

ASSEMBLY BILL

No. 375

Introduced by Assembly Member Buchanan

February 14, 2013

An act to amend Section 44932 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 375, as introduced, Buchanan. School employees: dismissal or suspension.

Existing law prohibits a permanent employee from being dismissed except for one or more of specified causes, including, among other causes, immoral or unprofessional conduct.

This bill would make nonsubstantive changes to this provision.

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 44932 of the Education Code is amended
2 to read:
3 44932. (a) ~~No~~A permanent employee shall *not* be dismissed
4 except for one or more of the following causes:
5 (1) Immoral ~~or unprofessional~~ conduct.
6 (2) *Unprofessional conduct.*
7 ~~(2)~~
8 (3) Commission, aiding, or advocating the commission of acts
9 of criminal syndicalism, as prohibited by Chapter 188 of the
10 Statutes of 1919, or in any amendment thereof.

- 1 ~~(3)~~
- 2 (4) Dishonesty.
- 3 ~~(4)~~
- 4 (5) Unsatisfactory performance.
- 5 ~~(5)~~
- 6 (6) Evident unfitness for service.
- 7 ~~(6)~~
- 8 (7) Physical or mental condition unfitting him or her to instruct
- 9 or associate with children.
- 10 ~~(7)~~
- 11 (8) Persistent violation of or refusal to obey the school laws of
- 12 the state or reasonable regulations prescribed for the government
- 13 of the public schools by the ~~State Board of Education~~ *state board*
- 14 or by the governing board of the school district employing him or
- 15 her.
- 16 ~~(8)~~
- 17 (9) Conviction of a felony or of any crime involving moral
- 18 turpitude.
- 19 ~~(9)~~
- 20 (10) Violation of Section 51530 or conduct specified in Section
- 21 1028 of the Government Code, added by Chapter 1418 of the
- 22 Statutes of 1947.
- 23 ~~(10)~~
- 24 (11) Knowing membership by the employee in the Communist
- 25 Party.
- 26 ~~(11)~~
- 27 (12) Alcoholism or other drug abuse ~~which~~ *that* makes the
- 28 employee unfit to instruct or associate with children.
- 29 (b) The governing board of a school district may suspend
- 30 without pay for a specific period of time on grounds of
- 31 unprofessional conduct a permanent certificated employee or, in
- 32 a school district with an average daily attendance of less than 250
- 33 pupils, a probationary employee, pursuant to the procedures
- 34 specified in Sections 44933, 44934, 44935, 44936, 44937, 44943,
- 35 and 44944. This authorization shall not apply to ~~any~~ *a* school
- 36 district ~~which~~ *that* has adopted a collective bargaining agreement
- 37 pursuant to subdivision (b) of Section 3543.2 of the Government
- 38 Code.

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