

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1231

Introduced by Assembly Member Portantino
(Coauthor: Assembly Member Carter)

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law classifies a person ~~who as a temporary employee if the person~~ 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 such an~~ 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 ~~a school districts district and those~~ *the exclusive bargaining representative of the certificated employees of that district* 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:

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

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

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

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

(4) *Because processing and orienting new teachers is a cost item for school districts, facilitating the reappointment of experienced teachers would constitute a cost savings for school districts.*

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

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

~~(2) Explore increasing the number of full-time adult school teachers by evaluating mechanisms for allowing part-time adult school teachers to achieve full-time status.~~ *increase adult student success, improve academic quality, and ensure diversity and program integrity in California's adult education system by fostering continuity of employment for part-time teachers who have taught for so many years at the same adult school.*

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

44929.24. (a) Notwithstanding any other provision of law, the right of part-time adult school teachers to earn and retain annual reappointment rights shall be a mandatory subject of collective bargaining with respect to a new or successor contract between a school district and ~~part-time adult school teachers~~ *the exclusive bargaining representative of the certificated employees of that district* on or after January 1, 2010.

1 (b) For purposes of this section, “part-time adult school teacher”
2 means a person employed as a temporary employee pursuant to
3 ~~subdivision (c) of Section 44929.25 who teaches adults for at least~~
4 20 percent of the hours per week considered a full-time assignment
5 for permanent employees having comparable duties ~~and who has~~
6 ~~received satisfactory job performance reviews.~~

7 SEC. 3. ~~Section 44929.25 of the Education Code is amended~~
8 ~~to read:~~

9 ~~44929.25. (a) When a teacher of classes for adults serves~~
10 ~~sufficient probationary time as provided in Sections 44929.20 to~~
11 ~~44929.23, inclusive, and Section 44908 to be eligible for election~~
12 ~~to permanent classification in that district, his or her tenure shall~~
13 ~~be for the service equivalent to the average number of hours per~~
14 ~~week that he or she has served during his or her probationary years.~~
15 ~~In no case shall the employee be classified as permanent for more~~
16 ~~than one full-time assignment. The service for which the person~~
17 ~~has acquired tenure may be reduced in conformity with Sections~~
18 ~~44955 and 44956.~~

19 ~~(b) Notwithstanding any other provision to the contrary, in a~~
20 ~~district that has, or in a district that is one of two or more districts~~
21 ~~governed by governing boards of identical personnel that have a~~
22 ~~combined average daily attendance of 400,000 or more, as shown~~
23 ~~by the annual report of the county superintendent of schools for~~
24 ~~the preceding fiscal year, a person who is assigned 10 hours or~~
25 ~~less a week in adult classes in the district shall not be eligible for~~
26 ~~election to permanent classification in the district on account of~~
27 ~~the assignment in adult classes.~~

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