) *Elementary education: kindergarten.*
Passed Assembly, 54-24
Passed Senate Education Committee, 5-2
To Senate Appropriations Committee

**AB 1585** (Alejo D-Salinas) *Human trafficking.*
Passed Assembly, 79-0
Passed Senate Public Safety Committee, 5-0
To Senate Appropriations Committee

**AB 1678** (Gordon D-Los Altos) *Women, minority, disabled veteran, and LGBT business enterprise procurement.*
Passed Assembly Appropriations Committee, as amended, 12-5
Passed Assembly, 54-20
Passed Senate Energy, Utilities and Communications Committee, as amended, 9-1
To Senate Appropriations Committee

**AB 1951** (Gomez D-Los Angeles) *Vital records: birth certificates.*
Passed Assembly, 53-14
Passed Senate Judiciary Committee, as amended, 6-0
To Senate Appropriations Committee

**AB 2344** (Ammiano D-San Francisco) *Family law: parentage.*
Passed Assembly, 62-4
Passed Senate Judiciary Committee, as amended, 6-0
To Senate Appropriations Committee

**SB 838** (Beall D-Campbell) *Crimes: Sex offenses: juvenile hearings.*
Passed Senate Public Safety Committee, as amended, 6-0
Passed Senate Appropriations Committee, as amended, 7-0
Passed Senate, 35-0
Assembly Public Safety Committee, heard, remains in committee
SB 1123 (Liu D-Glendale) Child care and development services
Passed Senate Appropriations Committee, 5-2
Passed Senate, 25-11
Passed Assembly Human Services Committee, as amended, 5-2
Re-referred to Assembly Education Committee

SB 1306 (Leno D-San Francisco) Marriage.
Passed Senate Judiciary Committee, 5-2
Passed Senate 25-10
Assembly Judiciary Committee
Senate floor, not heard

Key bills
To review other bills we are monitoring, click here.

Scheduled hearings: week of June 23

On the floor
SB 1306 (Leno D-San Francisco) Marriage.

CFA’s assessment: Oppose. Author maintains bill is designed to clean-up statutory codes to bring them in line with the state Supreme Court overruling of Proposition 22, the same-sex marriage ban passed by voters in 2000. The law goes much further, though, by also scrubbing out all references to “husband” and “wife” in the Family Code and replacing the terms with the gender-neutral word “spouse.”

Summary: This bill would provide that marriage is a personal relation arising out of a civil contract between 2 persons, and would make conforming changes with regard to the consent to, and solemnization of, marriage. The bill would also delete the limitation on the validity of marriages contracted outside this state between 2 persons of the same sex.

Under existing law, a reference to “husband” and “wife,” “spouses,” or “married persons,” or a comparable term, includes persons who are lawfully married to each other and persons who were previously lawfully married to each other, as is appropriate under the circumstances of the particular case.

The bill would delete references to “husband” or “wife” in the Family Code and would instead refer to a “spouse,” and would make other related changes.

Passed Senate Judiciary Committee, 5-2
Passed Senate 25-10
Assembly Judiciary Committee

Tuesday, June 24

AB 1577 (Atkins D-San Diego) Certificates of death: gender identity

CFA’s assessment: Oppose. Ignores biological gender at birth on official death documentation.

Summary: This bill would require a person completing the certificate of death to record the decedent’s gender as that reported by the informant, unless the person completing the certificate is presented with a legal document that memorializes the decedent’s gender transition, in which case the document would control. The bill would grant immunity from liability for costs or damages arising from any claims based upon a person entering a decedent’s gender as required by this bill.

Passed Assembly, 62-5
SB 838 (Beall D-Campbell). **Crimes: Sex offenses: juvenile hearings.**

**CFA’s assessment: Support.** Under existing law, juveniles who commit sex crimes against incapacitated victims are protected in private juvenile court hearings because of a lack of “force” in their crimes. This bill closes that loophole allowing the juveniles to be tried as adults, where all hearings are public.

**Summary:** Allows juveniles to be tried as an adult when various sex offenses are perpetrated against a victim who was unable to resist due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim is incapable of giving consent because of a disability.

