

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE MAY 17, 2016

AMENDED IN SENATE MAY 3, 2016

AMENDED IN SENATE MARCH 31, 2016

AMENDED IN SENATE JULY 2, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 934

Introduced by Assembly Member Bonilla

February 26, 2015

An act to amend Sections 1296, 44270.1, 44670, 44671, 44830.1, 44885.5, 44901, 44929.21, and 44929.23 of, to amend the heading of Article 13 (commencing with Section 44670) of Chapter 3 of Part 25 of Division 3 of Title 2 of, and to add Article 4.7 (commencing with Section 44550) to Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, and to amend Section 3543.2 of the Government Code, relating to certificated school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, as amended, Bonilla. Certificated school employees.

(1) Existing law establishes the California Peer Assistance and Review Program for Teachers, which authorizes the governing board of a school district and the exclusive representative of the certificated

employees in the school district to develop and implement a peer review program that meets local conditions and conforms to specified principles.

~~This bill would require each school district to create a multiple-day administrator training program on how to evaluate teachers and would require specified administrators to participate in the program. By imposing additional duties on school districts, the bill would impose a state-mandated local program. The bill would also encourage each school district to create a one-year principal, vice principal, or assistant principal, as applicable, support program that would allow highly effective school administrators to support specified principals, vice principals, or assistant principals, as applicable, demonstrating unsatisfactory performance to become proficient in the California Professional Standards for Educational Leaders.~~

~~(2) Existing law authorizes the governing board of a school district to evaluate a school principal, as provided. Existing law also authorizes the governing board of a school district to use the California Professional Standards for Educational Leaders as the criteria for evaluating a school principal.~~

~~This bill would require the governing board of a school district to annually evaluate a school principal, vice principal, and assistant principal, as applicable, for the first and 2nd year of employment. The bill would require the superintendent of a school district to annually submit a report outlining his or her plan for the evaluation and support of principals, vice principals, and assistant principals, as applicable, of the school district to the governing board of the school district. The bill would also require the governing board of a school district to use the California Professional Standards for Educational Leaders as the criteria for evaluating a school principal, vice principal, or assistant principal, as applicable. By imposing additional duties on school districts, the bill would impose a state-mandated local program. The bill would express the intent of the Legislature that every school principal, vice principal, and assistant principal, as applicable, be evaluated as frequently as necessary to ensure, in the view of the governing board of the school district, that they are satisfactorily proficient in the California Professional Standards for Educational Leaders and are performing effective evaluations of teachers.~~

~~(3) Existing law requires a certificated employee who has completed 2 years of service to the school district as a probationary employee, or one year as an intern and a succeeding year as a probationary employee,~~

and who is further reelected and employed during the succeeding school year to be classified as a permanent employee.

~~This bill would instead require a certificated employee who has completed 3 years of service to the school district as a probationary employee, or one year as an intern and 2 succeeding years as a probationary employee, and who is further reelected and employed during the succeeding school year to be classified as a permanent employee, as provided. The bill would require each 3rd-year employee of a school district who is probationary to continue to participate in the mentoring relationships with the support and professional development providers initiated during the California beginning teacher support and assessment program.~~

~~Existing law requires each person who, after being employed for 2 complete consecutive school years by a county superintendent of schools in a teaching position, as specified, is reelected for the next succeeding school year to such a position to be classified as a permanent employee of the county superintendent of schools.~~

~~This bill would instead require each certificated employee who, after being employed for 3 complete consecutive school years by a county superintendent of schools in a teaching position, as specified, is reelected for the next succeeding school year to such a position to be classified as a permanent employee of the county superintendent of schools, as provided. The bill would require each 3rd-year probationary employee of a county superintendent of schools to continue to participate in the mentoring relationships with the support and professional development providers initiated during the California beginning teacher support and assessment program.~~

~~(4) Existing law provides that a certificated employee who has served in 2 or more school districts governed by governing boards of identical personnel, as specified, for a total of 2 complete consecutive school years, upon being elected for the 3rd consecutive school year in either school district, shall, at the commencement of that year, be classified as a permanent employee of the last school district in which he or she was employed prior to election for the 3rd year.~~

~~This bill would instead provide that a certificated employee who has served in 2 or more school districts governed by governing boards of identical personnel for a total of 3 complete consecutive school years, upon being elected for the 4th consecutive school year in either school district, shall, at the commencement of that 4th year, be classified as a~~

permanent employee of the last school district in which he or she was employed before election for the 4th year.

