

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1262

Introduced by Assembly Member Dickinson

February 18, 2011

~~An act to amend, repeal, and add Sections 44956 and 44957 of the Education Code, relating to education employment, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 47616.5 and 48352 of the Education Code, relating to charter schools.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1262, as amended, Dickinson. ~~Education employment: right to reappointment. Charter schools.~~

(1) *The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. Existing law requires the Legislative Analyst to contract for a neutral evaluator to conduct an evaluation of the effectiveness of the charter school approach, as specified, and for this neutral evaluator, on or before July 1, 2003, to report to the Legislature and the Governor with recommendations to modify, expand, or terminate the charter school approach.*

This bill would require that the neutral evaluator report this evaluation on or before July 1, 2016.

(2) *Existing law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The act requires the Superintendent of Public*

Instruction to annually create a list of 1,000 low-achieving schools, according to specified criteria. The act excludes charter schools from this list.

This bill would eliminate the exclusion of charter schools from this list.

~~Existing law provides that when permanent and probationary employees are terminated pursuant to a reduction in workforce, a school district is required to terminate the employees in order of seniority. Existing law requires that a permanent employee terminated pursuant to these provisions, for the period of 39 months from the date of the termination, and who has not reached 65 years of age in the meantime, have the preferred right to reappointment, in order of seniority. Existing law provides similar rights to reappointment for probationary employees, for the period of 24 months from the date of termination.~~

~~This bill would eliminate the age limit of 65 years. The bill would eliminate the 39-month limitation for permanent employees terminated commencing with the 2007–08 school year, and would restore the 39-month limitation commencing on July 1, 2016. The bill would eliminate the 24-month limitation for probationary employees terminated commencing with the 2008–09 school year, and would restore the 24-month limitation commencing on July 1, 2016.~~

~~The bill would make various technical, nonsubstantive changes.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no.~~

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

- 1 SECTION 1. Section 47616.5 of the Education Code is amended
- 2 to read:
- 3 47616.5. The Legislative Analyst shall contract for a neutral
- 4 evaluator to conduct an evaluation of the effectiveness of the
- 5 charter school approach authorized under this part. On or before
- 6 July 1, 2003 2016, the neutral evaluator shall report directly to the
- 7 Legislature and the Governor with recommendations to modify,
- 8 expand, or terminate the charter school approach. The evaluation
- 9 of the effectiveness of the charter school approach shall include,
- 10 but shall not be limited to, the following factors:

1 (a) If available, the pre- and post-charter school test scores of
2 pupils attending charter schools and other pupil assessment tools.

3 (b) The level of parental satisfaction with the charter school
4 approach compared with schools within the district in which the
5 charter school is located.

6 (c) The impact of required parental involvement.

7 (d) The fiscal structures and practices of charter schools as well
8 as the relationship of these structures and practices to school
9 districts, including the amount of revenue received from various
10 public and private sources.

11 (e) An assessment of whether or not the charter school approach
12 has resulted in increased innovation and creativity.

13 (f) Opportunities for teachers under the charter school approach.

14 (g) Whether or not there is an increased focus on low-achieving
15 and gifted pupils.

16 (h) Any discrimination and segregation in charter schools.

17 (i) If available, the number of charter school petitions submitted
18 to governing boards of school districts and the number of those
19 proposals that are denied, per year, since the enactment of the
20 charter school law, including the reasons why the governing boards
21 denied these petitions, and the reasons governing boards have
22 revoked charters.

23 (j) The governance, fiscal liability and accountability practices
24 and related issues between charter schools and the governing boards
25 of the school districts approving their charters.

26 (k) The manner in which governing boards of school districts
27 monitor the compliance of the conditions, standards, and
28 procedures entered into under a charter.

29 (l) The extent of the employment of noncredentialed personnel
30 in charter schools.

31 (m) An assessment of how the exemption from laws governing
32 school districts allows charter schools to operate differently than
33 schools operating under those laws.

34 (n) A comparison in each school district that has a charter school
35 of the pupil dropout rate in the charter schools and in the noncharter
36 schools.

37 (o) The role and impact of collective bargaining on charter
38 schools.

