

Date of Hearing: June 22, 2016

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 1225 (Mendoza) – As Amended May 31, 2016

**SENATE VOTE:** 26-10

**SUBJECT:** Teachers: Teacher Bill of Rights Act

**SUMMARY:** Requires the principal in each school to post a notice of teachers' rights in a common area of the school's administrative offices. Specifically, **this bill:**

- 1) Makes findings and recommendations regarding the rights of teachers and the need to maintain stable employer-employee relations.
- 2) Defines "teacher" to mean a certificated employee of a school district.
- 3) Requires the principal of each school in a school district to ensure that a conspicuous notice that is accessible to all teachers is posted in a common area of the administrative offices.
- 4) Requires the notice to state the following:
  - a) Every California teacher has the right to the following:
    - i) A safe and healthy school environment;
      - (1) A school environment that facilitates a constructive working relationship between teachers and administrators, as described in Section 44681 of the Education Code;
      - (2) A school environment that is free from discriminatory attitudes and practices and acts of hate violence, as described in Section 233 of the Education Code;
      - (3) A school environment that promotes overall cleanliness on school grounds, buildings, common areas, and individual rooms, as described in Section 17002 of the Education Code;
      - (4) No parent, guardian, nor other person shall disrupt classwork or extracurricular activities where a school employee is required to be in the course of his or her duties, as prohibited pursuant to Section 44811 of the Education Code; and
      - (5) If a teacher's rights are not being met, a teacher may safely disclose this information to a government or law enforcement agency without fear of repercussion, as provided for pursuant to Section 1102.5 of the Labor Code.
    - ii) A principal as a master teacher to help lead and prepare teachers.
      - (1) A principal who provides leadership that fosters effective teaching and learning and also advocates for practices to improve instructional strategies, as described in Section 44671 of the Education Code.

- iii) Have access to basic school supplies, a sufficient number of books, and technology.
  - (1) The governing board of a school district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the school district incurred in the course of performing services for the school district, as required pursuant to Section 44032 of the Education Code.
  - (2) A sufficient number of textbooks or instructional materials shall be provided within two months of the beginning of the school year, as required pursuant to Section 60119 of the Education Code.
  - (3) The governing board of a school district may include relevant technology-based materials when adopting instructional materials, as authorized pursuant to Section 60052 of the Education Code.
- iv) Have the ability to provide input on curriculum.
  - (1) Teachers shall play integral role in the development and modification of academic content standards, as specified for in Sections 60605.4, 60605.8, and 60605.11 of the Education Code.
- v) Freedom to teach what is best for pupils, including the use of realia.
  - (1) The governing board of a school district shall allow for substantial teacher involvement during the selection of instructional materials, as required pursuant to Section 60002 of the Education Code.
- vi) Adequate class sizes that allow teachers time to focus on every pupil.
  - (1) Each school district shall ensure that it is meeting its class size requirements at each schoolsite, as specified in Section 42238.02 of the Education Code.
- vii) Competitive salaries and benefits.
  - (1) Teacher have the right to collectively bargain, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- viii) Access to quality professional development opportunities.
  - (1) Teachers shall be made aware of quality professional development opportunities, as described in Article 3.1 (commencing with Section 44470) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code.
- ix) Evaluations that are fair, balanced, and accurate.
  - (1) In the development and adoption of guidelines and procedures for teacher evaluations, the governing board of the school district shall avail itself of the advice of the certificated instructional personnel in the school district's organization of certificated personnel, as required by Section 44661.5 of the Education Code.

- x) Strict adherence to due process when discipline is sought by the principal or school district.
  - (1) Teachers shall be given due process when being disciplined by the principal or school district, as required pursuant to Article 3 (commencing with Section 44930) of Chapter 4 of Part 25 of Division 3 of Title 2 of the Education Code.
- 5) States that these provisions are declaratory of existing law and shall not be construed to establish any right not otherwise provided for in state or federal law.
- 6) Provides that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**FISCAL EFFECT:** According to the Senate Appropriations Committee: "Mandate costs: Unknown, potentially significant reimbursable state mandate costs to the extent the Commission on State Mandates determined this bill to impose a higher level of service upon school districts. Costs for each school to create and post the notice in a common area of the school's administrative offices could reach the mid hundreds of thousands. Ongoing costs to maintain compliance would be less as long as laws referenced in the notice do not change. To the extent these costs are determined to be reimbursable, it could create pressure to increase the K-12 mandate block grant. (Proposition 98)

Cost pressures: Unknown, potentially significant cost pressures to provide funding for new rights that could be construed to be established by this bill for the parts of the notice that conflict with existing law.

#### COMMENTS:

***Purpose of the bill.*** According to information provided by the author's office, this bill "seeks to address the recruitment and retention of teacher by establishing a Teacher Bill of Rights so that each teacher can comfortably perform their duties of educating the future of our state." The author's office cites data showing a 70% drop in the number of individuals in teacher preparation programs and a 13% attrition rate after two years of teaching. The author's office notes that, while there is no Teacher Bill of Rights in stature, there is a Firefighters Procedural Bill of Rights and a Peace Officers Procedural Bill of Rights in the Government Code. However, it is not known how a Teacher Bill of Rights would encourage more people to enter and remain in the teaching profession.

***Existing law.*** This bill states that its provisions are declaratory of existing law and shall not be construed to establish any new rights that are not otherwise provided in state or federal law. Each of the "rights" that this bill requires to be included in the notice references a specific section of the Education Code. By doing so, the intent is to ensure that existing law is not changed by the notice required by this bill.

***Arguments in support.*** Supporters cite statistics regarding the current teacher shortage, which, they argue, is due to teachers being underpaid and underappreciated. They state that this bill "represents a tool to help address the teacher shortage" by "transforming the image of the teaching profession." In addition, existing rights "are detailed in complex statutes that are not

easily accessible to teachers," and posting a "simplified and condensed version of a Teacher Bill of Rights" would ensure that teachers understand and can advocate for their rights.

***Arguments in opposition.*** Opponents argue that the bill "assumes ill will on the part of the administrators and educational leaders" and will "create an adversarial environment." They also argue that the "language is potentially harmful," and the tone of the bill "makes the assumption that school districts and principals do not have the best interest of their staff in mind." They say that there are no data to support the premise that teacher rights constitute a statewide concern. To the contrary, "recent judicial activity has expressed concern with the overprotectiveness of laws regarding teachers."

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Federation of Teachers  
California Teachers Association

##### **Opposition**

Association of California School Administrators  
California Association of School Business Officials  
Kern County Superintendent of Schools

**Analysis Prepared by:** Rick Pratt / ED. / (916) 319-2087