~~Existing law also provides that, where there are 2 or more school districts governed by governing boards of identical personnel, as specified, a certificated employee who has served in one of the school districts for 2 complete consecutive school years, upon being elected for a 3rd consecutive school year in any of the school districts, shall, at the commencement of that 3rd year, be classified as a permanent employee of the last school district in which he or she was employed prior to election for the 3rd year.~~

~~This bill would instead provide that, where there are 2 or more school districts governed by governing boards of identical personnel, as specified, a certificated employee who has served in one of the school districts for 3 complete consecutive school years, upon being elected for a 4th consecutive school year in any of the school districts, shall, at the commencement of that 4th year, be classified as a permanent employee of the last school district in which he or she was employed before election for the 4th year.~~

~~(5) Under existing law, the minimum requirements for a professional services credential with a specialization in administrative services include the completion of an individualized program of professional development activities and 2 years of successful experience in a full-time administrative position.~~

~~This bill would require a credential candidate to complete the individualized program during the first 2 years of experience in a full-time administrative position and would require the individualized program to include training on how to properly and effectively evaluate certificated employees.~~

~~(6) Existing~~

~~Existing law requires the public school employer and the exclusive representative, upon request of either party, to meet and negotiate regarding causes and procedures for disciplinary action, other than dismissal, including a suspension of pay for up to 15 days, affecting certificated employees.~~

~~This bill instead *additionally* would require the public school employer and the exclusive representative, upon request of either party, to meet and negotiate regarding causes and procedures for disciplinary action, including, but not limited to, a suspension of pay for up to 15 days or including dismissal, based solely on unprofessional conduct or unsatisfactory performance, or both, affecting certificated employees.~~

By imposing additional duties on school districts, the bill would impose a state-mandated local program.

~~(7) This bill would also make conforming changes and nonsubstantive changes.~~

~~(8) 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. It is the intent of the Legislature that this act shall~~
2 ~~not affect any existing requirements imposed pursuant to Article~~
3 ~~11 (commencing with Section 44660) of Chapter 3 of Part 25 of~~
4 ~~Division 3 of Title 2 of the Education Code.~~

5 ~~SEC. 2. Section 1296 of the Education Code is amended to~~
6 ~~read:~~

7 ~~1296. (a) (1) If the average daily attendance of the schools~~
8 ~~and classes maintained by a county superintendent of schools is~~
9 ~~250 pupils or more, each person who, after being employed for~~
10 ~~three complete consecutive school years by the county~~
11 ~~superintendent of schools in a teaching position in those schools~~
12 ~~or classes requiring certification qualifications and whose salary~~
13 ~~is paid from the county school service fund, is reelected for the~~
14 ~~next succeeding school year to such a position in those schools or~~
15 ~~classes shall be classified as and become a permanent employee~~
16 ~~of the county superintendent of schools.~~

17 ~~(2) An employee described in paragraph (1) shall have the same~~
18 ~~rights and duties as employees of school districts to which Section~~
19 ~~44929.21 applies. Sections 44842, 44929.21, 44948.3, and 44948.5~~
20 ~~apply to these employees.~~

21 ~~(3) This subdivision shall apply only to probationary employees~~
22 ~~whose probationary period commenced before the 1983-84 fiscal~~
23 ~~year.~~

~~(b) (1) If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 pupils or more, a highly effective certificated employee who, after being employed for three complete consecutive school years by the county superintendent of schools in a teaching position in those schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is reelected for the next succeeding school year to such a position in those schools or classes shall be classified as and become a permanent employee of the county superintendent of schools.~~

~~(2) An employee described in paragraph (1) shall have the same rights and duties as employees of school districts to which Section 44929.21 applies. Sections 44842, 44929.21, 44948.3, and 44948.5 apply to these employees.~~

~~(c) A certificated employee who is reelected to a third complete consecutive school year as described in subdivision (b) shall continue to participate in the mentoring relationships with the support and professional development providers initiated during the California beginning teacher support and assessment program pursuant to Section 44279.2. The employee is not required to continue other aspects of the California beginning teacher support and assessment program during his or her third year.~~

~~(d) (1) Notwithstanding subdivision (c), a certificated employee who had previously been granted permanent status by another county superintendent of schools and who is further reelected and employed during the succeeding school year as described in subdivision (b) shall, upon reelection for the next succeeding school year to a position requiring certification qualifications, be classified as and become a permanent employee by the county superintendent of schools.~~

~~(2) Nothing in this subdivision shall be interpreted to authorize a certificated employee who has not previously been granted permanent status by another county superintendent of schools to gain permanent status without meeting the requirements of subdivision (b) or (c).~~

~~(e) The county superintendent of schools shall notify a certificated employee, on or before March 15 of the certificated employee's third school year of probationary employment in a position requiring certification qualifications, of the decision to reelect as a permanent employee, or not reelect the certificated~~

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

6 (f) ~~To the extent that this section as amended by Assembly Bill~~
7 ~~934 of the 2015–16 Regular Session conflicts with a provision of~~
8 ~~a collective bargaining agreement entered into by a public school~~
9 ~~employer and an exclusive bargaining representative before January~~
10 ~~1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540)~~
11 ~~of Division 4 of Title 1 of the Government Code, the changes made~~
12 ~~to this section by Assembly Bill 934 of the 2015–16 Regular~~
13 ~~Session shall not apply until expiration or renewal of that collective~~
14 ~~bargaining agreement.~~

15 (g) ~~Subdivisions (b) to (f), inclusive, shall apply only to~~
16 ~~probationary employees whose probationary period commenced~~
17 ~~during the 1983–84 fiscal year or any fiscal year thereafter.~~