39 *SEC. 2. Section 48352 of the Education Code is amended to*
40 *read:*

1 48352. For purposes of this article, the following definitions
2 apply:

3 (a) “Low-achieving school” means any school identified by the
4 Superintendent pursuant to the following:

5 (1) Excluding the schools, and taking into account the impact
6 of the criteria in paragraph (2), the Superintendent annually shall
7 create a list of 1,000 schools ranked by increasing ~~API Academic~~
8 *Performance Index* with the same ratio of elementary, middle, and
9 high schools as existed in decile 1 in the 2008–09 school year.

10 (2) In constructing the list of 1,000 schools each year, the
11 Superintendent shall ensure ~~each~~ *both* of the following:

12 (A) A local educational agency shall not have more than 10
13 percent of its schools on the list. However, if the number of schools
14 in a local educational agency is not evenly divisible by 10, the
15 Superintendent shall round up to the next whole number of schools.

16 (B) Court, community, or community day schools shall not be
17 included on the list.

18 ~~(C) Charter schools shall not be included on the list.~~

19 (b) “Parent” means the natural or adoptive parent or guardian
20 of a dependent child.

21 (c) “School district of enrollment” means a school district other
22 than the school district in which the parent of a pupil resides, but
23 in which the parent of the pupil nevertheless intends to enroll the
24 pupil pursuant to this article.

25 (d) “School district of residence” means a school district in
26 which the parent of a pupil resides and in which the pupil would
27 otherwise be required to enroll pursuant to Section 48200.

28 ~~SECTION 1. Section 44956 of the Education Code is amended~~
29 ~~to read:~~

30 ~~44956. A permanent employee whose services have been~~
31 ~~terminated commencing with the 2007–08 school year, as provided~~
32 ~~in Section 44955, shall have the following rights:~~

33 ~~(a) An employee shall have the preferred right to reappointment,~~
34 ~~in the order of original employment as determined by the governing~~
35 ~~board in accordance with the provisions of Sections 44831 to~~
36 ~~44855, inclusive, if the number of employees is increased or the~~
37 ~~discontinued service is reestablished, with no requirements that~~
38 ~~were not imposed upon other employees who continued in service;~~
39 ~~provided, that a probationary or other employee with less seniority~~
40 ~~shall not be employed to render a service that the employee is~~

1 ~~certificated and competent to render. However, prior to~~
2 ~~reappointing any employee to teach a subject that he or she has~~
3 ~~not previously taught, and for which he or she does not have a~~
4 ~~teaching credential or that is not within the employee's major area~~
5 ~~of postsecondary study or the equivalent thereof, the governing~~
6 ~~board shall require the employee to pass a subject matter~~
7 ~~competency test in the appropriate subject.~~

8 ~~(b) The right to reappointment described in subdivision (a) may~~
9 ~~be waived by the employee, without prejudice, for not more than~~
10 ~~one school year, unless the governing board extends this right, but~~
11 ~~the waiver shall not deprive the employee of his or her right to~~
12 ~~subsequent offers of reappointment.~~

13 ~~(c) Notwithstanding subdivision (a), a school district may~~
14 ~~deviate from the order of seniority in reappointing a certificated~~
15 ~~employee for either of the following reasons:~~

16 ~~(1) The school district demonstrates a specific need for personnel~~
17 ~~to teach a specific course or course of study, or to provide services~~
18 ~~authorized by a services credential with a specialization in either~~
19 ~~pupil personnel services or health for a school nurse, and the~~
20 ~~employee has special training and experience necessary to teach~~
21 ~~that course or course of study, or to provide those services, which~~
22 ~~others with more seniority do not possess.~~

23 ~~(2) For purposes of maintaining or achieving compliance with~~
24 ~~constitutional requirements related to equal protection of the laws.~~

25 ~~(d) For an employee who is reappointed, the period of his or~~
26 ~~her absence shall be treated as a leave of absence and shall not be~~
27 ~~considered as a break in the continuity of his or her service, he or~~
28 ~~she shall retain the classification and order of employment he or~~
29 ~~she had when his or her services were terminated, and credit for~~
30 ~~prior service under any state or district retirement system shall not~~
31 ~~be affected by the termination, but the period of his or her absence~~
32 ~~shall not count as a part of the service required for retirement.~~

