

AB 215 (Buchanan)

Legislation designed to update and streamline the teacher dismissal process for those facing egregious misconduct charges.

Background:

Under existing law, districts can immediately remove from the classroom any educator accused of immoral conduct or a serious crime and can keep the accused employee away from students until the facts of the case have been determined. Unfortunately, as seen in recent cases, many districts fail to act. For three years, CTA has supported legislation to streamline the dismissal process while protecting students and educators. Legislation was approved last year, but vetoed by the Governor. AB 215 again prioritizes, updates and streamlines the teacher discipline and dismissal process – saving time and money, while protecting students and ensuring an educator’s right to due process.

AB 215 Highlights:

- AB 215 updates and prioritizes the teacher discipline and dismissal appeal process with the goals of keeping students safe, saving time and money and ensuring due process rights for educators.
- AB 215 creates a separate hearing process for education employees charged with egregious misconduct, including child abuse, sexual abuse and certain drug offenses. Districts are required to start these cases within 60 days of a complaint being filed. The case will be heard by an administrative law judge and that decision will be binding.
- AB 215 streamlines the hearing process for all other dismissal appeals. It requires districts to hold the hearing within six months of an educator making a request and requires the hearing to be concluded within seven months. These hearings will be heard by the Commission on Professional Competence, which includes an administrative law judge and two educators. Decisions will be binding.

Key Message:

As educators, keeping children safe in our classrooms is always a top priority. This legislation expedites and streamlines the dismissal process to keep students safe, while also safeguarding the integrity of the profession and protecting the rights of educators. California’s educators want to teach in a safe learning environment for our students, alongside educators who are committed and qualified. AB 215 clarifies current law to ensure educators who engage in egregious misconduct are immediately removed from the classroom, criminally charged and go through an expedited dismissal process.

Talking Points:

- As educators, keeping children safe in our classrooms is always a top priority. AB 215 prioritizes, expedites and streamlines the dismissal process to keep students safe, while also safeguarding the integrity of the profession and protecting the due process rights of educators.
- AB 215 provides immediate protections for students by creating a separate hearing process for education employees who are charged with egregious misconduct such as sexual abuse, child abuse and specific drug crimes.
- Districts have the power under current law to immediately remove from the classroom educators accused of immoral conduct, but as seen in recent cases districts often fail to act. This legislation continues to require districts to immediately remove the accused employee, but also requires the dismissal process to start within 60 days of the complaint being filed.
- CTA supports AB 215 because it also establishes clear and timely procedures for dismissal in non-egregious misconduct cases. By expediting and streamlining the hearing process, districts will not be allowed to drag on investigations of educators who are falsely accused.
- CTA commends Assembly Member Joan Buchanan for her diligence and leadership on these issues impacting California's students and educators. We also appreciate the work of EdVoice and other stakeholders in crafting a solution that protects students and educators.