The bill also addresses cyberbullying by requiring additional penalties if a person convicted of specified sex offenses, who, with the intent to identify, intimidate, harass, humiliate, or bully the victim, uses social media, including, but not limited to, posting photos online or sharing cellular telephone photos of the incident that resulted in the conviction, or posting messages online or sharing cellular telephone messages pertaining to the incident that resulted in the conviction. The bill would provide for imposition of an additional year of incarceration, or a fine not exceeding $10,000, or both, if the sex offense conviction was for a felony, and would provide for imposition of an additional fine not exceeding $5,000 if the sex offense conviction was for a misdemeanor.

Passed Senate, 35-0
Assembly Public Safety Committee

Wednesday, June 25

AB 2350 (Bonilla D-Concord) **Postsecondary education: Equity in Higher Education Act: prevention of pregnancy discrimination.**

**CFA’s assessment: Support.** Bonilla’s bill is long overdue legislation that provides vital protections for pregnant graduate students. The law provides for compassionate delays in coursework that allows expecting and new moms time to establish their households before continuing their post-graduate studies. Without such protections, students facing unplanned pregnancies could view abortion as the only avenue to continue with their schooling. This law eliminates that dilemma and should be expanded to all students, including student athletes on scholarship.

**Summary:** The bill would add pregnancy discrimination to the state’s Equity in Higher Education Act policy. Further, it would prohibit postsecondary educational institutions, including the faculty, staff, or other employees of these institutions, from requiring a graduate student to take a leave of absence, withdraw from the graduate program, or limit his or her graduate studies solely due to pregnancy or pregnancy-related issues. Educators would also be required to reasonably accommodate pregnant graduate students, as specified, so that they may complete their graduate courses of study and research and allow leaves of absence of at least 2 academic terms, unless there is a medical reason for a longer absence. The bill would also allow these students at least 12 additional months to prepare for and take preliminary and qualifying examinations and an extension of at least 12 months toward normative time to degree while they are in candidacy for a graduate degree, unless a longer extension is medically necessary.

Passed Assembly Appropriations Committee, as amended, 17-0
Passed Assembly 73-0
Senate Education Committee

SB 192 (Liu, D-Glendale) **Early learning and school educational support services**

**CFA’s assessment: Oppose.** While providing services to families from infancy to the grave sounds admirable, the expanse of the proposal—resurrected from last year—would provide undue government interference on families by mandating certain activities, including age and developmentally appropriate activities for children, supervision, parenting education and parent engagement,
nutrition, assessment of child and family needs and referral to appropriate human services organizations, and monitored training, professional development and career advancement opportunities.

**Summary:** The Child Care and Development Services Act, administered by the Superintendent of Public Instruction, requires the Superintendent to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

This bill would reorganize and recast those provisions as the Early Learning and Educational Support Act, and would establish as its purpose providing a comprehensive early learning and educational support system that promotes access to safe, high-quality early learning and educational support programs, as specified.

The bill would require the Superintendent to administer the early learning and educational support program through direct classroom or alternative payment services, and would require the Superintendent to develop requirements for the implementation of high-quality early learning and educational support programs.

Passed Senate Education Committee, 7-1
Passed Senate Appropriations Committee, 5-2
Passed Senate, 32-5
Assembly Education Committee

**SB 837** (Steinberg D-Sacramento) **Early childhood education: professional development.**

**CFA’s assessment:** Oppose. Previously introduced as an expansion of the state’s pre-kindergarten program for low-income 4-year-olds, Steinberg has amended the bill to provide training for the state’s early childhood education program after Gov. Jerry Brown signed a new 2014-15 budget plan that provides $264 million to fund the pre-kindergarten plan. With funding already in hand to implement his plan, Steinberg is now seeking to allocate $25 million for professional development training. Although participation is voluntary, we see this as first step toward mandating transitional kindergarten. Not only does the proposal increase education costs, but it also exposes more young children to mandated pro-homosexual curriculum and programs.

