

Measure D286

INSTRUCTIONS:

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take approximately 5 minutes.

BALLOT MEASURE D286

BACKGROUND

Most of the employees of K–12 school districts are referred to as “certificated” employees. These consist mainly of teachers but also include instructional specialists, counselors, and librarians. All of these employees must have some type of license (or certificate) prior to being employed by a district to show basic qualifications in their job area.

Job Status of Certificated Employees. Under current state law, certificated employees serve a probationary period during their first two years of service with a school district. During the probationary period, state law currently requires certificated employees to be evaluated at least once a year. At the end of the employees’ first or second year, school districts may choose not to rehire them without offering specific reasons. If not rehired, probationary employees do not have the right to challenge the decision. At the start of their third year, certificated employees are considered permanent (or tenured). (See the nearby boxes for some additional information related to California’s probationary policies for certificated employees, primarily teachers.)

Dismissal Process for Permanent Employees. Under current state law, permanent certificated employees may be dismissed for unsatisfactory performance as well as a variety of other reasons (such as dishonesty and unprofessional conduct). Most permanent employees must be evaluated at least once every two years. If, however, they receive an unsatisfactory evaluation, they must be assessed annually until they achieve a satisfactory evaluation or are dismissed. Regardless of the reason for a dismissal, the dismissal process (also set forth in state law) consists of about a dozen stages. The process begins with a school district specifying reasons for dismissal and providing a 30-day notice of its intent to dismiss. If requested by the employee, the process includes a formal administrative hearing and the right to appeal to a Superior Court and then a Court of Appeal. Before being dismissed for unsatisfactory performance, the school district must first provide employees a 90-day period to allow them an opportunity to improve their performance.

PROPOSAL

Proposition D286 would change existing state law in the following ways.

Extends Probationary Period to Five Years. The proposition extends from two to five years the probationary period for new certificated employees.

Modifies Dismissal Process for Permanent Employees. The proposition states that two consecutive unsatisfactory performance evaluations constitute unsatisfactory performance for the purposes of dismissing permanent employees. In these cases, the school board would have the discretion to dismiss the employee and the board would not have to:

- Provide the 90-day period currently given to permanent employees to allow them to improve their performance.
- Provide as much initial documentation identifying specific instances of unsatisfactory performance (beyond that included in the evaluations themselves).

The effect of these changes would be to reduce requirements in the initial stages of the dismissal process and potentially place greater focus on the evaluation process. Although these changes would apply to all certificated employees, their primary effect would be on teachers.



STOP!

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.