18 (h) ~~As used in this section, the following definitions shall apply:~~

19 (1) ~~“Highly effective certificated employee” means a certificated~~
20 ~~employee who, in the view of the county superintendent of schools,~~
21 ~~demonstrates proficiency with the California Standards for the~~
22 ~~Teaching Profession.~~

23 (2) ~~“Teaching position” means a certificated position designated~~
24 ~~as of January 1, 1983, by the county board of education or the~~
25 ~~county superintendent of schools as a teaching position for the~~
26 ~~purpose of granting probationary or permanent status.~~

27 SEC. 3. ~~Section 44270.1 of the Education Code is amended to~~
28 ~~read:~~

29 44270.1. (a) ~~The minimum requirements for the professional~~
30 ~~services credential with a specialization in administrative services~~
31 ~~shall include all of the following:~~

32 (1) ~~Possession of a valid preliminary administrative services~~
33 ~~credential, as specified in Section 44270.~~

34 (2) ~~A minimum of two years of successful experience in a~~
35 ~~full-time administrative position in a public school or private school~~
36 ~~of equivalent status, while holding the preliminary administrative~~
37 ~~services credential, as attested by the employing school district or~~
38 ~~agency, including, but not limited to, the department, in the case~~
39 ~~of state school administrators, and county offices of education, in~~
40 ~~the case of county school administrators.~~

~~(3) (A) Completion of a commission-approved program of advanced preparation. Each candidate, in consultation with employing school district personnel and university personnel, shall develop an individualized program of professional development activities for this advanced preparation program based upon individual needs. Each individualized program shall include university coursework and may include, nonuniversity activities or advanced administrative field experiences. The commission shall adopt standards and criteria for the university programs of advanced preparation and nonuniversity activities.~~

~~(B) Each individualized program shall include training on how to properly and effectively evaluate certificated employees.~~

~~(4) A credential candidate shall complete the individualized program pursuant to paragraph (3) during the first two years of experience in a full-time administrative position.~~

~~(b) The commission may, at the request of a credential candidate, grant a waiver, pursuant to subdivision (m) of Section 44225, of the requirement of university coursework upon its finding that the candidate, in consultation with personnel of the employing school district and personnel of the university, is not able to develop an individualized program of professional development for the advanced preparation program that meets the individual needs of the candidates.~~

~~SEC. 4. Article 4.7 (commencing with Section 44550) is added to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, to read:~~

~~Article 4.7. District-Designed Administrator Support Programs~~

~~44550. Each school district is encouraged to create a one-year principal, vice principal, or assistant principal, as applicable, support program allowing a highly effective school administrator, as determined by the school district, to support a principal, vice principal, or assistant principal, as applicable, who has completed the individualized program for a professional services credential with a specialization in administrative services pursuant to subdivision (a) of Section 44270.1 and who is demonstrating unsatisfactory performance, as determined by the school district, to become proficient in the California Professional Standards for Educational Leaders.~~

1 ~~44551. Each school district shall create a multiple-day~~
2 ~~administrator training program on how to evaluate teachers. The~~
3 ~~multiple-day administrator training program shall only be~~
4 ~~completed by principals, vice principals, or assistant principals,~~
5 ~~as applicable, who evaluate teachers.~~

6 ~~SEC. 5. The heading of Article 13 (commencing with Section~~
7 ~~44670) of Chapter 3 of Part 25 of Division 3 of Title 2 of the~~
8 ~~Education Code is amended to read:~~

9
10 ~~Article 13. Principal, Vice Principal, and Assistant Principal~~
11 ~~Evaluation System~~
12

13 ~~SEC. 6. Section 44670 of the Education Code is amended to~~
14 ~~read:~~

15 ~~44670. (a) The governing board of a school district may~~
16 ~~identify who will conduct the evaluation of each school principal,~~
17 ~~vice principal, and assistant principal, as applicable.~~

18 ~~(b) Every school principal, vice principal, and assistant principal,~~
19 ~~as applicable, shall be evaluated annually for the first and second~~
20 ~~year of employment as a new principal, vice principal, or assistant~~
21 ~~principal, as applicable, in a school district. The governing board~~
22 ~~of the school district may determine the frequency of evaluations~~
23 ~~after this period.~~

24 ~~(c) Additional evaluations that occur outside of the regular~~
25 ~~intervals determined by the governing board of the school district~~
26 ~~may be agreed upon between the evaluator and the principal, vice~~
27 ~~principal, or assistant principal, as applicable.~~

28 ~~(d) Evaluators and principals, vice principals, or assistant~~
29 ~~principals, as applicable, may review school success and progress~~
30 ~~throughout the year. This review should include goals that are~~
31 ~~defined by the school district.~~

32 ~~(e) The superintendent of a school district shall annually submit~~
33 ~~a report to the governing board of the school district outlining his~~
34 ~~or her plan for the evaluation and support of principals, vice~~
35 ~~principals, and assistant principals, as applicable, of the school~~
36 ~~district.~~

37 ~~(f) It is the intent of the Legislature that every school principal,~~
38 ~~vice principal, and assistant principal, as applicable, shall be~~
39 ~~evaluated as frequently as necessary to ensure, in the view of the~~
40 ~~governing board of the school district, that they are satisfactorily~~

1 proficient in the California Professional Standards for Educational
2 Leaders and are performing effective evaluations of teachers.

