

ASSEMBLY BILL

No. 1484

Introduced by Assembly Member Weber

February 27, 2015

An act to add Section 35037 to the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1484, as introduced, Weber. Teachers: assignment prohibition: unsatisfactory performance.

Existing law requires the superintendent of each school district to assign employees employed in positions requiring certification qualifications to positions in which they are to serve, subject to the approval of the governing board of the school district. Existing law requires each school district to evaluate and assess certificated employee performance as it reasonably relates to pupil academic progress, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

This bill would prohibit a pupil from knowingly being assigned 2 consecutive years to a certified employee who has the primary responsibility of instructing pupils and has received an unsatisfactory performance rating in the most recent evaluation and assessment of the certificated employee's performance unless this prohibition is waived, as specified.

To the extent this bill would impose additional duties on school districts, the 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.

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 35037 is added to the Education Code,
2 to read:

3 35037. (a) For purposes of daily classroom instruction or
4 receiving services in an individualized education plan, no pupil
5 shall knowingly be assigned two consecutive years to a certificated
6 employee who has the primary responsibility of instructing pupils
7 and has received an unsatisfactory performance rating pursuant to
8 Article 11 (commencing with Section 44660) of Chapter 3 of Part
9 25 in the most recent evaluation and assessment of the certificated
10 employee’s performance.

11 (b) The prohibition in this section applies to the exercise of
12 authority by any school administrator or other certificated school
13 employee responsible for pupil assignment decisions, and
14 notwithstanding subdivision (e) or (f) of Section 35035.

15 (c) This section may only be waived pursuant to Section 33050
16 prospectively, on an individual pupil basis, and only if the parent
17 or guardian of the pupil has approved the submittal of the waiver
18 request in writing prior to the proposed assignment.

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

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