

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1225

Introduced by Senator Mendoza

February 18, 2016

An act to add Chapter 3.8 (commencing with Section 44789) to Part 25 of Division 3 of Title 2 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1225, as amended, Mendoza. Teachers: Teacher Bill of Rights Act.

Existing law specifies numerous rights and protections for teachers employed by school districts.

This bill would require the principal of each school in a school district to ensure that a conspicuous ~~notice that~~ *notice, which* describes certain teacher rights and ~~protections and~~ *protections*, that is accessible to all teachers is posted in a common area of the administrative ~~offices and in each classroom.~~ *offices*. By imposing additional duties on school district officials, the bill would impose a state-mandated local program. The bill would provide that its provisions are declaratory of existing law and that they shall not be construed ~~as~~ to establish any right not otherwise provided for under state or federal law.

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:

SECTION 1. Chapter 3.8 (commencing with Section 44789)
is added to Part 25 of Division 3 of Title 2 of the Education Code,
to read:

CHAPTER 3.8. TEACHER BILL OF RIGHTS

44789. This chapter shall be known, and may be cited, as the
Teacher Bill of Rights Act.

44789.1. The Legislature finds and declares all of the following:

(a) The rights and protections provided to teachers under state
law constitute a matter of statewide concern.

(b) Effective teaching depends upon the maintenance of stable
employer-employee relations and stable relations among teachers,
colleagues, and pupils.

(c) In order to ~~assure~~ ensure that stable relations are continued
throughout the state and to further ensure that effective services
are provided to all pupils throughout the state, it is necessary that
this chapter apply to all teachers, wherever situated, within the
state.

44789.2. For purposes of this chapter, “teacher” means a
certificated employee of a school district.

44789.3. The principal of each school in a school district shall
ensure that a conspicuous notice, as specified in Section 44789.4,
that is accessible to all teachers is posted in a common area of the
administrative ~~offices and in each classroom.~~ offices.

44789.4. (a) The first line of the notice required pursuant to
Section 44789.3 shall include only the words “Every California
teacher has the right to the ~~following.~~” following.”

(b) Under the first line of the notice there shall be the following
10 bulleted categories:

(1) “A safe and healthy school environment,” which shall
include the following five additional bulleted notifications under
it:

1 (A) “A school environment that facilitates a constructive
2 working relationship between teachers and administrators, as
3 described in Section 44681 of the Education Code.”

4 (B) “A school environment that is free from discriminatory
5 attitudes and practices and acts of hate violence, as described in
6 Section 233 of the Education Code.”

7 (C) “A school environment that promotes overall cleanliness
8 on school grounds, buildings, common areas, and individual rooms,
9 as described in Section 17002 of the Education Code.”

10 (D) “No parent, guardian, nor other person shall disrupt
11 classwork or extracurricular activities where a school employee
12 is required to be in the course of his or her duties, as prohibited
13 pursuant to Section 44811 of the Education Code.”

14 (E) “If a teacher’s rights are not being met, a teacher may safely
15 disclose this information to a government or law enforcement
16 agency without fear of repercussion, as provided for pursuant to
17 Section 1102.5 of the Labor Code.”

18 (2) “A principal as a master teacher to help lead and prepare
19 teachers,” which shall include the following bulleted notification
20 under it:

21 “A principal who provides leadership that fosters effective
22 teaching and learning and also advocates for practices to improve
23 instructional strategies, as described in Section 44671 of the
24 Education Code.”

25 (3) “Have access to basic school supplies, a sufficient number
26 of books, and technology,” which shall include the following
27 bulleted notifications under it:

28 (A) “The governing board of a school district shall provide for
29 the payment of the actual and necessary expenses, including
30 traveling expenses, of any employee of the school district incurred
31 in the course of performing services for the school district, as
32 required pursuant to Section 44032 of the Education Code.”

33 (B) “A sufficient number of textbooks or instructional materials
34 shall be provided within two months of the beginning of the *school*
35 year, as required pursuant to Section 60119 of the Education Code.”

36 (C) “The governing board of a school district may include
37 relevant technology-based materials when adopting instructional
38 materials, as authorized pursuant to Section 60052 of the Education
39 Code.”

(4) “Have the ability to provide input on curriculum,” which shall include the following bulleted notification under it:

“Teachers shall play integral role in the development and modification of academic content standards, as specified for in Sections 60605.4, 60605.8, and ~~60605.11~~. 60605.11 of the Education Code.”

(5) “Freedom to teach what is best for pupils, including the use of realia,” which shall include the following bulleted notification under it:

~~The~~
“*The* governing board of a school district shall allow for substantial teacher involvement during the selection of instructional materials, as required pursuant to Section 60002 of the Education Code.”

(6) “Adequate class sizes that allow teachers time to focus on every pupil,” which shall include the following bulleted notification under it:

~~Each~~
“*Each* school district shall ensure that it is meeting its class size requirements at each schoolsite, as specified in Section 42238.02 of the Education Code.”

(7) “Competitive salaries and benefits,” which shall include the following bulleted notification under it:

“Teachers have the right to collectively bargain, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.”

(8) “Access to quality professional development opportunities,” which shall include the following bulleted notification under it:

“Teachers shall be made aware of quality professional development opportunities, as described in Article 3.1 (commencing with Section 44470) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code.”

(9) “Evaluations that are fair, balanced, and accurate,” which shall include the following notification under it:

~~In~~
“*In* the development and adoption of guidelines and procedures for teacher evaluations, the governing board of the school district shall avail itself of the advice of the certificated instructional personnel in the school district’s organization of certificated personnel, as required by Section 44661.5 of the Education Code.”

1 (10) “Strict adherence to due process when discipline is sought
2 by the principal or school district,” which shall include the
3 following bulleted notification under it:

4 “Teachers shall be given due process when being disciplined by
5 the principal or school district, as required pursuant to Article 3
6 (commencing with Section 44930) of Chapter 4 of Part 25 of
7 Division 3 of Title 2 of the Education Code.”

8 44789.5. This chapter is declaratory of existing law. Nothing
9 in this chapter shall be construed ~~as~~ to establish any right not
10 otherwise provided for in state or federal law.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.