3 SEC. 7. ~~Section 44671 of the Education Code is amended to~~
4 ~~read:~~

5 ~~44671. (a) Criteria for effective school principal, vice principal,~~
6 ~~or assistant principal, as applicable, evaluations shall be based~~
7 ~~upon the California Professional Standards for Educational Leaders.~~
8 ~~These standards identify a school administrator as being an~~
9 ~~educational leader who promotes the success of all pupils through~~
10 ~~leadership that fosters all of the following:~~

11 ~~(1) A shared vision.~~

12 ~~(2) Effective teaching and learning.~~

13 ~~(3) Management and safety.~~

14 ~~(4) Parent, family, and community involvement.~~

15 ~~(5) Professional and ethical leadership.~~

16 ~~(6) Contextual awareness.~~

17 ~~(b) A school principal, vice principal, or assistant principal, as~~
18 ~~applicable, evaluation may include, but not be limited to, evidence~~
19 ~~of all of the following:~~

20 ~~(1) Academic growth of pupils based on multiple measures that~~
21 ~~may include pupil work as well as pupil and school longitudinal~~
22 ~~data that demonstrates pupil academic growth over time.~~
23 ~~Assessments used for this purpose shall be valid and reliable and~~
24 ~~used for the purposes intended and for the appropriate pupil~~
25 ~~populations. Local and state academic assessments include, but~~
26 ~~are not limited to, state standardized assessments, formative,~~
27 ~~summative, benchmark, end of chapter, end of course, advanced~~
28 ~~placement, international baccalaureate, college entrance, and~~
29 ~~performance assessments. For career and technical education,~~
30 ~~authentic performance assessment is a strong indicator of effective~~
31 ~~teaching and learning.~~

32 ~~(2) Effective and comprehensive teacher evaluations, including,~~
33 ~~but not limited to, curricular and management leadership, ongoing~~
34 ~~professional development, teacher-principal teamwork, and~~
35 ~~professional learning communities.~~

36 ~~(3) Culturally responsive instructional strategies to address and~~
37 ~~eliminate the achievement gap.~~

38 ~~(4) The ability to analyze quality instructional strategies and~~
39 ~~provide effective feedback that leads to instructional improvement.~~

1 ~~(5) High expectations for all pupils and leadership to ensure~~
2 ~~active pupil engagement and learning.~~

3 ~~(6) Collaborative professional practices for improving~~
4 ~~instructional strategies.~~

5 ~~(7) Effective school management, including personnel and~~
6 ~~resource management, organizational leadership, sound fiscal~~
7 ~~practices, a safe campus environment, and appropriate pupil~~
8 ~~behavior.~~

9 ~~(8) Meaningful self-assessment to improve as a professional~~
10 ~~educator. Self-assessment may include, but not be limited to, a~~
11 ~~self-assessment on state professional standards for educational~~
12 ~~leaders and the identification of areas of strengths and areas for~~
13 ~~professional growth to engage in activities to foster professional~~
14 ~~growth.~~

15 ~~(9) Consistent and effective relationships with pupils, parents,~~
16 ~~teachers, staff, and other administrators.~~

17 ~~SEC. 8. Section 44830.1 of the Education Code is amended to~~
18 ~~read:~~

19 ~~44830.1. (a) In addition to any other prohibition or provision,~~
20 ~~a person who has been convicted of a violent or serious felony~~
21 ~~shall not be hired by a school district in a position requiring~~
22 ~~certification qualifications or supervising positions requiring~~
23 ~~certification qualifications. A school district shall not retain in~~
24 ~~employment a current certificated employee who has been~~
25 ~~convicted of a violent or serious felony and who is a temporary~~
26 ~~employee, a substitute employee, or a probationary employee~~
27 ~~serving before March 15 of the employee's third probationary~~
28 ~~year. If any conviction is reversed and the formerly convicted~~
29 ~~person is acquitted of the offense in a new trial, or the charges are~~
30 ~~dismissed, this section does not prohibit his or her employment~~
31 ~~thereafter.~~

32 ~~(b) This section applies to any violent or serious offense that,~~
33 ~~if committed in this state, would have been punishable as a violent~~
34 ~~or serious felony.~~

35 ~~(c) (1) For purposes of this section, a violent felony is any~~
36 ~~felony listed in subdivision (c) of Section 667.5 of the Penal Code~~
37 ~~and a serious felony is any felony listed in subdivision (c) of~~
38 ~~Section 1192.7 of the Penal Code.~~

39 ~~(2) For purposes of this section, a plea of nolo contendere to a~~
40 ~~serious or violent felony constitutes a conviction.~~

1 ~~(3) For purposes of this section, the term “school district” has~~
2 ~~the same meaning as defined in Section 41302.5.~~

