

**AB 215: TEACHER DISMISSAL PROCESS
PROCESS A VS. PROCESS B**

ISSUE	PROCESS A	PROCESS B
Grounds for dismissal	Egregious misconduct, defined as immoral conduct that is the basis for an offense described in Sections 44010 or 44011 of this code, or in Sections 11165.2 through 11165.6, inclusive, of the Penal Code (sex crimes, child abuse, controlled substance offenses)	Immoral conduct (except egregious misconduct), unprofessional conduct, unsatisfactory performance, acts of criminal syndicalism, dishonesty, evident unfitness for service, physical or mental condition unfitting him or her to instruct or associate with children, persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or by the governing board of the school district employing him or her, conviction of a felony or of any crime involving moral turpitude, violation of Section 51530 or conduct specified in Section 1028 of the Government Code.
When can an employee be charged?	The district may file for dismissal based upon charges of egregious misconduct at any time during the calendar year.	All charges, with the exception of unsatisfactory performance, may be filed at any time during the calendar year. A case that exclusively alleges unsatisfactory performance may be filed at any time during the regular school year of the employee.
When will the hearing begin?	Hearing must commence 60 days after date of request. Continuances may not exceed more than 30 days total. OAH required to prioritize the scheduling of egregious misconduct cases over other cases involving certificated employees.	Hearing must commence within 6 months from the date of request. May only be extended upon showing of extraordinary circumstances.
When will the hearing end?	Timeline for mandatory commencement, prioritized OAH scheduling, and empirical data indicate that hearings for egregious misconduct will be completed within 90 to 150 days of request for hearing.	Hearing must be completed within 7 months. When significant progress has been made at hearing, the judge may grant a continuance upon a showing of good cause and establish a timetable for completion of the hearing.
Discovery rules	Unlimited civil discovery; however, discovery disputes to be heard by an ALJ, not Superior Court judge.	Limited discovery process, allowing for a reasonable number of depositions and taking away the ability to seek resolution of discovery disputes in Superior Court.
Who conducts the hearing?	An Administrative Law Judge sitting alone.	A Commission on Professional Competence is convened unless the parties both agree to waive the CPC and proceed before an ALJ only.
CPC: qualifications of members	N/A	Members of the CPC must have three of the last ten years of experience in the discipline of the employee subject to dismissal. "Discipline" defined as: 1) K-6, gradespan equivalent; 2) SPED and counseling, same credential; 3) 7-12, same subject area per 51220.

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Contesting unpaid status	Employee may file a writ in Superior Court to object to an unpaid suspension.	Limited administrative process to contest the unpaid element of the suspension.
Rules of evidence	Evidence of egregious misconduct not subject to four-year time bar on stale evidence.	Evidence consisting of allegations of child and sexual abuse that are more than four years old may be admitted and relied upon at hearing.
Other rules	<ul style="list-style-type: none"> -District may not enter into agreement to prohibit mandatory report of egregious misconduct -District may not enter into agreement to expunge credible complaints, substantiated investigations or discipline for egregious misconduct from employee's personnel file -Documents related to proceedings in which employee prevailed, allegations determined to be false, discipline found unwarranted can be removed -District that has made a report of egregious misconduct to CTC shall disclose this fact upon inquiry from another district where employee is seeking employment -Employee who makes knowingly false allegation of egregious misconduct shall be subject to credential revocation 	