

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1484

Introduced by Assembly Member Weber

February 27, 2015

~~An act to add Sections 35035.5 and 35037 to the Education Code, relating to teachers. An act to add Section 8209.5 to the Education Code, relating to early childhood education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1484, as amended, Weber. ~~Teachers: assignment prohibition: unsatisfactory performance. Early primary programs: child care services: eligibility: military families.~~

The Child Care and Development Services Act has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

This bill would exclude from income the amount of the basic allowance for housing provided to an individual who is on federal active duty, state active duty, active duty for special work, or Active Guard and Reserve duty in the military that is equal to the lowest rate of the allowance for the military housing area in which the individual resides for purposes of determining eligibility for child care and development services.

~~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, and authorizes the superintendent of each school district to transfer teachers consistent with the adopted school district policy concerning transfer of teachers from one school to another school within 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 the superintendent of a school district from transferring or assigning a certificated employee with the primary responsibility of being the classroom teacher of record to a schoolsite if the transfer or assignment would result in the reduction of the average effective teacher experience factor at the schoolsite to less than 90% of the average effective teaching experience factor in the school district for schools of the same type, as specified. Notwithstanding that provision, the bill would require the State Board of Education to waive the prohibition upon the request of the governing board of a school district if the governing board of the school district meets certain conditions, including, among others, demonstrating, to the satisfaction of the state board, that the certificated employee subject to transfer or assignment has the appropriate credential necessary to teach a specific course, grade level, or program of study, and there is a critical shortage for certificated employees with such a credential in the local labor market.~~

~~The bill also would prohibit a pupil from being knowingly assigned to a classroom where the teacher of record received an unsatisfactory performance rating in the most recent evaluation and assessment of the employee's job performance unless the employee is actively participating in a California Peer Assistance and Review Program or other specified conditions are met. The bill would authorize the governing board of a school district to waive the prohibition on an individual basis, as provided.~~

~~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~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Legislature finds and declares all of the*
2 *following:*

3 (1) *California is home to a large number of military personnel,*
4 *including 150,000 active duty personnel.*

5 (2) *Military families are a unique population with unique*
6 *circumstances. The children of military families face constant*
7 *transition, including family mobility and parental deployment.*

8 (3) *Military families move more than twice as often as civilian*
9 *families. Forty percent of officers and 60 percent of enlisted*
10 *personnel move during the school year. Thus, the lower the rank*
11 *of the military family member, the more often the family moves.*

12 (4) *During a time of war, military families endure the strains*
13 *of long-term separation as one or both parents may be deployed*
14 *overseas.*

15 (5) *During parental deployment children are often anxious,*
16 *stressed, and confused. Child care providers and preschools can*
17 *be places where stability and routine can provide security. The*
18 *routine helps to cushion the impact of parental deployment.*

19 (6) *Early education can be a determining factor in the early*
20 *academic success of a pupil from a military family by providing*
21 *educational enrichment, as well as a stable and nurturing learning*
22 *environment.*

23 (b) *Given these special circumstances, it is the intent of the*
24 *Legislature in enacting this act to ensure that military families*
25 *have access to the child care development services that their*
26 *children need.*

27 SEC. 2. *Section 8209.5 is added to the Education Code, to*
28 *read:*

29 8209.5. (a) *For purposes of determining eligibility for services*
30 *offered pursuant to this chapter, the income of an individual who*
31 *is on federal active duty, state active duty, active duty for special*

1 work, or Active Guard and Reserve duty in the military shall not
2 include the amount of the basic allowance for housing pursuant
3 to Section 403 of Title 37 of the United States Code provided to
4 the individual that is equal to the lowest rate of the allowance for
5 the military housing area in which the individual resides.

6 (b) This section does not affect the priorities for federal and
7 state subsidized child development services established pursuant
8 to subdivision (b) of Section 8263.

