

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 _____ 1078 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, be classified as, and become, a permanent employee of the
11 school district.

12 (2) This subdivision shall apply only to probationary employees
13 whose probationary period commenced before the 1983–84 fiscal
14 year.

15 (b) (1) Every employee of a school district of any type or class
16 having an average daily attendance of 250 pupils or more who,
17 after having been employed by the school district for two complete
18 consecutive school years in a position or positions requiring
19 certification qualifications, is reelected for the next succeeding
20 school year to a position requiring certification qualifications shall,

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

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

12 (3) This subdivision shall apply only to probationary employees
13 whose probationary period commenced during the 1983–84 fiscal
14 year or any fiscal year thereafter.

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16 as of January 1, 2019, is repealed, unless a later enacted statute,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18 extends the dates on which it becomes inoperative and is repealed.

19 SEC. 2. Section 44929.21 is added to the Education Code, to
20 read:

21 44929.21. (a) Every employee of a school district having an
22 average daily attendance of 250 pupils or more who, after having
23 been employed by the school district for three complete consecutive
24 school years in a position or positions requiring certification
25 qualifications, and received three consecutive evaluation ratings
26 of effective or better, based upon the evaluation criteria established
27 by the state board pursuant to Section 33039, as amended by
28 Assembly Bill _____ 1078 of the 2015–16 Regular Session, is
29 reelected for the next succeeding school year to a position requiring
30 certification qualifications shall, at the commencement of the
31 succeeding school year, be classified as, and become, a permanent
32 employee of the school district.

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

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

38 (d) The school district shall offer a professional growth or
39 remediation plan to a certificated employee who has received an

1 evaluation rating of ineffective or has received two consecutive
2 evaluation ratings of minimally effective.

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

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

9 SEC. 4. This act shall become operative only if Assembly Bill
10 _____ 1078 of the 2015–16 Regular Session is also enacted and
11 takes effect on or before January 1, 2016.