

ASSEMBLY BILL

No. 729

Introduced by Assembly Member Davis

February 22, 1995

An act to amend Section 44932 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 729, as introduced, Davis. School employees: grounds for dismissal of a permanent employee.

Under existing law, a permanent employee shall not be dismissed, except for one or more of certain enumerated causes.

This bill would, in addition, provide that a permanent employee may be terminated for unsatisfactory performance, based on the local governing board's adopted standards and locally negotiated evaluation procedures.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 44932 of the Education Code is
2 amended to read:
3 44932. (a) No permanent employee shall be
4 dismissed except for one or more of the following causes:
5 (1) Immoral or unprofessional conduct.

1 (2) Commission, aiding, or advocating the commission
2 of acts of criminal syndicalism, as prohibited by Chapter
3 188, Statutes of 1919, or in any amendment thereof.

4 (3) Dishonesty.

5 (4) Incompetency.

6 (5) Evident unfitness for service.

7 (6) Physical or mental condition unfitting him *or her*
8 to instruct or associate with children.

9 (7) Persistent violation of or refusal to obey the school
10 laws of the state or reasonable regulations prescribed for
11 the government of the public schools by the State Board
12 of Education or by the governing board of the school
13 district employing him *or her*.

14 (8) Conviction of a felony or of any crime involving
15 moral turpitude.

16 (9) Violation of Section 51530 ~~of this code~~ or conduct
17 specified in Section 1028 of the Government Code, added
18 by Chapter 1418 of the Statutes of 1947.

19 (10) Violation of any provision in Sections 7001 to 7007,
20 inclusive, ~~of this code~~.

21 (11) Knowing membership by the employee in the
22 Communist Party.

23 (12) Alcoholism or other drug abuse which makes the
24 employee unfit to instruct or associate with children.

25 (13) *Unsatisfactory performance, based on the local*
26 *governing board's adopted standards and locally*
27 *negotiated evaluation procedures, as established in*
28 *Article 11 (commencing with Section 44660) of Chapter*
29 *3 of Part 25.*

30 (b) The governing board of a school district may
31 suspend without pay for a specific period of time on
32 grounds of unprofessional conduct a permanent
33 certificated employee or, in a school district with an
34 average daily attendance of less than 250 pupils, a
35 probationary employee, pursuant to the procedures
36 specified in Sections 44933, 44934, 44935, 44936, 44937,
37 44943, and 44944. This authorization shall not apply to any
38 school district which has adopted a collective bargaining



1 agreement pursuant to subdivision (b) of Section 3543.2
2 of the Government Code.

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