

ASSEMBLY BILL

No. 1248

Introduced by Assembly Member Chávez

(Coauthors: Assembly Members Achadjian, Travis Allen, Chang, Beth Gaines, Harper, Jones, Mayes, Melendez, Olsen, Patterson, Waldron, and Wilk)

February 27, 2015

An act to amend, repeal, and add Section 44929.21 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as introduced, Chávez. Teachers: permanent status.

Existing law requires a certificated probationary employee to become a permanent employee of a school district if his or her probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, the school district has an average daily attendance of 250 pupils or more, the employee completes 2 consecutive school years, and the employee is reelected for the next succeeding school year to a position requiring certification.

This bill would make these provisions inoperative on July 1, 2018, and would repeal them as of January 1, 2019.

This bill would, after July 1, 2018, require a certificated probationary employee to become a permanent employee of a school district if the school district has an average daily attendance of 250 pupils or more, the employee completes 3 consecutive school years, received 3 consecutive evaluation ratings of effective or better, and is reelected for the next succeeding school year to a position requiring certification. The bill would require a certificated employee to lose permanent status if specified conditions occur. The bill would require school districts to

offer a professional growth or remediation plan to certain certificated employees.

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.

This bill would become operative only if AB ____ of the 2015–16 Regular Session is also enacted and takes effect on or before January 1, 2016.

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 44929.21 of the Education Code is
- 2 amended to read:
- 3 44929.21. (a) (1) Every employee of a school district of any
- 4 type or class having an average daily attendance of 250 *pupils* or
- 5 more who, after having been employed by the *school* district for
- 6 three complete consecutive school years in a position or positions
- 7 requiring certification qualifications, is reelected for the next
- 8 succeeding school year to a position requiring certification
- 9 qualifications shall, at the commencement of the succeeding school
- 10 ~~year year~~, be classified ~~as as~~, and ~~become become~~, a permanent
- 11 employee of the *school* district.
- 12 ~~This~~
- 13 (2) *This* subdivision shall apply only to probationary employees
- 14 whose probationary period commenced ~~prior to before~~ the 1983–84
- 15 fiscal year.
- 16 (b) (1) Every employee of a school district of any type or class
- 17 having an average daily attendance of 250 *pupils* or more who,
- 18 after having been employed by the *school* district for two complete
- 19 consecutive school years in a position or positions requiring
- 20 certification qualifications, is reelected for the next succeeding
- 21 school year to a position requiring certification qualifications shall,

1 at the commencement of the succeeding school~~year~~ *year*, be
2 classified~~as~~ *as*, and~~become~~ *become*, a permanent employee of
3 the *school* district.

4 ~~The~~

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

14 ~~This~~

15 (3) *This* subdivision shall apply only to probationary employees
16 whose probationary period commenced during the 1983–84 fiscal
17 year or any fiscal year thereafter.

18 (c) *This section shall become inoperative on July 1, 2018, and,*
19 *as of January 1, 2019, is repealed, unless a later enacted statute,*
20 *that becomes operative on or before January 1, 2019, deletes or*
21 *extends the dates on which it becomes inoperative and is repealed.*

22 SEC. 2. Section 44929.21 is added to the Education Code, to
23 read:

24 44929.21. (a) Every employee of a school district having an
25 average daily attendance of 250 pupils or more who, after having
26 been employed by the school district for three complete consecutive
27 school years in a position or positions requiring certification
28 qualifications, and received three consecutive evaluation ratings
29 of effective or better, based upon the evaluation criteria established
30 by the state board pursuant to Section 33039, as amended by
31 Assembly Bill ____ of the 2015–16 Regular Session, is reelected
32 for the next succeeding school year to a position requiring
33 certification qualifications shall, at the commencement of the
34 succeeding school year, be classified as, and become, a permanent
35 employee of the school district.

36 (b) A certificated employee shall lose permanent status if he or
37 she receives two consecutive evaluation ratings of ineffective.

38 (c) A certificated employee shall lose permanent status if he or
39 she receives four consecutive evaluation ratings of minimally
40 effective or a combination of minimally effective and ineffective.

1 (d) The school district shall offer a professional growth or
2 remediation plan to a certificated employee who has received an
3 evaluation rating of ineffective or has received two consecutive
4 evaluation ratings of minimally effective.

5 (e) This section shall become operative on July 1, 2018.

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

11 SEC. 4. This act shall become operative only if Assembly Bill
12 _____ of the 2015–16 Regular Session is also enacted and takes
13 effect on or before January 1, 2016.