

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 135

Introduced by Assembly Member Buchanan

January 16, 2013

An act to ~~amend~~ add Section ~~44664~~ of 44692 to the Education Code, relating to ~~public school teachers~~ *school employees*.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Buchanan. ~~Certificated employees: evaluation. School employees: child abuse: reporting.~~

Existing law requires the State Office of Child Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. Existing law, the Child Abuse and Neglect Reporting Act, designates certain persons, including teachers, as mandated reporters. Existing law requires a mandated reporter to make a report if the person has knowledge of or observes a child whom the person knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would require the governing board of each school district and county office of education, and the governing body of each charter school, to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters. The bill would require each school district, charter school, and county office of education to, at minimum, review the mandated reporting requirements of school employees with all school personnel within the first 6 weeks of each school year, at a regularly scheduled staff meeting. By expanding the duty of school districts, charter schools, and county offices of education, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law states the intent of the Legislature that governing boards of school districts 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 that an evaluation and assessment of the performance of a certificated employee be made on a continuing basis, as provided, including at least every 5 years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, as specified, and whose previous evaluation rated the employee as meeting or exceeding standards.~~

~~This bill would instead require the evaluation and assessment of the above personnel at least every 3 years.~~

~~By requiring school districts to perform additional duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 SECTION 1. Section 44692 is added to the Education Code,
- 2 to read:
- 3 44692. (a) The governing board of each school district and
- 4 county office of education, and the governing body of each charter
- 5 school, shall adopt a policy on the reporting of child abuse and
- 6 the responsibilities of mandated reporters, as defined in Section

1 11165.7 of the Penal Code, in accordance with the requirements
2 of the Child Abuse and Neglect Reporting Act (Article 2.5
3 (commencing with Section 11164) of Chapter 2 of Title 1 of Part
4 4 of the Penal Code).

5 (b) Each school district, charter school, and county office of
6 education shall, at a minimum, review the mandated reporting
7 requirements of school employees, pursuant to the Child Abuse
8 and Neglect Reporting Act (Article 2.5 (commencing with Section
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), with
10 all school personnel within the first six weeks of each school year,
11 as part of a regularly scheduled staff meeting.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 SECTION 1. ~~Section 44664 of the Education Code is amended~~
18 ~~to read:~~

19 ~~44664. (a) Evaluation and assessment of the performance of~~
20 ~~each certificated employee shall be made on a continuing basis as~~
21 ~~follows:~~

22 ~~(1) At least once each school year for probationary personnel.~~

23 ~~(2) At least every other year for personnel with permanent status.~~

24 ~~(3) At least every three years for personnel with permanent~~
25 ~~status who have been employed at least 10 years with the school~~
26 ~~district, are highly qualified, if those personnel occupy positions~~
27 ~~that are required to be filled by a highly qualified professional by~~
28 ~~the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301~~
29 ~~et seq.), as defined in 20 U.S.C. Sec. 7801, and whose previous~~
30 ~~evaluation rated the employee as meeting or exceeding standards,~~
31 ~~if the evaluator and certificated employee being evaluated agree.~~
32 ~~The certificated employee or the evaluator may withdraw consent~~
33 ~~at any time.~~

34 ~~(b) The evaluation shall include recommendations, if necessary,~~
35 ~~as to areas of improvement in the performance of the employee.~~
36 ~~If an employee is not performing his or her duties in a satisfactory~~
37 ~~manner according to the standards prescribed by the governing~~
38 ~~board, the employing authority shall notify the employee in writing~~
39 ~~of that fact and describe the unsatisfactory performance. The~~
40 ~~employing authority shall thereafter confer with the employee~~

1 making specific recommendations as to areas of improvement in
 2 the employee's performance and endeavor to assist the employee
 3 in his or her performance. If a permanent certificated employee
 4 has received an unsatisfactory evaluation, the employing authority
 5 shall annually evaluate the employee until the employee achieves
 6 a positive evaluation or is separated from the district.

7 ~~(e) Any evaluation performed pursuant to this article that~~
 8 ~~contains an unsatisfactory rating of an employee's performance~~
 9 ~~in the area of teaching methods or instruction may include the~~
 10 ~~requirement that the certificated employee shall, as determined~~
 11 ~~necessary by the employing authority, participate in a program~~
 12 ~~designed to improve appropriate areas of the employee's~~
 13 ~~performance and to further pupil achievement and the instructional~~
 14 ~~objectives of the employing authority. If a district participates in~~
 15 ~~the Peer Assistance and Review Program for Teachers established~~
 16 ~~pursuant to Article 4.5 (commencing with Section 44500), a~~
 17 ~~certificated employee who receives an unsatisfactory rating on an~~
 18 ~~evaluation performed pursuant to this section shall participate in~~
 19 ~~the Peer Assistance and Review Program for Teachers.~~

20 ~~(d) Hourly and temporary hourly certificated employees, other~~
 21 ~~than those employed in adult education classes who are excluded~~
 22 ~~by the provisions of Section 44660, and substitute teachers may~~
 23 ~~be excluded from the provisions of this section at the discretion~~
 24 ~~of the governing board.~~

25 ~~SEC. 2. If the Commission on State Mandates determines that~~
 26 ~~this act contains costs mandated by the state, reimbursement to~~
 27 ~~local agencies and school districts for those costs shall be made~~
 28 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
 29 ~~4 of Title 2 of the Government Code.~~