

Assembly Bill 215 – Teacher Discipline and Dismissal

Assemblymember Joan Buchanan

PROBLEM

The current teacher discipline and dismissal process is outdated and cumbersome. The law has not kept pace with today's school calendars or practice. In addition, there is no distinction in process between appeals for teacher performance dismissals and those related to egregious misconduct. In all cases, continuances can allow litigation to drag on for 12-18 months, or longer, often costing school districts over \$100,000.

LEGISLATIVE SOLUTION

AB 215 updates the teacher discipline and dismissal appeal process, with the goal of keeping students safe, saving school districts time and money and ensuring due process.

AB 215 responds to concerns expressed on previous bills over the last two years by bifurcating the process and prioritizing hearings for teachers accused of egregious misconduct—child abuse, sexual abuse or specific drug offenses.

BILL SUMMARY

AB 215 increases protections for children by:

- Defining a subset of immoral conduct as egregious misconduct, which encompasses acts that can be criminally charged as sexual abuse, child abuse and specific drug crimes.
- Establishing a separate and streamlined hearing process for cases in which an employee is accused of egregious misconduct.
- Allowing a hearing based on charges of egregious misconduct to be conducted by a single administrative law judge instead of a three-person panel.

- Preserving current law flexibility with regard to suspensions and depositions for hearings based on charges of egregious misconduct.
- Requiring, school districts to place employees on leave when they have been criminally charged with certain drug offenses.
- Requiring school districts to place an employee on leave should he or she be criminally charged with homicide or attempted homicide.
- Allowing allegations of child abuse or sexual abuse more than four years old to be introduced as evidence.
- Maintaining the ability of a district to immediately remove a teacher accused of child abuse or sexual abuse from the classroom and issue a notice of dismissal at any time, including the summer months; and expanding this ability to include all grounds for dismissal except for unsatisfactory performance.
- Allowing, in cases of unsatisfactory performance, a school district to file a notice of dismissal at any time during the school year.

AB 215 saves time and money by:

- Requiring, for all charges except for egregious misconduct, that the hearing commence within six months and the entire appeal process be completed within seven months.
- Allowing the parties to stipulate to a hearing with an administrative law judge only.

- Removing the ability of litigants to take discovery disputes and suspension appeals to Superior Court.
- Establishing a limited discovery process for all charges except egregious misconduct.
- Requiring the parties to nominate their respective members of the Commission on Professional Competence 45 days prior to the date set for hearing.
- Increasing the number of teachers eligible to serve on the Commission by lowering from five to three the number of years of teaching experience the panel member must have in the discipline of the employee subject to dismissal and allowing for gradespan experience in dismissals of K-6 general education teachers.
- Allowing for retired teachers serving on the CPC to be paid a daily substitute teacher rate for their service.

AB 215 clarifies current law by:

- Updating the grounds for dismissal and removing membership in the Communist Party as a reason for dismissal.
- Removing duplicative notice requirements.

SUPPORT

- California Teachers Association
- EdVoice

OPPOSITION

None on file

STATUS

- Senate Education Committee

FOR MORE INFORMATION

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