33 ~~(e) During the period of his or her preferred right to~~
34 ~~reappointment, an employee, in the order of original employment,~~
35 ~~shall be offered prior opportunity for substitute service during the~~
36 ~~absence of any other employee who has been granted a leave of~~
37 ~~absence or who is temporarily absent from duty. However, his or~~
38 ~~her services may be terminated upon the return to duty of the other~~
39 ~~employee and the substitute service shall not affect the retention~~
40 ~~of his or her previous classification and rights. If, in any school~~

1 year the employee serves as a substitute in any position requiring
2 certification for any 21 days or more within a period of 60
3 schooldays, the compensation the employee receives for substitute
4 service in that 60-day period, including his or her first 20 days of
5 substitute service, shall be not less than the amount the employee
6 would have received if he or she were being reappointed.

7 (f) During the period of the employee's preferred right to
8 reappointment, the governing board of the school district, if it is
9 also the governing board of one or more other districts, may assign
10 him or her to service, which he or she is certificated and competent
11 to render, in the other district or districts. However, the
12 compensation the employee receives may in the discretion of the
13 governing board be the same as he or she would have received had
14 he or she been serving in the district from which his or her services
15 were terminated, and his or her service in the other district or
16 districts shall be counted toward the period required for both state
17 and local retirement, as defined by Section 22102, as though
18 rendered in the district from which his or her services were
19 terminated, and a permanent employee in the other district or
20 districts shall not be displaced by him or her.

21 It is the intent of this subdivision that the employees of a school
22 district, the governing board of which is also the governing board
23 of one or more other school districts, shall not be at a disadvantage
24 as compared with employees of a unified school district.

25 (g) At any time prior to the completion of one year after the
26 employee's return to service, he or she may continue or make up,
27 with interest, his or her own contributions to a state or district
28 retirement system, for the period of his or her absence, but it shall
29 not be obligatory on the state or district to match these
30 contributions.

31 (h) If the employee becomes disabled or reaches retirement age
32 at any time before his or her return to service, he or she shall
33 receive, in any state or district retirement system of which he or
34 she was a member, all benefits to which he or she would have been
35 entitled had the disability or retirement occurred at the time of his
36 or her termination of service, plus any benefits he or she may have
37 qualified for thereafter, as though still employed.

38 (i) This section shall become inoperative on July 1, 2016, and,
39 as of January 1, 2017, is repealed, unless a later enacted statute,

1 ~~that becomes operative on or before January 1, 2017, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~

3 ~~SEC. 2. Section 44956 is added to the Education Code, to read:~~

4 ~~44956. A permanent employee whose services have been~~
5 ~~terminated as provided in Section 44955 shall have the following~~
6 ~~rights:~~

7 ~~(a) For the period of 39 months from the date of the termination,~~
8 ~~an employee shall have the preferred right to reappointment, in~~
9 ~~the order of original employment as determined by the governing~~
10 ~~board in accordance with the provisions of Sections 44831 to~~
11 ~~44855, inclusive, if the number of employees is increased or the~~
12 ~~discontinued service is reestablished, with no requirements that~~
13 ~~were not imposed upon other employees who continued in service,~~
14 ~~provided that a probationary or other employee with less seniority~~
15 ~~shall not be employed to render a service that the employee is~~
16 ~~certificated and competent to render. However, prior to~~
17 ~~reappointing any employee to teach a subject that he or she has~~
18 ~~not previously taught, and for which he or she does not have a~~
19 ~~teaching credential or that is not within the employee's major area~~
20 ~~of postsecondary study or the equivalent thereof, the governing~~
21 ~~board shall require the employee to pass a subject matter~~
22 ~~competency test in the appropriate subject.~~

23 ~~(b) The right to reappointment described in subdivision (a) may~~
24 ~~be waived by the employee, without prejudice, for not more than~~
25 ~~one school year, unless the governing board extends this right, but~~
26 ~~the waiver shall not deprive the employee of his or her right to~~
27 ~~subsequent offers of reappointment.~~

28 ~~(c) Notwithstanding subdivision (a), a school district may~~
29 ~~deviate from the order of seniority in reappointing a certificated~~
30 ~~employee for either of the following reasons:~~

