

**ASSEMBLY BILL**

**No. 7**

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**Introduced by Assembly Member Nestande**

November 23, 2009

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An act to amend Section 44932 of, and to add Section 44660.1 to, the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 7, as introduced, Nestande. Teachers.

(1) Existing law expresses the intent of the Legislature that school district governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to the progress of pupils, instructional techniques and strategies, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment.

This bill would authorize a school district to use data from the California Education Information System, including data from the California Longitudinal Pupil Achievement Data System, for purposes of evaluating the performance of a certificated employee and determining whether to require the employee to complete professional development activities as a result of the evaluation.

(2) Existing law authorizes the dismissal of a permanent certificated employee only for one of several specified causes, including unsatisfactory performance.

This bill would provide, for purposes of that provision, that unsatisfactory performance also includes, but is not limited to, the failure

of a certificated employee to satisfactorily complete professional development activities required as a result of receiving an unsatisfactory rating on a performance evaluation that is based in whole or in part on data from the California Education Information System.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44660.1 is added to the Education Code,  
2 to read:

3 44660.1. A school district may use data from the California  
4 Education Information System, including data from the California  
5 Longitudinal Pupil Achievement Data System, for purposes of  
6 evaluating the performance of a certificated employee pursuant to  
7 this article and determining whether to require the employee to  
8 complete professional development activities as a result of the  
9 evaluation.

10 SEC. 2. Section 44932 of the Education Code is amended to  
11 read:

12 44932. (a) No permanent employee shall be dismissed except  
13 for one or more of the following causes:

- 14 (1) Immoral or unprofessional conduct.
- 15 (2) Commission, aiding, or advocating the commission of acts  
16 of criminal syndicalism, as prohibited by Chapter 188 of the  
17 Statutes of 1919, or in any amendment thereof.
- 18 (3) Dishonesty.
- 19 (4) Unsatisfactory performance. *For purposes of this paragraph,*  
20 *unsatisfactory performance includes, but is not limited to, the*  
21 *failure of a certificated employee to satisfactorily complete*  
22 *professional development activities required as a result of receiving*  
23 *an unsatisfactory rating on a performance evaluation pursuant to*  
24 *Article 11 (commencing with Section 44660) of Chapter 3 that is*  
25 *based in whole or in part on data from the California Education*  
26 *Information System.*
- 27 (5) Evident unfitness for service.
- 28 (6) Physical or mental condition unfitting him or her to instruct  
29 or associate with children.
- 30 (7) Persistent violation of or refusal to obey the school laws of  
31 the state or reasonable regulations prescribed for the government

1 of the public schools by the State Board of Education or by the  
2 governing board of the school district employing him or her.

3 (8) Conviction of a felony or of any crime involving moral  
4 turpitude.

5 (9) Violation of Section 51530 or conduct specified in Section  
6 1028 of the Government Code, added by Chapter 1418 of the  
7 Statutes of 1947.

8 (10) Knowing membership by the employee in the Communist  
9 Party.

10 (11) Alcoholism or other drug abuse which makes the employee  
11 unfit to instruct or associate with children.

12 (b) The governing board of a school district may suspend  
13 without pay for a specific period of time on grounds of  
14 unprofessional conduct a permanent certificated employee or, in  
15 a school district with an average daily attendance of less than 250  
16 pupils, a probationary employee, pursuant to the procedures  
17 specified in Sections 44933, 44934, 44935, 44936, 44937, 44943,  
18 and 44944. This authorization shall not apply to any school district  
19 which has adopted a collective bargaining agreement pursuant to  
20 subdivision (b) of Section 3543.2 of the Government Code.

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