Prop 4

H1088
Self

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure ~~adds~~ sections ~~to~~ the ~~Water~~ Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW of Education

amends

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SA2005RF0019

SECTION 1. Title

This measure shall be known as the "Put the Kids First Act."

SECTION 2. Findings and Declarations

(a) California children deserve the best teachers available.

(b) Teachers currently are granted permanent employment status after only two years on the job. Experts believe that a teacher's ultimate potential and skill level cannot be fully assessed within just two years.

(c) Teacher assignments are based more on teacher seniority and tenure rules than on the needs of the students, depriving students of the best available educational experience.

(d) Once a teacher has permanent status:

(1) Union negotiated rules often require them to be assigned to positions by seniority rather than the needs of the students or best interests of a school.

(2) Teachers can usually be replaced, no matter how talented the replacement, only after a lengthy appeals process costing upwards of $150,000.

(e) There is an immediate need to give greater flexibility in the assignment of teachers in order to provide students with the greatest educational opportunity.

SECTION 3. Purpose and Intent

In enacting this measure, it is the intent of the people of the State of California to ensure that the needs of students will be given high priority in the assignment of teachers.

SECTION 4. Section 44929.21 of the Education Code ~~section 44929.21~~ is amended to read:

44929.21.

(a) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

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This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to the position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

(c) Every employee of a school district of any type or class having an average daily attendance of 250 or more, who after having been employed by the district for five complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district. The governing board shall notify the employee, on or before March 15, of the employee's fifth complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to the position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 2003-2004 fiscal year or any fiscal year thereafter.

SECTION 5. Section 44932 of the Education Code ~~section 44932~~ is amended to read:

~~Section~~ 44932. Grounds for dismissal of permanent employee; Suspension of permanent probationary employee for unprofessional conduct.

(a) No permanent employee shall be dismissed except for one or more of the following causes:

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(1) Immoral or unprofessional conduct.

(2) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188 of the Statutes of 1919, or in any amendment thereof.

(3) Dishonesty.

(4) Unsatisfactory performance.

(5) Evident unfitness for service.

(6) Physical or mental condition unfitting him or her to instruct or associate with children.

(7) 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 of Education or by the governing board of the school district employing him or her.

(8) Conviction of a felony or of any crime involving moral turpitude.

(9) Violation of Section 51530 or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

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(10) Knowing membership by the employee in the Communist Party.

(11) Alcoholism or other drug abuse which makes the employee unfit to instruct or associate with children.

(b) The governing board of a school district may suspend without pay for a specific period of time on grounds of unprofessional conduct a permanent certificated employee or, in a school district with an average daily attendance of less than 250 pupils, a probationary employee, pursuant to the procedures specified in Sections 44933, 44934, 44935, 44936, 44937, 44943, and 44944. This authorization shall not apply to any school district which has adopted a collective bargaining agreement pursuant to subdivision (b) of Section 3543.2 of the Government Code.

(c) The receipt by a permanent employee of two consecutive unsatisfactory evaluations conducted pursuant to ~~Education Code section 44660 et. seq.~~ shall constitute unsatisfactory performance as the term is used in this section, and the governing board of the school district may in its discretion, and without regard for section 44934 and 44938, dismiss the employee by written notice on the basis of the employee's evaluation reports. Within ~~thirty~~ 30 days of receipt of the notice of dismissal, the employee may request an administrative hearing which shall be conducted pursuant to section 44944.

Article 11 (commencing with Section 44660) of Chapter 3.

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SECTION 6. Conflicting Ballot Measures

In the event that this measure and another measure or measures relating to teacher tenure shall appear on the same statewide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measures shall be null and void.

SECTION 7. Severability

If any provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions are severable.

SECTION 8. Amendment

This measure may be amended to further its purposes by a bill passed by a two-thirds vote of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

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