**Summary:** Of the moneys appropriated in the 2014 Annual Budget Act, this bill would allocate certain of those moneys for purposes of professional development for teachers in transitional kindergarten and teachers in the California state preschool programs, as provided. The bill would require the State Department of Education to consult with various entities, including the California Community Colleges, for purposes of administering the above provisions. Passed Senate Appropriations, as amended, 5-2

Passed Senate, as amended, 26-10
Assembly Education Committee

**SB 1123** (Liu D-Glendale) **Child care and development services**

**CFC’s assessment:** Oppose. Another “cradle-to-grave” offering from Carol Liu, this one would expand services by offering voluntary preschool or “transitional” kindergarten to all 4-year-olds, including full-day programs, as well as specialized “wraparound” services for low-income infants, toddlers and their parents. As part of its parental education and support component the bill calls for the “continuity of care and the assignment of primary caregivers for infants and toddlers as part of quality indicators.” It is clear that many parents would benefit from additional resources, but we believe this bill, which includes voluntary home visitation, is a potential slippery slope that could impact parental rights.

**Summary:** Known as the “Strong Families, Strong Children Act,” this bill would expand access to full-day, full-year wrap around state preschool for 4-year-olds. Additionally it would require the Superintendent to develop standards, rules, and regulations for the implementation of high-quality, evidenced-based infant and toddler services that would be required to, among other things, promote responsive caregiving by parents, guardians, and care providers. The bill would, upon appropriation by the Legislature in the annual Budget Act or in any other statute, establish supplemental grants for purposes of funding parent training and voluntary home visitation services.
Passed Senate, 25-11
Passed Assembly Human Services Committee, as amended, 5-2
Assembly Education Committee

Thursday, June 26

**AB 1444** (Buchanan D-San Ramon) **Elementary education: kindergarten.**

**CFA’s assessment:** Oppose. Originally introduced by Shirley Weber (D-San Diego), this bill would mandate kindergarten for all students in California by making it a requirement to enter first grade. We oppose this measure because it takes the decision-making process out of the hands of parents, who know what’s best for their child.

**Summary:** Under existing law, a person between the ages of 6 and 18 years who is not exempted by law is subject to compulsory full-time education. Existing law excludes a child under 6 years of age from the public schools, subject to specified exceptions.

Existing law requires a school district maintaining a kindergarten to admit a child who will have his or her 5th birthday on or before certain specified dates during that school year. Existing law also requires that a child who will have his or her 6th birthday on or before specified dates be admitted to the first grade of an elementary school.

This bill, beginning with the 2016-17 school year, would require a child to have completed one year of kindergarten before he or she may be admitted to the first grade, thereby imposing a state-mandated local program.

Passed Assembly, 54-24
Passed Senate Education Committee, 5-2
Senate Appropriations Committee

**AB 1585** (Alejo D-Salinas) **Human trafficking.**

**CFA’s assessment:** Support. Expunges prostitution records for victims whose convictions were related to human trafficking. We like the provision requiring that the defendant complete probation prior to being eligible because it shows a commitment to restoration.

**Summary:** Similar in scope to AB 1887 (Campos D-San Jose), which was held in committee, the bill now carries the name of Campos as a co-author. AB 1585 provides that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking, and would authorize a court to issue an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, or orders other relief, and (3) notifies the department that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered.

The bill would also exclude records of conviction for which the relief described above has been granted from the criminal records that may be disseminated for various purposes, including the full criminal record obtained in connection with an adoption application.

Passed Assembly, 79-0
Passed Senate Public Safety Committee, 5-0
Senate Appropriations Committee

**AB 1678** (Gordon D-Los Altos) **Women, minority, disabled veteran, and LGBT business enterprise procurement.**

**CFA’s assessment:** Oppose. Further expands protected-class status to homosexuals by adding gay, lesbian, bisexual and transgender business into a program that provides preferential contracting awards for public utility projects. The program already includes women-, minority- and disabled-veteran-owned businesses.
Summary: Existing law directs the Public Utilities Commission to require every electrical, gas, water, wireless telecommunications service provider, and telephone corporation with annual gross revenues exceeding $25 million, and their regulated subsidiaries and affiliates, to implement a program developed by the commission to encourage, recruit, and utilize minority-, women-, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates, and to require the reporting of certain information.

Existing law requires the commission to recommend a program and legislation for carrying out the policy of aiding the interests of women, minority, and disabled veteran business enterprises.

This bill would extend these provisions to LGBT business enterprises, as defined. Also provides for criminal penalties for anyone who falsely represents as a LGBT business enterprise.

Passed Assembly, 54-20
Passed Senate Energy, Utilities and Communications Committee, as amended, 9-1
Senate Appropriations Committee

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