

RESOLUTION 05-01-2023

DIGEST

School District Employees: Permanent Employee Classification

Amends Education Code section 44929.21 to allow school district employees to be classified as permanent employees immediately when being hired by another school district.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Education Code section 44929.21 to allow school district employees to be classified as permanent employees immediately when being hired by another school district. This resolution should be approved in principle because it will allow experienced teachers to be hired by a different school district without the teacher losing tenure status.

Under current law, Education Code section 44929.21 provides that teachers received tenure, or permanent employee status, after employment for two consecutive years and being retained for a third year. This permanent employee, or tenure status provides various protections and benefits to teachers including due process requirements and dismissal only for cause. Prior to obtaining tenure, teachers can be terminated at will.

This resolution would allow teachers to retain their tenure or permanent employee status when hired by a new school district, provided that the new school district agrees to classify the already tenured teacher as a permanent employee of the new school district.

This resolution should be approved in principle because experienced teachers should be able to apply and be hired by a different school district without losing their tenure or permanent employee status. In addition, this resolution will benefit school districts who want to recruit and hire experienced teachers by allowing them to offer tenure or permanent employee status as an incentive to being hired at a new school district.

There are no anticipated unintended consequences of this resolution.

There are no similar pending bills, nor any in the last three years.

Therefore, this resolution should be approved in principle.

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 teachers 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.

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RESOLUTION 05-02-2023

DIGEST

Education: Threat Assessment

Adds Education Code section 32282.6 to require district-wide and school-based threat assessment resources.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution adds Education Code section 32282.6 to require district-wide and school-based threat assessment resources. This resolution should be approved in principle because the early identification, intervention, and monitoring is critical to the prevention of school violence.

While a number of individual school districts and schools have developed threat assessment resources, there are no state-wide guidelines or mandates under current law. This resolution would create a requirement for such resources throughout the state.

The phenomenon of premeditated school shootings has been experienced throughout the nation. The tragedies have resulted in loss of life with associated long-term emotional harm to victims, survivors, educational institutions, and communities. Providing the resources in each school for the identification of student behaviors and suspicious activities will allow authorities and school personnel to stop violence before it occurs. It has been shown that, prior to an act of violence, most attackers behaved in a way that made others concerned. Having a threat assessment program evaluate reports of such behavior can significantly reduce violence, including mass casualty attacks.

Under the resolution, the creation of threat assessment teams in each school is not required so long as the district provides available resources to each school. As an example, the Los Angeles Unified School District, the second largest in the country, supervises more than 650 schools. During the 2022–2023 school year, LAUSD served 565,479 students, employing 24,769 teachers and 49,231 other employees. ([Los Angeles Unified "Fingertip Facts" 2022-2023](#)) (PDF). LAUSD maintains a School Threat Assessment Response Team (START) designed to address the need for comprehensive threat prevention and management assistance. START staff collaborate with schools and first responders, provide educational and training programs for school faculty, administrators, campus security, and parents and students.

This resolution may have the unintended consequence of placing a tremendous financial burden on already strapped school districts. Further, it imposes a “one-size-fits-all” structure on districts that are very different in size, resources, ethnic makeup, and financial resources.

There are no similar bills pending.

This resolution should be approved.

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).

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RESOLUTION 05-03-2023

DIGEST

Education: Student Housing

Adds Education Code section 67387 to require all public universities and community colleges to identify all on-campus housing entry doors that lack entry locks and to replace them with ones that have entry locks.

RESOLUTIONS COMMITTEE RECOMMENDATION DISAPPROVE

History:

No similar resolutions found.

Reasons:

This resolution adds Education Code section 67387 to require all public universities and community colleges to identify all on-campus housing entry doors that lack entry locks and to replace them with ones that have entry locks. This resolution should be disapproved because legislation is not the solution to the identified problem.

Sliding glass doors in campus student housing, like most sliding glass doors, have a manual latch on the inside. According to the resolution, some students keep their sliding glass doors unlocked for use as “entry doors” by outside persons who wish to enter the residence without going through the front door.

This resolution would require already strapped public universities and community colleges (see *Toohy, Cal State faces budget gap of \$1.5 billion; report recommends tuition hikes* (May 26, 2023) Los Angeles Times, <https://www.latimes.com/california/story/2023-05-26/new-cal-state-report-suggests-tuition-hikes-finding-1-5-billion-funding-gap>) to expend time and resources to identify and replace all sliding glass “entry doors” with ones that have “entry locks.” But this does not solve the problem of students who wish to keep their sliding glass door unlocked. Nor does it address the simple fact that students may disagree on how their dorm rooms are to be maintained.

There are no similar bills pending.

Therefore, this resolution should be disapproved.

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:

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.

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