31 ~~(1) The school district demonstrates a specific need for personnel~~
32 ~~to teach a specific course or course of study, or to provide services~~
33 ~~authorized by a services credential with a specialization in either~~
34 ~~pupil personnel services or health for a school nurse, and the~~
35 ~~employee has special training and experience necessary to teach~~
36 ~~that course or course of study, or to provide those services, which~~
37 ~~others with more seniority do not possess.~~

38 ~~(2) For purposes of maintaining or achieving compliance with~~
39 ~~constitutional requirements related to equal protection of the laws.~~

1 ~~(d) For an employee who is reappointed, the period of his or~~
2 ~~her absence shall be treated as a leave of absence and shall not be~~
3 ~~considered as a break in the continuity of his or her service, he or~~
4 ~~she shall retain the classification and order of employment he or~~
5 ~~she had when his or her services were terminated, and credit for~~
6 ~~prior service under any state or district retirement system shall not~~
7 ~~be affected by the termination, but the period of his or her absence~~
8 ~~shall not count as a part of the service required for retirement.~~

9 ~~(e) During the period of his or her preferred right to~~
10 ~~reappointment, an employee, in the order of original employment,~~
11 ~~shall be offered prior opportunity for substitute service during the~~
12 ~~absence of any other employee who has been granted a leave of~~
13 ~~absence or who is temporarily absent from duty. However, his or~~
14 ~~her services may be terminated upon the return to duty of the other~~
15 ~~employee and the substitute service shall not affect the retention~~
16 ~~of his or her previous classification and rights. If, in any school~~
17 ~~year the employee serves as a substitute in any position requiring~~
18 ~~certification for any 21 days or more within a period of 60~~
19 ~~school days, the compensation the employee receives for substitute~~
20 ~~service in that 60-day period, including his or her first 20 days of~~
21 ~~substitute service, shall be not less than the amount the employee~~
22 ~~would have received if he or she were being reappointed.~~

23 ~~(f) During the period of the employee's preferred right to~~
24 ~~reappointment, the governing board of the school district, if it is~~
25 ~~also the governing board of one or more other school districts,~~
26 ~~may assign him or her to service, which he or she is certificated~~
27 ~~and competent to render, in the other district or districts. However,~~
28 ~~the compensation the employee receives may in the discretion of~~
29 ~~the governing board be the same as he or she would have received~~
30 ~~had he or she been serving in the district from which his or her~~
31 ~~services were terminated, and his or her service in the other district~~
32 ~~or districts shall be counted toward the period required for both~~
33 ~~state and local retirement, as defined by Section 22102, as though~~
34 ~~rendered in the district from which his or her services were~~
35 ~~terminated, and a permanent employee in the other district or~~
36 ~~districts shall not be displaced by him or her.~~

37 ~~It is the intent of this subdivision that the employees of a school~~
38 ~~district, the governing board of which is also the governing board~~
39 ~~of one or more other school districts, shall not be at a disadvantage~~
40 ~~as compared with employees of a unified school district.~~

1 ~~(g) At any time prior to the completion of one year after the~~
2 ~~employee's return to service, he or she may continue or make up,~~
3 ~~with interest, his or her own contributions to a state or district~~
4 ~~retirement system, for the period of his or her absence, but it shall~~
5 ~~not be obligatory on the state or district to match these~~
6 ~~contributions.~~

7 ~~(h) If the employee becomes disabled or reaches retirement age~~
8 ~~at any time before his or her return to service, he or she shall~~
9 ~~receive, in any state or district retirement system of which he or~~
10 ~~she was a member, all benefits to which he or she would have been~~
11 ~~entitled had the disability or retirement occurred at the time of his~~
12 ~~or her termination of service, plus any benefits he or she may have~~
13 ~~qualified for thereafter, as though still employed.~~

14 ~~(i) This section shall become operative on July 1, 2016.~~

15 ~~SEC. 3. Section 44957 of the Education Code is amended to~~
16 ~~read:~~

17 ~~44957. A probationary employee whose services have been~~
18 ~~terminated commencing with the 2008-09 school year, as provided~~
19 ~~in Section 44955, shall have the following rights:~~

