

Like all of those who spoke in favor or against SB1530, I care deeply about the welfare of our children and believe our schools should be safe places for them. I also have tremendous respect for the teachers, administrators and support staff that work hard and give tirelessly of their time to ensure our children receive a quality education.

I spent considerable time reviewing the language and intent of SB 1530. In fact, I spent as much or more time on the bill as I have on many of my own bills. It is unfortunate that the vote on the bill is being portrayed as union versus the welfare of children or as one in which a Yes vote means keeping sex offenders out of the classroom and a No vote means allowing them to continue to teach. Neither is true.

As a former school board member, I am well-acquainted with the current teacher dismissal process and believe there is room for improvement. I also believe that it must be tied to an updated and improved process for teacher performance evaluations. I am willing to work on both.

Nothing in SB 1530 changes a school district's right and obligation to remove from the classroom teachers who represent a danger to students. Those protections are in current education code and are unchanged in SB 1530.

SB1530 has three main components:

1. The bill establishes a new category of offenses under the heading of "serious or egregious" conduct. The definition of this category links back to two Education Code offenses and three Penal Code violations, which deal principally with child sexual abuse, physical abuse and neglect.

Each and every one of these offenses can and have been alleged under the current system. The creation of this category does nothing to streamline the process or make it easier to remove dangerous people from the classroom.

2. The bill inserts the category of "serious or egregious" offenses to the section of code allowing school districts to move for dismissal during the summer months.

Currently, a district may give notice of its intent to move for dismissal of an employee between May 15 and September 15 for acts related to immoral conduct and other serious issues, such as felony convictions and crimes of moral turpitude. This bill simply specifies acts that can already be the grounds for charges of immoral conduct.

3. The bill establishes a separate hearing process for employees accused of serious or egregious offenses. Currently, hearings are conducted by an administrative law judge and two panel members who have equivalent professional experience to the employee subject to dismissal. One panel member is selected by the employee and the other by the District. The decision reached by the panel is binding upon the district with respect to the decision to terminate the employee. Under SB 1530,

when an employee is accused of a serious or egregious act, the hearing would be conducted by a single administrative law judge and this judge's opinion would be advisory to the school board.

The alternative system would not change any of the other rules or procedures of the hearing process. There still would be evidence collected and presented; there would still be a formal hearing; the employee would retain the ability to put on a defense. School districts still would need to pay for staff and attorneys to present evidence and probably would continue to conduct their own cost-benefit analysis that compares the cost of this process to a potential settlement.

In addition, the alternate process is available solely to hear and decide the specific offenses described in the definition of "serious or egregious conduct." The three panel hearing remains in place for all other offenses. If a school district has multiple reasons for dismissing a teacher, such as poor work performance in addition to egregious conduct, it may require two administrative hearing processes in order to hear all of the allegations, or the District may be forced to choose which allegations to pursue. This could lead to duplicative and costly hearings.

I also have concerns with two less publicized components of the bill:

1. For employees *accused* of a serious or egregious offense, the district would not have the option of suspension or dismissal. It must move for dismissal.

There have been situations in which a teacher was falsely accused. Moving immediately to dismissal puts the district and the administrative law judge in a position of determining and acting on the criminal charges before the facts are determined and the case is heard in Superior Court.

2. Currently, districts cannot present evidence more than four years old during the dismissal hearing. SB1530 removes that limitation for "serious and egregious" cases.

While I agree that districts should be allowed to present evidence more than four years old in these cases, I also believe that the evidence should be related to the charges of the case. The bill did not include this limitation. Further, in accordance with case law, the administrative law judge currently has discretion to allow such evidence.

I have known for years that the evaluation process does not work. That is why our district negotiated a process years ago based on the California Standards for the Teaching Profession. I also have seen dismissal cases that take too much time and cost too much money. Reading the Education Code when I was evaluating SB 1530, reinforced this.

The problem is not that districts cannot dismiss certificated employees who abuse children. We can and do. Districts immediately put these employees on administrative leave, notify proper authorities, hire an attorney to investigate, and proceed accordingly. My experience was that these were not the difficult dismissal cases because the evidence usually was clear.

The problem is that the dismissal process takes too much time and is too costly for *all* types of dismissals. We need a better process that works for everyone - one that is fair, ensures due process, and can be done in a timely and cost-effective manner.