3 ~~(d) When the governing board of a school district requests a~~
4 ~~criminal record summary of a temporary, substitute, or probationary~~
5 ~~certificated employee, two fingerprint cards, bearing the legible~~
6 ~~rolled and flat impressions of the person’s fingerprints together~~
7 ~~with a personal description and the fee, shall be submitted, by any~~
8 ~~means authorized by the Department of Justice, to the Department~~
9 ~~of Justice.~~

10 ~~(e) When the Department of Justice ascertains that an individual~~
11 ~~who is an applicant for employment by a school district has been~~
12 ~~convicted of a violent or serious felony, or for purposes of~~
13 ~~implementing the prohibitions set forth in Section 44836, any sex~~
14 ~~offense, as defined in Section 44010, or any controlled substance~~
15 ~~offense, as defined in Section 44011, the department shall notify~~
16 ~~the school district of the criminal information pertaining to the~~
17 ~~applicant. The notification shall be delivered by telephone or~~
18 ~~electronic mail to the school district. The notification to the school~~
19 ~~district shall cease to be made once the statewide electronic~~
20 ~~fingerprinting network is returning responses within three working~~
21 ~~days. The Department of Justice shall send by first-class mail or~~
22 ~~electronic mail a copy of the criminal information to the~~
23 ~~Commission on Teacher Credentialing. The Department of Justice~~
24 ~~may charge a reasonable fee to cover the costs associated with~~
25 ~~processing, reviewing, and supplying the criminal record summary~~
26 ~~required by this section. In no event shall the fee exceed the actual~~
27 ~~costs incurred by the Department of Justice.~~

28 ~~(f) Notwithstanding subdivision (a), a person shall not be denied~~
29 ~~employment or terminated from employment solely on the basis~~
30 ~~that the person has been convicted of a violent or serious felony~~
31 ~~if the person has obtained a certificate of rehabilitation and pardon~~
32 ~~pursuant to Chapter 3.5 (commencing with Section 4852.01) of~~
33 ~~Title 6 of Part 3 of the Penal Code.~~

34 ~~(g) Notwithstanding subdivision (f), a person shall not be denied~~
35 ~~employment or terminated from employment solely on the basis~~
36 ~~that the person has been convicted of a serious felony that is not~~
37 ~~also a violent felony if that person can prove to the sentencing~~
38 ~~court of the offense in question, by clear and convincing evidence,~~
39 ~~that he or she has been rehabilitated for the purposes of school~~
40 ~~employment for at least one year. If the offense in question~~

1 occurred outside this state, then the person may seek a finding of
2 rehabilitation from the court in the school district in which he or
3 she is a resident.

4 (h) ~~Notwithstanding any other law, when the Department of~~
5 ~~Justice notifies a school district by telephone or electronic mail~~
6 ~~that a current temporary employee, substitute employee, or~~
7 ~~probationary employee serving before March 15 of the employee's~~
8 ~~third probationary year has been convicted of a violent or serious~~
9 ~~felony, that employee shall immediately be placed on leave without~~
10 ~~pay. When the school district receives written electronic~~
11 ~~notification of the fact of conviction from the Department of~~
12 ~~Justice, the employee shall be terminated automatically and without~~
13 ~~regard to any other procedure for termination specified in this code~~
14 ~~or school district procedures unless the employee challenges the~~
15 ~~record of the Department of Justice and the Department of Justice~~
16 ~~withdraws in writing its notification to the school district. Upon~~
17 ~~receipt of written withdrawal of notification from the Department~~
18 ~~of Justice, the employee shall immediately be reinstated with full~~
19 ~~restoration of salary and benefits for the period of time from the~~
20 ~~suspension without pay to the reinstatement.~~

21 (i) ~~An employer shall request subsequent arrest service from~~
22 ~~the Department of Justice as provided under Section 11105.2 of~~
23 ~~the Penal Code.~~

24 (j) ~~Notwithstanding Section 47610, this section applies to a~~
25 ~~charter school.~~

26 (k) ~~This section shall not apply to a certificated employee who~~
27 ~~applies to renew his or her credential when both of the following~~
28 ~~conditions have been met:~~

29 (1) ~~The employee's original application for credential was~~
30 ~~accompanied by that person's fingerprints.~~

31 (2) ~~The employee has either been continuously employed in~~
32 ~~one or more public school districts since the issuance or last~~
33 ~~renewal of his or her credential or his or her credential has not~~
34 ~~expired between renewals.~~

35 (l) ~~Nothing in this section shall prohibit a county superintendent~~
36 ~~of schools from issuing a temporary certificate to any person~~
37 ~~described in paragraph (1) or (2) of subdivision (k).~~

38 (m) ~~This section shall not prohibit a school district from hiring~~
39 ~~a certificated employee who became a permanent employee of~~
40 ~~another school district as of October 1, 1997.~~

~~(n) All information obtained from the Department of Justice is confidential. Every agency handling Department of Justice information shall ensure all of the following:~~

~~(1) A recipient shall not disclose its contents or provide copies of information.~~