9 SECTION 1. Section 35035.5 is added to the Education Code,
10 to read:

11 ~~35035.5. (a) The superintendent of a school district shall not~~
12 ~~transfer or assign a certificated employee with the primary~~
13 ~~responsibility of being the classroom teacher of record to a~~
14 ~~schoolsite if the transfer or assignment would result in the reduction~~
15 ~~of the average effective teacher experience factor at the schoolsite~~
16 ~~to less than 90 percent of the average effective teaching experience~~
17 ~~factor in the school district for schools of the same type.~~

18 ~~(b) The applicable effective teaching experience factor shall be~~
19 ~~determined by months, subject to the following conditions:~~

20 ~~(1) The maximum number of months that may be counted for~~
21 ~~a single certificated employee is 60 months.~~

22 ~~(2) At the discretion of the governing board of the school district,~~
23 ~~a certificated instructional employee with the highest rating on a~~
24 ~~multiple positive rating level performance scale may be counted~~
25 ~~for up to 60 months, regardless of his or her length of service in~~
26 ~~the school district.~~

27 ~~(3) Months during an evaluation cycle in which a probationary~~
28 ~~or permanent certificated instructional employee received a final~~
29 ~~evaluation rating of unsatisfactory shall not be counted.~~

30 ~~(4) Months during which a certificated employee was assigned~~
31 ~~primarily noninstructional duties shall not be counted.~~

32 ~~(e) Notwithstanding any other law, the state board shall waive~~
33 ~~any part of this section or any regulation adopted by the state board~~
34 ~~that implements this section upon the request of the governing~~
35 ~~board of a school district if the governing board of the school~~
36 ~~district does all of the following:~~

37 ~~(1) Demonstrates, to the satisfaction of the state board, that the~~
38 ~~certificated employee subject to transfer or assignment has the~~
39 ~~appropriate credential necessary to teach a specific course, grade~~
40 ~~level, or program of study, there is a critical shortage for~~

1 ~~certificated employees with such a credential in the local labor~~
2 ~~market, and the placement would enable the schoolsite to achieve~~
3 ~~its stated goals on behalf of all pupils, including identified~~
4 ~~subgroups, as identified for that schoolsite in the school district's~~
5 ~~local control and accountability plan adopted pursuant to Section~~
6 ~~52060.~~

7 ~~(2) Provides written documentation that the exclusive~~
8 ~~representative of certificated employees has been consulted.~~

9 ~~(3) Provides written documentation that the principal of the~~
10 ~~schoolsite has approved of the proposed transfer or assignment,~~
11 ~~and is aware of the related staff development, mentoring, and~~
12 ~~evaluation workload the transfer or assignment would necessitate.~~

13 ~~(d) The prohibition in this section applies to the exercise of~~
14 ~~authority by any administrator or other certificated school employee~~
15 ~~responsible for certificated employee assignment decisions,~~
16 ~~notwithstanding subdivision (e) or (f) of Section 35035.~~

17 ~~SEC. 2. Section 37037 is added to the Education Code, to read:~~

18 ~~37037. (a) A pupil shall not knowingly be assigned to a~~
19 ~~classroom where the teacher of record received an unsatisfactory~~
20 ~~performance rating in the most recent evaluation and assessment~~
21 ~~of the employee's job performance unless the employee is actively~~
22 ~~participating in a California Peer Assistance and Review Program~~
23 ~~established pursuant to Article 4.5 (commencing with Section~~
24 ~~44500) of Chapter 3 of Part 25 or all of the following conditions~~
25 ~~are met:~~

26 ~~(1) The teacher of record is receiving the assistance required~~
27 ~~by subdivision (b) of Section 44664 and is being supported with~~
28 ~~the assistance and guidance of a certificated employee who~~
29 ~~possesses a valid certification for the same level and type of~~
30 ~~credential required for the subject matter and grade level being~~
31 ~~taught.~~

32 ~~(2) The effective teaching experience factor calculated pursuant~~
33 ~~to Section 35035.5 of the employee providing assistance and~~
34 ~~guidance is not less than the average effective teaching experience~~
35 ~~factor in the school district for schools of the same type.~~

36 ~~(3) The employee providing assistance and guidance to the~~
37 ~~teacher of record has not received an unsatisfactory performance~~
38 ~~rating in the three most recent evaluation cycles.~~

39 ~~(b) Any provision of this section may be waived on an individual~~
40 ~~basis by a vote of the local governing board of the school district~~

1 if a parent or guardian of a pupil has been notified in writing in
2 the home language of the pupil and the parent or guardian has
3 approved the submission of the waiver request in writing before
4 the proposed assignment.

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