

ASSEMBLY BILL

No. 1231

Introduced by Assembly Member Portantino

February 27, 2009

An act to amend Section 44929.25 of, and to add Section 44929.24 to, the Education Code, relating to certificated school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1231, as introduced, Portantino. Part-time adult school teachers: collective bargaining.

Existing law classifies a person who is employed to teach adults for not more than 60% of the hours per week considered a full-time assignment for permanent employees having comparable duties as a temporary employee, and prohibits that employee from becoming a probationary employee for purposes of gaining permanent status.

This bill would make the right of certain temporary employees serving as part-time adult school teachers, as defined, to earn and retain annual reappointment rights a mandatory subject of collective bargaining with respect to any new or successor contract between school districts and those employees on or after January 1, 2010.

The bill also would make nonsubstantive conforming changes.

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

1 (1) Part-time adult school teachers make essential contributions
2 to California's adult education system.

3 (2) Part-time adult school teachers, unlike tenured teachers, lack
4 due process protection and may be dismissed at the will of their
5 employers.

6 (3) Sudden dismissal of part-time adult school teachers
7 employed at adult schools over a long time period can be
8 detrimental not only to the affected employees but also to adult
9 students and prospective adult students in the service area.

10 (b) It is the intent of the Legislature in enacting this act to
11 accomplish both of the following:

12 (1) Increase adult student success, improve academic quality,
13 and ensure diversity and program integrity in California's adult
14 education system by fostering continuity of employment for
15 part-time teachers who have taught for many years at the same
16 adult school.

17 (2) Explore increasing the number of full-time adult school
18 teachers by evaluating mechanisms for allowing part-time adult
19 school teachers to achieve full-time status.

20 SEC. 2. Section 44929.24 is added to the Education Code, to
21 read:

22 44929.24. (a) Notwithstanding any other provision of law, the
23 right of part-time adult school teachers to earn and retain annual
24 reappointment rights shall be a mandatory subject of collective
25 bargaining with respect to a new or successor contract between a
26 school district and part-time adult school teachers on or after
27 January 1, 2010.

28 (b) For purposes of this section, "part-time adult school teacher"
29 means a person employed as a temporary employee pursuant to
30 subdivision (c) of Section 44929.25 who teaches adults for at least
31 20 percent of the hours per week considered a full-time assignment
32 for permanent employees having comparable duties and who has
33 received satisfactory job performance reviews.

34 SEC. 3. Section 44929.25 of the Education Code is amended
35 to read:

36 44929.25. (a) When a teacher of classes for adults serves
37 sufficient probationary time as provided in Sections 44929.20 to
38 44929.23, inclusive, and Section 44908 to be eligible for election
39 to permanent classification in that district, his or her tenure shall
40 be for the service equivalent to the average number of hours per

1 week that he or she has served during his or her probationary years.
2 In no case shall the employee be classified as permanent for more
3 than one full-time assignment. The service for which the person
4 has acquired tenure may be reduced in conformity with Sections
5 44955 and 44956.

6 (b) Notwithstanding any other provision to the contrary, in a
7 district that has, or in a district that is one of two or more districts
8 governed by governing boards of identical personnel that have a
9 combined average daily attendance of 400,000 or more, as shown
10 by the annual report of the county superintendent of schools for
11 the preceding fiscal year, ~~no~~ a person who is assigned 10 hours or
12 less a week in adult classes in the district shall *not* be eligible for
13 election to permanent classification in the district on account of
14 the assignment in adult classes.

15 (c) Notwithstanding any other provision to the contrary, any
16 person who is employed to teach adults for not more than 60
17 percent of the hours per week considered a full-time assignment
18 for permanent employees having comparable duties shall be
19 classified as a temporary employee, and shall not become a
20 probationary employee under the provisions of Section 44954.