~~(2) Information received shall be stored in a locked file separate from other files and shall only be accessible to the custodian of records.~~

~~(3) Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.~~

~~(4) Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 700 to 708, inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.~~

~~SEC. 9. Section 44885.5 of the Education Code is amended to read:~~

~~44885.5. (a) (1) A school district shall classify a person who is employed as a district intern pursuant to Section 44830.3 and a person who has completed service in the school district as a district intern pursuant to subdivision (b) of Section 44325 and Section 44830.3 and is reelected for the succeeding school year, or the second succeeding school year, to a position requiring certification qualifications as a probationary employee of the school district.~~

~~(2) The governing board of a school district may dismiss or suspend employees classified as probationary employees for the first succeeding school year pursuant to this subdivision in accordance with the procedures specified in Section 44948 or 44948.3, as applicable.~~

~~(b) A highly effective certificated employee who has completed service as a district intern pursuant to subdivision (b) of Section 44325 and pursuant to Section 44830.3 and who is further reelected and employed for the two succeeding school years as described in subdivision (a) shall, upon reelection for the third succeeding school year, to a position requiring certification qualifications, be classified as and become a permanent employee of the school district.~~

1 ~~(e) A certificated employee who is reelected to a second~~
2 ~~succeeding school year as described in subdivision (a) shall~~
3 ~~continue to participate in the mentoring relationships with the~~
4 ~~support and professional development providers initiated during~~
5 ~~the California beginning teacher support and assessment program~~
6 ~~pursuant to Section 44279.2. The employee is not required to~~
7 ~~continue other aspects of the California beginning teacher support~~
8 ~~and assessment program during his or her third year.~~

9 ~~(d) (1) Notwithstanding subdivision (c), a certificated employee~~
10 ~~who had previously been granted permanent status in another~~
11 ~~school district who has completed service as a district intern~~
12 ~~pursuant to subdivision (b) of Section 44325 and pursuant to~~
13 ~~Section 44830.3, and who is further reelected and employed for a~~
14 ~~second succeeding school year as described in subdivision (a)~~
15 ~~shall, upon reelection for the third succeeding school year to a~~
16 ~~position requiring certification qualifications, be classified as and~~
17 ~~become a permanent employee of the school district.~~

18 ~~(2) Nothing in this subdivision shall be interpreted to authorize~~
19 ~~a certificated employee who has not previously been granted~~
20 ~~permanent status in another school district to gain permanent status~~
21 ~~without meeting the requirements of subdivision (b) or (c).~~

22 ~~(e) The governing board of a school district shall notify a~~
23 ~~probationary employee, on or before March 15 of the employee's~~
24 ~~second succeeding school year as described in subdivision (b), of~~
25 ~~the decision to reelect as a permanent employee, or not reelect the~~
26 ~~employee for the third succeeding school year. If the governing~~
27 ~~board of a school district does not give notice pursuant to this~~
28 ~~section on or before March 15, a probationary employee shall be~~
29 ~~deemed reelected as a permanent employee for the next succeeding~~
30 ~~school year.~~

31 ~~(f) For purposes of this section, a "highly effective certificated~~
32 ~~employee" means a certificated employee who, in the view of the~~
33 ~~governing board of the school district, demonstrates proficiency~~
34 ~~with the California Standards for the Teaching Profession or~~
35 ~~district-developed standards that align with the California Standards~~
36 ~~for the Teaching Profession. Proficiency shall be demonstrated by~~
37 ~~an evaluation that conforms with Article 11 (commencing with~~
38 ~~Section 44660) of Chapter 3 designating the certificated employee~~
39 ~~in the highest category the school district has established pursuant~~
40 ~~to subdivision (c) of Section 44664.~~

~~(g) To the extent that this section as amended by Assembly Bill 934 of the 2015–16 Regular Session conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, the changes made to this section by Assembly Bill 934 of the 2015–16 Regular Session shall not apply until expiration or renewal of that collective bargaining agreement.~~

SEC. 10. Section 44901 of the Education Code is amended to read:

~~44901. (a) (1) A certificated employee who has served in a position or positions requiring certification qualifications in two or more school districts, each having an average daily attendance of 250 pupils or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the school districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last school district in which he or she was employed before his or her election for the fourth consecutive school year.~~

~~(2) Where there are two or more school districts, each having an average daily attendance of 250 pupils or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the school districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the school districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last school district in which he or she was employed before his or her election for the fourth consecutive school year.~~

~~(3) This subdivision shall apply only to probationary employees whose probationary period commenced before the 1983–84 fiscal year.~~

~~(b) (1) A certificated employee who has served in a position or positions requiring certification qualifications in two or more school districts, each having an average daily attendance of 250 pupils or more and governed by governing boards of identical~~

1 personnel, for a total of three complete consecutive school years,
2 upon being elected for the fourth consecutive school year to a
3 position or positions requiring certification qualifications in any
4 of the school districts, shall at the commencement of the fourth
5 consecutive school year be classified as a permanent employee of
6 the last school district in which he or she was employed before his
7 or her election for the fourth consecutive school year.

