ANTONIO R. VILLARAIGOSA
MAYOR

April 19, 2013

The Honorable Joan Buchanan
Chair, Assembly Education Committee
1020 N Street, Room 159
Sacramento, CA 95814

Re: Assembly Bill 375 (Buchanan) as amended April 15, 2013

Dear Assemblymember Buchanan:

I write regarding your Assembly Bill 375 (as amended April 15, 2013), which seeks to "make changes to the suspension and dismissal hearing process for school employees." Your willingness to tackle this difficult and sensitive issue is commendable, namely, streamlining an ineffective process that has historically been burdensome and costly and does not adequately guarantee children's safety.

As elected officials, it is our utmost duty to ensure sound laws that protect our children and their constitutional right to safe public schools, while providing our dedicated educators timely and fair due process. I appreciate your desire to address these objectives in the bill, and to consolidate current procedures and shorten the statutory timelines for dismissal processes.

While I support these laudable goals, I have not taken an official position on AB 375 due to the following areas of concern, where I believe further work is needed.

- **Commission on Professional Competence (CPC):** Different procedures and processes are needed for dealing with unprofessional conduct vs. unsatisfactory performance. The CPC should be modified to make it easier to select panelists (e.g. not limited to a certificated staff person with specified subject matter experience); and, a single arbitrator (Administrative Law Judge) should be made the final arbitrator when alleged unprofessional and egregious conduct is the primary basis for the adverse action.

- **Use of evidence:** The process for allowing the use of relevant information must be less onerous, particularly when its inclusion in the record can establish patterns of behavior. While AB 375 proposes to allow evidence that is more than four years old

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in cases involving sexual abuse charges, further consideration should be given to ensuring such evidence is made part of the appropriate proceeding without protracted dispute over its admissibility; and, to extending the statute of limitation in other cases when relevant to the proceedings.

- **Hearing timeline:** The 60 day deadline to begin a process has been replaced with a seven month deadline to complete the hearing, which may be extended for good cause. However, there is no standard on what constitutes reasonable delay, or what happens if a hearing is uncompleted after seven months. More specificity is needed to avoid drawn-out and costly hearings on procedural disputes, while ensuring adequate time for proceedings in the event of state-caused backlogs.

- **Immediate reversal:** The bill creates a new layer of due process by authorizing a teacher to challenge a suspension with a motion for immediate reversal never before available for egregious misconduct. This will potentially add to the number, cost and length of proceedings and allow employees charged with egregious actions to reverse unpaid suspensions and return to the classroom, while creating an additional hurdle to the actual dismissal of employees proven not fit to serve students.

Thank you in advance for your consideration of these concerns. I look forward to working with you on this very important bill.

Very truly yours,

ANTONIO R. VILLARAIGOSA
Mayor

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