

Union-sponsored bill to fast track the firing of teachers signed by California governor

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28 June 2014

On June 25, Democratic California Governor Jerry Brown signed into law AB 215, legislation which streamlines the teacher dismissal process. The bill was lobbied heavily by the California Teachers Association (CTA) which joined with the right-wing anti-teacher organization EDVoice to get the bill passed.

The issue concerning the process for firing teachers rose to prominence in 2012 when a teacher in Los Angeles was charged with committing 23 counts of lewd conduct upon several of his students. Although the teacher later pled guilty and was sentenced to 25 years in prison, the right wing seized upon the fact that the teacher had not been immediately fired. This in turn led to a campaign to “protect” children from “dangerous” teachers by making it easier to fire teachers who engage in serious criminal activity against their students, as well as teachers who “underperform.”

The CTA, in order to demonstrate its usefulness to the state, and in particular to the Democratic Party which controls the state legislature, became one the principal proponents of legislation to expedite the dismissal of the teachers that it represents.

The CTA is the largest labor union in the state of California, representing 325,000 education employees working in public school districts, community colleges and public universities.

In 2013, a CTA-supported bill to accomplish the same goal was passed by the legislature only to be vetoed by Governor Brown who felt it was “too rigid and could create new problems.” To accommodate the Governor’s concerns, this year the CTA joined with EdVoice, a reactionary private advocacy organization, to submit a new bill which was unanimously passed this month by both chambers of the Democratic-controlled California legislature.

Under the prior law, school districts could

immediately remove from the classroom any teacher accused of immoral conduct or a serious crime and could keep the accused teacher away from students until the facts of the case had been determined.

To the CTA, however, as well as their right-wing accomplice, EdVoice, the fundamental due process rights of teachers interfered with the “need” to expeditiously fire teachers accused of such conduct. The CTA web site blames school districts for failing to act against such teachers and, as a consequence, for the last three years the CTA “has supported legislation to streamline the dismissal process while protecting students and educators.”

The union further urged its members to email their state senators and assembly members to vote for AB 215 because it “prioritizes, updates and streamlines the teacher discipline and dismissal process – saving time and money, while protecting students and ensuring an educator’s right to due process.”

Introduced by Democratic Assembly member Joan Buchanan, AB 215 was promoted as a means for quickly ousting teachers who are accused of “egregious crimes,” in particular sexual abuse. The language in the bill, however, establishes that protecting students from sexual abuse is not its only aim. Section 2 of the bill states that a teacher may be dismissed for any of a number of causes, including “dishonesty, unsatisfactory performance, [and] evident unfitness for service.” There are no guidelines for determining what conduct is covered by any of these three charges.

Moreover, the new law sets forth a “hearing process” in which the accused employees are allowed to “defend themselves” against accusations. Section 11 outlines the specifics of this process. After school authorities send a written notice to the accused employee, he or she must request a hearing in 30 days to respond to the

charges; failure to do so could result in immediate dismissal.

This legislation would also impose a “Commission on Professional Excellence” to decide the fate of the employee. This body would consist of an administrative law judge, a person picked by the governing board of a school district, and another picked by the employee.

Additionally, the new law allows charges to be filed based on alleged misdeeds that occurred at any time during the employee’s tenure. While the bill guarantees that proceedings must begin no later than six months after the charges are brought against the accused, they must be completed no more than seven months after the employee requests a hearing. This could conceivably result in a mere month-long hearing process.

The timing and unanimous support for the passage of this legislation was in large part a response to the ruling in *Vergara vs. California*, which was decided on June 10, 2014 by Los Angeles Superior Court Judge Rolf M. Treu. In his ruling in *Vergara*, Judge Treu threw out the state’s system for dismissing teachers because the cost and time required were too prohibitive. The judge also ruled that a number of basic rights of teachers were unconstitutional, including tenure and seniority rights. As *Vergara* is being appealed, the passage of AB 215 will serve as the legal mechanism for instituting and implementing the expeditious firing of teachers that the *Vergara* decision had mandated. (see The California teacher tenure ruling and the war against public education:

<https://www.wsws.org/en/articles/2014/06/13/pers-j13.html>)

The passage of AB 215, along with the *Vergara* decision, has revealed how the unions, Democrats, right-wing advocacy groups and the courts have joined forces in attacking the right to a quality public education by expediting the process of firing teachers, thereby clearing the way for the mass removal of more experienced and better-paid educators.

Blaming and attacking teachers for the failure of public education serves to mask how poverty, mass unemployment, vast social inequality, and the gross underfunding for education are the real causes for the crisis in public education.

California ranks at the bottom of all states in its per-pupil expenditures, at \$8,342 (in 2011), according to

Education Week. This amount is 30 percent below the national average of \$11,864, reflecting the consistent shortchanging of the K-12 system by the state.



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