8 (2) ~~Where there are two or more school districts, each having~~
9 ~~an average daily attendance of 250 pupils or more and governed~~
10 ~~by governing boards of identical personnel, a certificated employee~~
11 ~~who has served in one of the school districts for three complete~~
12 ~~consecutive school years, upon being elected for the fourth~~
13 ~~consecutive school year to a position or positions requiring~~
14 ~~certification qualifications in any of the school districts, shall at~~
15 ~~the commencement of the fourth consecutive school year be~~
16 ~~classified as and become a permanent employee of the last school~~
17 ~~district in which he or she was employed before his or her election~~
18 ~~for the fourth consecutive school year.~~

19 (3) ~~The governing board of the school district shall notify the~~
20 ~~employee, on or before March 15 of the employee's third complete~~
21 ~~consecutive school year of employment by the school districts in~~
22 ~~a position or positions requiring certification qualifications, of the~~
23 ~~decision to reelect or not reelect the employee for the next~~
24 ~~succeeding school year to such a position. If the governing board~~
25 ~~of the school district does not give notice pursuant to this section~~
26 ~~on or before March 15, the employee shall be deemed reelected~~
27 ~~for the next succeeding school year.~~

28 (4) ~~This subdivision shall apply only to probationary employees~~
29 ~~whose probationary period commenced during the 1983-84 fiscal~~
30 ~~year or any fiscal year thereafter.~~

31 SEC. 11. ~~Section 44929.21 of the Education Code is amended~~
32 ~~to read:~~

33 44929.21. (a) (1) ~~Every employee of a school district of any~~
34 ~~type or class having an average daily attendance of 250 pupils or~~
35 ~~more who, after having been employed by the school district for~~
36 ~~three complete consecutive school years in a position or positions~~
37 ~~requiring certification qualifications, is reelected for the next~~
38 ~~succeeding school year to a position requiring certification~~
39 ~~qualifications shall, at the commencement of the succeeding school~~

1 year, be classified as and become a permanent employee of the
2 school district.

3 (2) This subdivision shall apply only to probationary employees
4 whose probationary period commenced before the 1983–84 fiscal
5 year.

6 (b) A highly effective certificated employee of a school district
7 of any type or class having an average daily attendance of 250
8 pupils or more who, after having been employed by the school
9 district for three complete consecutive school years, is reelected
10 for the next succeeding school year to a position requiring
11 certification qualifications shall, at the commencement of the
12 succeeding school year, be classified as and become a permanent
13 employee of the school district.

14 (c) A certificated employee who is reelected to a third complete
15 consecutive school year as described in subdivision (b) shall
16 continue to participate in the mentoring relationships with the
17 support and professional development providers initiated during
18 the California beginning teacher support and assessment program
19 pursuant to Section 44279.2. The employee is not required to
20 continue other aspects of the California beginning teacher support
21 and assessment program during his or her third year.

22 (d) (1) Notwithstanding subdivision (c), a certificated employee
23 who had previously been granted permanent status in another
24 school district and who is further reelected and employed during
25 the succeeding school year as described in subdivision (b) shall,
26 upon reelection for the next succeeding school year to a position
27 requiring certification qualifications, be classified as and become
28 a permanent employee of the school district.

29 (2) Nothing in this subdivision shall be interpreted to authorize
30 a certificated employee who has not previously been granted
31 permanent status in another school district to gain permanent status
32 without meeting the requirements of subdivision (b) or (c).

33 (e) The governing board of a school district shall notify a
34 certificated employee, on or before March 15 of the certificated
35 employee's third school year of probationary employment in a
36 position requiring certification qualifications, of the decision to
37 reelect as a permanent employee, or not reelect the certificated
38 employee for the next succeeding school year to this type of
39 position. If the governing board of a school district does not give
40 notice pursuant to this section on or before March 15, a certificated

1 employee shall be deemed reelected as a permanent employee for
2 the next succeeding school year.

3 (f) For purposes of this section, a “highly effective certificated
4 employee” means a certificated employee who, in the view of the
5 governing board of the school district, demonstrates proficiency
6 with the California Standards for the Teaching Profession or
7 district-developed standards that align with the California Standards
8 for the Teaching Profession. Proficiency shall be demonstrated by
9 an evaluation that conforms with Article 11 (commencing with
10 Section 44660) of Chapter 3 designating the certificated employee
11 in the highest category the school district has established pursuant
12 to subdivision (c) of Section 44664.

13 (g) To the extent that this section as amended by Assembly Bill
14 934 of the 2015–16 Regular Session conflicts with a provision of
15 a collective bargaining agreement entered into by a public school
16 employer and an exclusive bargaining representative before January
17 1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540)
18 of Division 4 of Title 1 of the Government Code, the changes made
19 to this section by Assembly Bill 934 of the 2015–16 Regular
20 Session shall not apply until expiration or renewal of that collective
21 bargaining agreement.

22 (h) Subdivisions (b) to (g), inclusive, shall apply only to
23 probationary employees whose probationary period commenced
24 during the 1983–84 fiscal year or any fiscal year thereafter.