20 ~~(a) An employee shall have the preferred right to reappointment,~~
21 ~~subject to the prior rights to reappointment by all permanent~~
22 ~~employees as set forth in Section 44956, in the order of original~~
23 ~~employment as determined by the governing board in accordance~~
24 ~~with the provisions of Sections 44831 to 44855, inclusive, if the~~
25 ~~number of employees is increased or the discontinued service is~~
26 ~~reestablished, with no requirements that were not imposed upon~~
27 ~~other employees who continued in service. Except as otherwise~~
28 ~~provided, a probationary or temporary employee with less seniority~~
29 ~~shall not be employed to render a service that the employee is~~
30 ~~certificated and competent to render and the employee shall be~~
31 ~~given a priority over employees whose right to a position is derived~~
32 ~~pursuant to Section 44918. However, prior to reappointing an~~
33 ~~employee to teach a subject that he or she has not previously taught,~~
34 ~~and for which he or she does not have a teaching credential or that~~
35 ~~is not within the employee's major area of postsecondary study or~~
36 ~~the equivalent thereof, the governing board shall require the~~
37 ~~employee to pass a subject matter competency test in the~~
38 ~~appropriate subject.~~

1 ~~(b) Notwithstanding subdivision (a), a school district may~~
2 ~~deviate from reappointing a probationary employee in order of~~
3 ~~seniority for either of the following reasons:~~

4 ~~(1) The school district demonstrates a specific need for personnel~~
5 ~~to teach a specific course or course of study, or to provide services~~
6 ~~authorized by a services credential with a specialization in either~~
7 ~~pupil personnel services or health for a school nurse, and the~~
8 ~~employee has special training and experience necessary to teach~~
9 ~~that course or course of study, or to provide those services, which~~
10 ~~others with more seniority do not possess.~~

11 ~~(2) For purposes of maintaining or achieving compliance with~~
12 ~~constitutional requirements related to equal protection of the laws.~~

13 ~~(c) For an employee who is reappointed, the period of his or~~
14 ~~her absence shall be treated as a leave of absence and shall not be~~
15 ~~considered as a break in the continuity of his or her service, he or~~
16 ~~she shall retain the classification and order of employment he or~~
17 ~~she had when his or her services were terminated, and credit for~~
18 ~~prior service under any state or district retirement system shall not~~
19 ~~be affected by the termination. However, the period of his or her~~
20 ~~absence shall not be counted as a part of the service required for~~
21 ~~attaining permanent status in the district or, except as provided in~~
22 ~~subdivision (e), for retirement purposes.~~

23 ~~(d) During the period of his or her preferred right to~~
24 ~~reappointment, an employee, in the order of original employment,~~
25 ~~and subject to the rights of permanent employees as set forth in~~
26 ~~Section 44956, shall be offered prior opportunity for substitute~~
27 ~~service during the absence of any other employee who has been~~
28 ~~granted leave of absence or who is temporarily absent from duty.~~
29 ~~However, his or her services may be terminated upon a return to~~
30 ~~duty of the other employee, the substitute service shall not affect~~
31 ~~the retention of his or her previous classification and rights, and~~
32 ~~the employee shall be given a priority over employees whose right~~
33 ~~to a substitute position is derived pursuant to Section 44918.~~

34 ~~(e) At any time prior to the completion of one year after his or~~
35 ~~her return to service, an employee reappointed under the provisions~~
36 ~~of this section may elect to continue or to reinstate his or her~~
37 ~~membership and interest in any state or district retirement system~~
38 ~~and to receive retirement benefits as if no absence from service~~
39 ~~had occurred. In the event of this election the employee shall pay~~
40 ~~into the retirement system the amount of his or her share of~~

1 contribution and the district's share of contribution attributable to
2 the period of absence and the amount of any contributions
3 withdrawn, plus interest.

4 (f) This section shall become inoperative on July 1, 2016, and,
5 as of January 1, 2017, is repealed, unless a later enacted statute,
6 that becomes operative on or before January 1, 2017, deletes or
7 extends the dates on which it becomes inoperative and is repealed.

