

AMENDED IN ASSEMBLY MARCH 18, 2014

AMENDED IN ASSEMBLY MARCH 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1619

Introduced by Assembly Member Gonzalez

February 6, 2014

An act to amend Sections 1296, ~~44908~~, 44910, 44929.21, and 44948.3 of, and to repeal Sections 44929.23, 44948, 44948.2, and 44948.5 of, the Education Code, relating to ~~permanent~~ school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1619, as amended, Gonzalez. ~~Permanent school employees: regional occupational centers or programs. Certificated school employees.~~

(1) Existing law provides that a certificated employee of a school district of any type or class, or *an employee in a teaching position requiring certification qualifications of a county superintendent of schools, schools that maintains schools and classes with an average daily attendance of 250 or more, more pupils*, who completes 2 consecutive years and is reelected for the next succeeding school year to a ~~teaching~~ position requiring certification, shall become and be classified as a permanent employee of the school district or county superintendent. Existing law authorizes the governing board of a school district of any type or class having an average daily attendance of less than 250 pupils to classify as a permanent employee of the district any employee who, after having been employed by the school district for 3 complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school

year to a position requiring certification qualifications. If that classification is not made, existing law provides that the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until a change in classification is made.

This bill would provide that a certificated employee of a school district of any type or class or of a county superintendent of schools, regardless of the average daily attendance of the school district or county superintendent of schools, who completes 2 consecutive years and is reelected to a position requiring certification shall become and be classified as a permanent employee.

~~(2) Existing law provides that a probationary employee who, in any one school year, has served for at least 75% of the number of days the regular schools of the district in which he or she is employed are maintained is deemed to have served a complete school year.~~

~~This bill would provide that a probationary employee is also deemed to have served a complete school year if the employee, in any one school year, serves for at least 75% of a full-time equivalent position.~~

~~(3)~~

(2) Existing law authorizes the establishment of regional occupational centers or programs to provide career technical education and technical training to students. Existing law requires instruction in those centers or programs to only be given by a qualified teacher holding a certificate, as provided, but prohibits service by a person as an instructor in classes conducted at regional occupational centers or programs from being included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This bill would instead provide service by a person as an instructor in classes conducted at regional occupational centers or programs shall be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

~~(4)~~

(3) Existing law provides that first- and 2nd-year probationary employees of a school district may be dismissed during the school year for unsatisfactory performance or for cause, pursuant to specified procedures. Existing law specifies that those provisions do not apply to probationary employees in a school district having an average daily attendance of less than 250 pupils. Existing law prohibits the governing

~~board of a school district with an average daily attendance of less than 250 pupils from dismissing probationary employees during the school year, except for cause, pursuant to separate procedures. However, existing law authorizes the governing board of a school district having an average daily attendance of less than 250 pupils to elect to dismiss probationary employees pursuant to the procedures applicable to probationary employees of a school district having an average daily attendance of 250 or more pupils. law, unless the school district elects to make the dismissal procedures specified above applicable, sets forth separate dismissal procedures for probationary employees of school districts with an average daily attendance of less than 250 pupils.~~

This bill would delete the ~~procedures specific to separate dismissal procedures for~~ probationary employees of a school district ~~school districts~~ with an average daily attendance of less than 250 pupils, thereby subjecting all probationary employees, regardless of the average daily attendance of the school district, to the same dismissal procedures. The bill would also delete obsolete references, update references, and make conforming and nonsubstantive changes.

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 1296 of the Education Code is amended
- 2 to read:
- 3 1296. (a) A person who, after being employed for two
- 4 complete consecutive school years by a county superintendent of
- 5 schools in a position ~~in schools or classes maintained by the county~~
- 6 ~~superintendent of schools~~ requiring certification qualifications and
- 7 whose salary is paid from the county school service fund, is
- 8 reelected for the next succeeding school year ~~to such a position in~~
- 9 ~~those schools or classes; the position,~~ shall be classified as and
- 10 become a permanent employee of the county superintendent of
- 11 schools.
- 12 (b) (1) The county superintendent of schools shall notify the
- 13 employee, on or before March 15 of the employee's second
- 14 complete consecutive year of employment by the *county*
- 15 *superintendent of schools* in a position ~~in schools or classes~~
- 16 ~~maintained by the county superintendent of schools~~ requiring
- 17 certification qualifications, of the decision to reelect or not reelect

1 the employee for the next succeeding school year to ~~such a position~~
 2 ~~in those schools.~~ *the position.* If the county superintendent of
 3 schools does not give notice pursuant to this section on or before
 4 March 15, the employee shall be deemed reelected for the next
 5 succeeding school year.

