

RESOLUTION 05-01-2023

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Education Code section 44929.21, to read as follows:

1 § 44929.21

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

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

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

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

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

24 (c) Every employee who has been classified as and become a permanent employee of a
25 district under this section may, upon agreement between the employee and another district, be
26 classified as and become a permanent employee of the other district immediately upon hiring.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

The Problem: Current law provides public school teachers receive tenure, or permanent employee status, upon having taught two consecutive years within a school district and are retained for a third year (or three years retained for a fourth year for those who taught before 1983-1984). This status protects teachers from getting fired for arbitrary reasons and without a hearing. Many different opinions on tenure exist, but everyone should agree it should not keep teachers stuck in the current district for fear of their job being at the mercy of a principal again, a

la how rent controls and Prop. 13 can keep people stuck in their current homes because they cannot afford the reset to market value. Furthermore, districts do not need to be as accommodating to teachers knowing they cannot just go to another district with the same protections, and it prevents schools from attracting high-caliber teachers.

Many reasons exist for why a teacher would want to move districts: a fresh start at a brand new school, working closer to home, moving closer to family, a charter school they are likely a good fit at, and more. Such a move now means risking their livelihoods. When in probationary status, teachers can get fired for any number of reasons, including personal animosity or a bad budget year.

The Solution: This proposal enables teachers to retain their tenure if they move districts, if the new district agrees. That will enable teaches to move to a district that makes more sense for them, force districts to be more accommodating to teachers, and better enable schools to attract experienced teachers

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

None known.

AUTHOR AND/OR PERMANENT CONTACT:

Ben Rudin, 3830 Valley Centre Dr., Ste. 705 #231, San Diego, CA 92130, (858) 256-4429, ben_rudin@hotmail.com.

RESPONSIBLE FLOOR DELEGATE: Ben Rudin

RESOLUTION 05-02-2023

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Education Code section 32282.6, as follows:

- 1 § 32282.6
- 2 (a) Each local school board or committee shall adopt written policies for the
- 3 establishment of threat assessment teams, including the assessment of and intervention with
- 4 individuals whose behavior may pose a threat to the safety of school staff or students consistent
- 5 with the model policies developed by the school safety committee. The policies shall include
- 6 procedures for referrals to community services or healthcare providers for evaluation or
- 7 treatment when appropriate.
- 8 (b) The superintendent of each school district shall establish a district committee charged
- 9 with oversight of the threat assessment teams operating within the district, which may be an
- 10 existing committee established by the district. The committee shall include individuals with
- 11 expertise in guidance, counseling, school administration, mental health, and law enforcement.
- 12 (c) Each district superintendent shall establish, for each school, a threat assessment team
- 13 that shall include persons with expertise in guidance, counseling, school administration, mental
- 14 health, and law enforcement. Threat assessment teams may be established to serve schools as
- 15 determined by the district superintendent. Each team shall:
- 16 (1) Provide guidance to students, faculty, and staff regarding recognition of threatening or
- 17 aberrant behavior that may represent a threat to the community, school, or self;
- 18 (2) Identify members of the school community to whom threatening behavior should be
- 19 reported; and
- 20 (3) Implement policies adopted by the local school board or committee pursuant to
- 21 subsection (a).
- 22 (d) Upon preliminary determination that a student poses a threat of violence or physical
- 23 harm to self or others, a threat assessment team shall immediately report its determination to the
- 24 district superintendent or designee. The building administrator or designee may, if appropriate,
- 25 attempt to notify the student’s parent or legal guardian. Nothing in this subsection shall preclude
- 26 school district personnel from acting immediately to address an imminent threat.
- 27 (e) No member of a threat assessment team shall disclose any information obtained
- 28 pursuant to this section or otherwise use any record of an individual beyond the purpose for
- 29 which the disclosure was made to the threat assessment team.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

The Problem: California has School Safety Plans, except it does not have a requirement for in-school threat assessment teams. They help identify students who present a risk of committing violence, and get them the help they require at the earliest warning. Students, teachers, and other school staff members get to share concerns that another might be at a serious risk of harming oneself or others, and multidisciplinary teams of school staff assess the threat and design interventions to prevent violence. Other states, such as Washington, Texas, Kentucky, Ohio, Pennsylvania, Virginia, Florida, Maryland, and Rhode Island, have adopted this program or similar.

According to the Department of Homeland Security, detecting and addressing behavioral red flags is more effective than any physical security measure (<https://www.cisa.gov/sites/default/files/publications/K12-School-Security-Guide-2nd-Edition-508.pdf>, page 8).

The Solution: This resolution requires school districts to establish in-school threat assessment teams, ensuring every school has this valuable resource to prevent violence at school.

IMPACT STATEMENT

The impact of this resolution is uncertain.

CURRENT OR PRIOR RELATED LEGISLATION

AB 1747 (2018).

AUTHOR AND/OR PERMANENT CONTACT:

Ben Rudin, 3830 Valley Centre Dr., Ste. 705 PMB 231, San Diego, CA 92130, (858) 256-4429, ben_rudin@hotmail.com.

RESPONSIBLE FLOOR DELEGATE: Ben Rudin

RESOLUTION 05-03-2023

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Education Code section 67387, to read as follows:

- 1 § 67387
- 2 (a) Before July 1, 2025, all California Community College campuses, California State
- 3 University campuses, and University of California campuses shall identify all on-campus student
- 4 housing entry doors on the ground-level that do not include keyed or card-keyed entry locks.
- 5 (b) By July 1, 2029, all California Community College campuses, California State
- 6 University campuses, and University of California campuses shall replace all identified entry
- 7 doors on the ground-level that do not include keyed or card-keyed entry locks with entry doors
- 8 that do include keyed or card-keyed entry locks.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: San Mateo County Bar Association

STATEMENT OF REASONS

The Problem: My daughter is a student at the Sonoma State University, in Rohnert Park, California. In August 2022, she moved into an on-campus apartment. We noticed that the apartment had two entry and exit doors. The primary door had a lock, which required a card-key for entry. However, the secondary door was a sliding-glass door. Apparently, the sliding glass door had been installed as a fire safety exit. Unfortunately, my daughter’s apartment-mates decided to leave the sliding-glass door unlocked most of the time so that it would be easier for themselves and their guests to come and go throughout the day without using keys, and they rarely used the secure front door. In February 2023, the apartment-mates affirmed their decision to leave the sliding-glass door unlocked by updating their written “apartment agreement.” As a result, my daughter decided to move to a much more secure on-campus apartment. Her new apartment has only one “secure” entry door, which requires a key to enter. Especially after the atrocities that occurred in Moscow, Idaho on November 13, 2022, (which occurred off-campus) it is not acceptable for college students to leave on-campus housing entry doors unlocked – to expose themselves and other students to being victims of crime.

The Solution: The State of California must assess all of the ground-level on-campus housing entry doors at its Community College, Cal State University, and University of California campuses. As a result of the inventory, all ground-level entry doors without entry-key locks must be replaced with doors that include entry-keys. In addition, this Resolution would require the State of California to replace all non-compliant ground-level entry doors within five years.

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures they have put into place to improve campus safety. See Pub. L. 1001-542, 20 U.S.C. Section 1092, et al and 34 CFR 668.46.

AUTHOR AND/OR PERMANENT CONTACT: Catherine Rucker
415-246-6647, catherinerucker@me.com

RESPONSIBLE FLOOR DELEGATE: Catherine Rucker