8 SEC. 4. Section 44957 is added to the Education Code, to read:

9 44957. A probationary employee whose services have been
10 terminated as provided in Section 44955 shall have the following
11 rights:

12 (a) For the period of 24 months from the date of the termination,
13 an employee shall have the preferred right to reappointment, subject
14 to the prior rights to reappointment by all permanent employees
15 as set forth in Section 44956, in the order of original employment
16 as determined by the governing board in accordance with the
17 provisions of Sections 44831 to 44855, inclusive, if the number
18 of employees is increased or the discontinued service is
19 reestablished, with no requirements that were not imposed upon
20 other employees who continued in service. Except as otherwise
21 provided, a probationary or temporary employee with less seniority
22 shall not be employed to render a service that the employee is
23 certificated and competent to render and the employee shall be
24 given a priority over employees whose right to a position is derived
25 pursuant to Section 44918. However, prior to reappointing an
26 employee to teach a subject that he or she has not previously taught,
27 and for which he or she does not have a teaching credential or that
28 is not within the employee's major area of postsecondary study or
29 the equivalent thereof, the governing board shall require the
30 employee to pass a subject matter competency test in the
31 appropriate subject.

32 (b) Notwithstanding subdivision (a), a school district may
33 deviate from reappointing a probationary employee in order of
34 seniority for either of the following reasons:

35 (1) The school district demonstrates a specific need for personnel
36 to teach a specific course or course of study, or to provide services
37 authorized by a services credential with a specialization in either
38 pupil personnel services or health for a school nurse, and the
39 employee has special training and experience necessary to teach

1 that course or course of study, or to provide those services, which
2 others with more seniority do not possess.

3 ~~(2) For purposes of maintaining or achieving compliance with~~
4 ~~constitutional requirements related to equal protection of the laws.~~

5 ~~(c) For an employee who is reappointed, the period of his or~~
6 ~~her absence shall be treated as a leave of absence and shall not be~~
7 ~~considered as a break in the continuity of his or her service, he or~~
8 ~~she shall retain the classification and order of employment he or~~
9 ~~she had when his or her services were terminated, and credit for~~
10 ~~prior service under any state or district retirement system shall not~~
11 ~~be affected by the termination. However, the period of his or her~~
12 ~~absence shall not be counted as a part of the service required for~~
13 ~~attaining permanent status in the district or, except as provided in~~
14 ~~subdivision (e), for retirement purposes.~~

15 ~~(d) During the period of his or her preferred right to~~
16 ~~reappointment, an employee, in the order of original employment,~~
17 ~~and subject to the rights of permanent employees as set forth in~~
18 ~~Section 44956, shall be offered prior opportunity for substitute~~
19 ~~service during the absence of any other employee who has been~~
20 ~~granted leave of absence or who is temporarily absent from duty.~~
21 ~~However, his or her services may be terminated upon a return to~~
22 ~~duty of the other employee, the substitute service shall not affect~~
23 ~~the retention of his or her previous classification and rights, and~~
24 ~~the employee shall be given a priority over employees whose right~~
25 ~~to a substitute position is derived pursuant to Section 44918.~~

26 ~~(e) At any time prior to the completion of one year after his or~~
27 ~~her return to service, an employee reappointed under the provisions~~
28 ~~of this section may elect to continue or to reinstate his or her~~
29 ~~membership and interest in any state or district retirement system~~
30 ~~and to receive retirement benefits as if no absence from service~~
31 ~~had occurred. In the event of this election the employee shall pay~~
32 ~~into the retirement system the amount of his or her share of~~
33 ~~contribution and the district's share of contribution attributable to~~
34 ~~the period of absence and the amount of any contributions~~
35 ~~withdrawn, plus interest.~~

36 ~~(f) This section shall become operative on July 1, 2016.~~

37 ~~SEC. 5. This act is an urgency statute necessary for the~~
38 ~~immediate preservation of the public peace, health, or safety within~~
39 ~~the meaning of Article IV of the Constitution and shall go into~~
40 ~~immediate effect. The facts constituting the necessity are:~~

1 ~~In order to preserve the public and private investment in the~~
2 ~~training of certificated employees who have been subject to layoff~~
3 ~~from public school employment in unprecedented numbers in the~~
4 ~~past three years, and to ensure that these qualified employees~~
5 ~~remain in the teaching profession as opposed to seeking~~
6 ~~employment in other fields, it is necessary to temporarily extend~~
7 ~~their rights to rehire for the next three years, until state funding~~
8 ~~for public education increases, and thus, it is necessary that this~~
9 ~~act take effect immediately.~~

O