25 SEC. 12. Section 44929.23 of the Education Code is amended
26 to read:

27 44929.23. (a) The governing board of a school district of any
28 type or class having an average daily attendance of fewer than 250
29 pupils may classify as a permanent employee of the school district
30 an employee who, after having been employed by the school
31 district for three complete consecutive school years in a position
32 or positions requiring certification qualifications, is reelected for
33 the next succeeding school year to a position requiring certification
34 qualifications. If that classification is not made, the employee shall
35 not attain permanent status and may be reelected from year to year
36 thereafter without becoming a permanent employee until a change
37 in classification is made.

38 (b) Notwithstanding subdivision (a), Section 44929.21 shall
39 apply to certificated employees employed by a school district, if
40 the governing board of the school district elects to dismiss

~~probationary employees pursuant to Section 44948.2. If that election is made, the governing board of the school district thereafter shall classify as a permanent employee of the school district a probationary employee who, after being employed for three 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. A probationary employee who has been employed by the school district for three or more consecutive years on the date of that election in a position or positions requiring certification qualifications shall be classified as a permanent employee of the school district.~~

~~(e) If the classification is not made pursuant to subdivision (a) or (b), the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until the classification is made.~~

~~SEC. 13.~~

SECTION 1. Section 3543.2 of the Government Code is amended to read:

3543.2. (a) (1) The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment. "Terms and conditions of employment" mean health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of probationary certificated school district employees, pursuant to Section 44959.5 of the Education Code, and alternative compensation or benefits for employees adversely affected by pension limitations pursuant to former Section 22316 of the Education Code, as that section read on December 31, 1999, to the extent deemed reasonable and without violating the intent and purposes of Section 415 of the Internal Revenue Code.

(2) A public school employer shall give reasonable written notice to the exclusive representative of the public school employer's intent to make any change to matters within the scope of representation of the employees represented by the exclusive representative for purposes of providing the exclusive

1 representative a reasonable amount of time to negotiate with the
2 public school employer regarding the proposed changes.

3 (3) The exclusive representative of certificated personnel has
4 the right to consult on the definition of educational objectives, the
5 determination of the content of courses and curriculum, and the
6 selection of textbooks to the extent those matters are within the
7 discretion of the public school employer under the law.

8 (4) All matters not specifically enumerated are reserved to the
9 public school employer and may not be a subject of meeting and
10 negotiating, except that this section does not limit the right of the
11 public school employer to consult with any employees or employee
12 organization on any matter outside the scope of representation.

13 (b) Notwithstanding Section 44944 of the Education Code, the
14 public school employer and the exclusive representative shall,
15 upon request of either party, meet and negotiate regarding causes
16 and procedures for disciplinary action, ~~including, but not limited~~
17 ~~to, other than dismissal, including~~ a suspension of pay for up to
18 ~~15 days or dismissal, days~~, affecting certificated employees. If the
19 public school employer and the exclusive representative do not
20 reach mutual agreement, Section 44944 of the Education Code
21 shall apply.

22 (c) *Notwithstanding subdivision (b) and Section 44944 of the*
23 *Education Code, the public school employer and the exclusive*
24 *representative shall, upon request of either party, meet and*
25 *negotiate regarding procedures for disciplinary action, including*
26 *dismissal, based solely on unprofessional conduct or unsatisfactory*
27 *performance, or both, as provided in paragraphs (2) and (5) of*
28 *subdivision (a) of Section 44932 of the Education Code, affecting*
29 *certificated employees. If the public school employer and the*
30 *exclusive representative do not reach mutual agreement, Section*
31 *44944 of the Education Code shall apply.*

32 (e)

33 (d) Notwithstanding Section 44955 of the Education Code, the
34 public school employer and the exclusive representative shall,
35 upon request of either party, meet and negotiate regarding
36 procedures and criteria for the layoff of certificated employees for
37 lack of funds. If the public school employer and the exclusive
38 representative do not reach mutual agreement, Section 44955 of
39 the Education Code shall apply.

40 (d)

1 (e) Notwithstanding Section 45028 of the Education Code, the
2 public school employer and the exclusive representative shall,
3 upon request of either party, meet and negotiate regarding the
4 payment of additional compensation based upon criteria other than
5 years of training and years of experience. If the public school
6 employer and the exclusive representative do not reach mutual
7 agreement, Section 45028 of the Education Code shall apply.

8 (e)

9 (f) Pursuant to Section 45028 of the Education Code, the public
10 school employer and the exclusive representative shall, upon the
11 request of either party, meet and negotiate a salary schedule based
12 on criteria other than a uniform allowance for years of training
13 and years of experience. If the public school employer and the
14 exclusive representative do not reach mutual agreement, the
15 provisions of Section 45028 of the Education Code requiring a
16 salary schedule based upon a uniform allowance for years of
17 training and years of experience shall apply. A salary schedule
18 established pursuant to this subdivision shall not result in the
19 reduction of the salary of a teacher.

20 ~~SEC. 14.~~

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