6 ~~Such an~~

7 (2) *The* employee shall have the same rights and duties as
 8 employees of school districts to which Section 44929.21 applies.
 9 Sections 44842, 44929.21, and 44948.3 are applicable to these
 10 employees.

11 ~~SEC. 2. Section 44908 of the Education Code is amended to~~
 12 ~~read:~~

13 ~~44908. A probationary employee who, in any one school year,~~
 14 ~~has served for at least 75 percent of the number of days the regular~~
 15 ~~schools of the school district in which he or she is employed are~~
 16 ~~maintained or at least 75 percent of a full-time equivalent position~~
 17 ~~shall be deemed to have served a complete school year. In case of~~
 18 ~~evening schools, 75 percent of the number of days the evening~~
 19 ~~schools of the school district are in session shall be deemed a~~
 20 ~~complete school year.~~

21 ~~SEC. 3.~~

22 *SEC. 2.* Section 44910 of the Education Code is amended to
 23 read:

24 44910. Service by a person as an instructor in classes conducted
 25 at regional occupational centers or programs, as authorized pursuant
 26 to Section 52301, shall be included in computing the service
 27 required as a prerequisite to attainment of, or eligibility to,
 28 classification as a permanent employee of a school district.

29 ~~SEC. 4.~~

30 *SEC. 3.* Section 44929.21 of the Education Code is amended
 31 to read:

32 44929.21. (a) An employee of a school district of any type or
 33 class who, after having been employed by the district for two
 34 complete consecutive school years in a position or positions
 35 requiring certification qualifications, is reelected for the next
 36 succeeding school year to a position requiring certification
 37 qualifications shall, at the commencement of the succeeding school
 38 year, be classified as and become a permanent employee of the
 39 school district.

1 (b) The governing board of the school district shall notify the
2 employee, on or before March 15 of the employee's second
3 complete consecutive school year of employment by the school
4 district in a position or positions requiring certification
5 qualifications, of the decision to reelect or not reelect the employee
6 for the next succeeding school year to the position. In the event
7 that the governing board of the school district does not give notice
8 pursuant to this section on or before March 15, the employee shall
9 be deemed reelected for the next succeeding school year.

10 ~~SEC. 5.~~

11 *SEC. 4.* Section 44929.23 of the Education Code is repealed.

12 ~~SEC. 6.~~

13 *SEC. 5.* Section 44948 of the Education Code is repealed.

14 ~~SEC. 7.~~

15 *SEC. 6.* Section 44948.2 of the Education Code is repealed.

16 ~~SEC. 8.~~

17 *SEC. 7.* Section 44948.3 of the Education Code is amended to
18 read:

19 44948.3. (a) First and second year probationary employees
20 may be dismissed during the school year for unsatisfactory
21 performance determined pursuant to Article 11 (commencing with
22 Section 44660) of Chapter 3, or for cause pursuant to Section
23 44932. Any dismissal pursuant to this section shall be in
24 accordance with ~~at~~ both of the following procedures:

25 (1) The superintendent of the school district or the
26 superintendent's designee shall give 30 days' prior written notice
27 of dismissal, not later than March 15 in the case of second year
28 probationary employees. The notice shall include a statement of
29 the reasons for the dismissal and notice of the opportunity to
30 appeal. In the event of a dismissal for unsatisfactory performance,
31 a copy of the evaluation conducted pursuant to Section 44664 shall
32 accompany the written notice.

33 (2) The probationary employee shall have 15 days from receipt
34 of the notice of dismissal to submit to the governing board of the
35 school district a written request for a hearing. The governing board
36 of the school district may establish procedures for the appointment
37 of an administrative law judge to conduct the hearing and submit
38 a recommended decision to the board. The failure of a probationary
39 employee to request a hearing within 15 days from receipt of a
40 dismissal notice shall constitute a waiver of the right to a hearing.

1 (b) The governing board of the school district, pursuant to this
2 section, may suspend a probationary employee for a specified
3 period of time without pay as an alternative to dismissal.

4 ~~SEC. 9.~~

5 *SEC. 8.* Section 44948.5 of the Education Code is repealed.

O