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September 16, 2013

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

VETO REQUEST: AB 375 (Buchanan)

Dear Governor Brown:

On behalf of the Association of California School Administrators, ACSA, I am writing to respectfully request that you veto AB 375 (Buchanan) when it reaches your desk. AB 375 is an attempt to revise the certificated employee dismissal process.

AB 375 continues to be a very technical and legalese piece of legislation that attempts to reduce the time, and therefore, the costs of a certificated employee dismissal. Based on input from practitioners and attorneys, their conclusion is that the bill is still fatally flawed. Among our concerns are:

- Severely restricts the ability of a school district to amend the charges in a suspension or dismissal proceeding if additional information comes to light. This will restrict the ability of a school district from entering newly discovered evidence or documents that may be critical to the dismissal proceeding and necessary for protecting children.
- Adds another procedural layer to the dismissal process adding more time and details to an already lengthy process.
- Retains the “extraordinary circumstances” standard for continuing the commencement of a hearing. There is no legal definition or court record of the term “extraordinary circumstances”. ACSA is concerned that this term will lead to extensive litigation to determine its meaning.
- The disclosure requirements added to the dismissal process under AB 375 will favor the employee and will give the employee numerous opportunities to discredit disclosures made by the district in an attempt to delay and defeat the district.
- While ACSA appreciates the attempt to make changes to the Commission on Professional Competence (CPC), the language actually does not fully address the concerns we raised. ACSA suggested removing any reference to the discipline of study and allowing a teacher who taught in the grade span to be able to serve on the CPC. The language contained in AB 375 will not result in much more flexibility than is currently allowed.
- There is no doubt that the current certificated employee dismissal process is inefficient, costly and time-consuming. However, AB 375 is worse than current law. Why else would school administrators, whose most important job is to protect students, be strongly opposed to AB 375? We believe AB 375, like the current dismissal process, favors the employee over the needs of our students.

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In closing, AB 375 will likely result in more negotiated dismissals or paid administrative leave resulting in higher costs to school districts instead of leading to cost savings, efficiency and increased student safety. ACSA respectfully requests your **veto** of AB 375 and to direct the interested parties to return to work next year to find a true compromise to the current certificated employee dismissal process.

Sincerely,

A handwritten signature in black ink that reads "Laura Preston". The signature is written in a cursive style with a long, sweeping underline.

Laura Preston
Legislative Advocate

cc: Assembly Member Joan Buchanan
Gareth Elliot, Secretary of Legislative Affairs, Office of the Governor
Karen Stapf Walters, Executive Director, State Board of Education
Judy Cias, Chief Counsel, State Board of Education
Cathy McBride, Office of Legislative Affairs, Office of the Governor
Nick Schweizer, Program Budget Manager, Department of Finance