



SCHOOLS

CTA backs bill making teacher firing easier

By Laura Olson
The Associated Press

SACRAMENTO >> California's largest teachers union is backing a measure that would make it easier to discipline and fire teachers accused of misconduct after successfully fighting a similar proposal last year.

Lawmakers this week will take up AB 375 by Assemblywoman Joan Buchanan, D-Alamo, which would speed up the appeals process after a teacher is fired and add homicide charges to the list of offenses that can spur a teacher's removal by a school district.

It would still allow a panel of teachers and a judge to resolve dismissal disputes instead of giving districts the power to make a final decision, a provision in last year's bill that teachers unions opposed.

The measure also has support from Sen. Alex Padilla, a Los Angeles Democrat who spearheaded last year's attempt to revise the process in response to a Los Angeles elementary school teacher who was accused of blindfolding students and feeding them his semen.

Under current law, teachers who are fired can appeal their case to a three-member disciplinary commission of a judge and teachers chosen by both sides, a process that can take years to resolve and can cost school districts hundreds of thousands of dollars.

Districts have long complained that the process is cumbersome and expensive, but unions have stridently fought attempts to change it.

Union leaders say the new proposal would shorten the dismissal process in a way that still allows charges against teachers to be handled fairly.

"It streamlines the process, it makes it less expensive, and it doesn't leave our members hanging for so long," said Eric Heins, vice president of the California Teachers Association.

That view is in stark contrast to last year's comments from the union, which represents 325,000 California teachers and is a deep-pocketed political supporter of Democratic lawmakers.

Labor groups, including the CTA, aggressively opposed Padilla's measure, which he introduced after Miramonte Elementary

School teacher Mark Berndt was arrested in January 2012 and charged with 23 counts of engaging in lewd conduct with students. The Los Angeles Unified School District fired him, but he appealed and the district opted to pay him \$40,000 to drop his challenge.

Padilla's proposal would have expanded the authority of school boards to dismiss an instructor who is accused of violent, sexual or drug offenses involving children. An administrative law judge would have issued a recommendation in such cases.

The bill also would have allowed evidence that is more than four years old to be used in certain cases, a restriction that has hampered some districts' efforts to dismiss teachers after learning of past allegations. Buchanan's bill also would allow such older evidence in certain cases.

Union officials objected in particular to granting school boards wider dismissal powers, saying at the time that the bill would "open teachers to dismissal at the whim of local administrators, who have shown themselves woefully ill-equipped to protect

students or teachers."

Padilla's bill passed the Senate, but failed in the Assembly Education Committee. Buchanan was among those whose "no" votes halted last year's bill, saying then that the proposal was too narrow.

Padilla said he was disappointed that lawmakers did not feel more urgency last year to update dismissal procedures. He said he met with Buchanan several times in the fall, and since then has dropped his proposed legislation.

"Is it exactly the same? No," Padilla said of his decision to support Buchanan's measure. "It achieved pretty much the core things that I was trying to do."

Padilla said one of his main goals was to speed up resolution of teacher firings. Under Buchanan's bill, the appeals process must be completed within seven months and the discovery process would be limited.

"Some (district officials) will say one of the reasons that we don't issue more dismissal notices is because we don't want to go through the cost," said Buchanan. "It's not fair to anybody."