



Putting Children's Education Ahead of Special Interests and Protecting Classroom Spending: Proposed District Flexibility Reforms

"Our state, our economy, our future is so dependent on education... we must protect education..." (Gov. Schwarzenegger, 2010-11 Budget Speech, January 8, 2010)

Decades of research has shown that the single most important school-based factor determining student achievement is teacher effectiveness. However, current state law significantly limits the ability of schools to manage their teacher workforce and ensure that all students have a quality education.

The Administration Proposes Significant New Program Flexibilities For School Districts To Manage Their Educators:

Seniority Provisions

Allow schools to layoff, assign, reassign, and transfer teachers and administrators based on effectiveness and subject matter needs, without regard to seniority. Under the current law, layoffs must be conducted strictly on the basis of seniority. Because of this, current fiscal difficulties have resulted in the loss of many recently hired but highly effective teachers, while some ineffective teachers continue to be either ignored or shuffled from school to school. These seniority provisions also disproportionately impact struggling schools in low-income neighborhoods because the teachers at these schools tend to have little seniority. These state barriers on local school districts will help California regain the luster of a school system that was the envy of the nation three decades ago.

Flexible Layoff Notification Period Provisions

Allow schools until the end of the school year to notify teachers of potential layoffs. The current notification and final deadlines come prior to any definitive information about state funding for education. Due to this uncertainty, districts are forced to "over-notice" staff on March 15 and make final layoff decisions on May 15 without a final state budget in place. Aligning these required dates of action more closely with state budget decisions will help local schools avoid unfair disruptions to students, teachers, and families.

Streamlined Dismissal Process Provisions

Allow districts to limit the Commission on Professional Competence (CPC) to only an Administrative Law Judge (ALJ), and eliminate the binding authority of the current Commission on Professional Competence, giving the LEA governing board final decision-making authority on teacher dismissals. The teacher dismissal process is now drawn-out, cumbersome, and expensive for school districts. The privileges this process grants to even those teachers who have engaged in inappropriate behavior go well beyond reasonable due process standards. As a result, school administrators rarely attempt to remove ineffective and irresponsible teachers, to the great detriment of their students.

Eliminate the current prohibition on presentation of evidence to the CPC related to matters that occurred more than 4 years prior to the filing of the notice of teacher dismissal. Current law requires that a pattern of behavior be established in support of teacher dismissal. Yet, the law excludes the inclusion of evidence more than four years old. Removing this 4-year limitation would allow all relevant evidence to be considered.

Eliminate the requirement that teachers placed on administrative leave be paid until formally charged.

The current system creates incentives for teachers to artificially extend the length of the hearing process and offers no recourse for districts to recover those payments should the district prevail. Under this change, salary and interest would still need to be paid should the employee prevail. We should set this policy so neither teacher nor district has a financial incentive to prolong the dismissal process.

Personnel Management Flexibility Provisions

Allow schools to offer substitute service to teachers on the basis of subject matter needs, without regard to seniority, and eliminate provisions requiring schools to pay substitutes the former rate paid to them when they were permanently employed. Teachers who have been laid-off get first priority for substitute assignments and then are paid at the rate they received before they were laid-off if they work more than 20 days within a 60 school day period. This inflexible policy can significantly increase spending and force additional layoffs and classroom cuts.

The Governor's 2010-11 Budget Proposal Includes Other Education Reforms That Protect Classroom Spending and Decrease Regulations Standing Between Our Children and a Higher Quality Education:

Breaking Down Bureaucracy to Give More Local Authority

Giving power back to local governing boards to ensure high-quality educators are teaching California's students. The Administration proposes to address a bureaucratic barrier that exists in the process of ensuring high quality, certificated employees are educating California's students. School districts have found that the Commission on Professional Competence, as part of the certificated dismissal process, can unduly limit a local district's ability to provide high quality staff in schools. Local school district governing boards should have more authority over who works with the students they serve. Under current law, the decision of the Commission on Professional Competence is deemed to be the final decision of the governing board with regard to the termination of certificated staff. The local governing board should have more freedom in making these essential education decisions.

Continued Flexibility for School Districts to Determine Length of School Year

Schools receive incentive funding to maintain a 180-day school year. The Governor's budget provides California schools continued flexibility to decide, if necessary to, reduce the length of the school year by up to five days to accommodate 2009-10 budget reductions **without losing any incentive funding they receive to maintain a 180-day school year.**