

Date of Hearing: June 21, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 585 (Mendoza) – As Introduced February 17, 2017

SENATE VOTE: 37-0

SUBJECT: School employees: awards

SUMMARY: Authorizes the governing board of a school district to award employees who use their own personal resources to meet the classroom material needs of pupils and makes other, nonsubstantive changes.

EXISTING LAW:

- 1) Authorizes the governing board of a school district to make awards to employees who do any of the following:
 - a) Propose procedures or ideas that thereafter are adopted and effectuated, and that result in eliminating or reducing district expenditures or improving operations;
 - b) Perform special acts or special services in the public interest; or
 - c) By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in operations of the school district.
- 2) Requires that, before any awards are made pursuant to this authority, the governing board shall adopt rules and regulations and may appoint one or more merit award committees made up of district officers, district employees, or private citizens to consider employee proposals, special acts, special services, or superior accomplishments and to act affirmatively or negatively thereon or to provide appropriate recommendations thereon to the board.
- 3) Requires that any award granted under this authority that may be made by an awards committee under appropriate district rules shall not exceed two hundred dollars (\$200), unless a larger award is expressly approved by the governing board.
- 4) Provides that when an awards program is established in a school district pursuant to this authority, the governing board shall budget funds for this purpose but may authorize awards from funds under its control whether or not budgeted funds have been provided or the funds budgeted are exhausted.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS: **This bill** expands the purposes for which a school district may award an employee to include employees who use their own personal resources to meet the classroom material needs of pupils and makes other, nonsubstantive changes. Information provided by the author's office cites a report from Bersin & Associates, a human resources research firm, which states that organizations that recognize employees have a 31% lower voluntary turnover rate than organizations that do not have employee reward programs. Accordingly, the author's office

argues that this bill could help improve teacher retention as well as encourage teachers and other school employees to use personal resources on behalf of students.

The permissive Education Code may not apply in this case. Education Code §35160 states:

"On and after January 1, 1976, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with *or inconsistent with*, or preempted by, any law and which is not in conflict with the purposes for which school districts are established [emphasis added]."

This provision gives districts blanket authority to take actions that are not in conflict with, inconsistent with, or preempted by other law. In most cases, this eliminates the need to enact legislation to authorize districts to operate specific programs or activities. In this case, however, the Legislature has already provided specific authorization to have an award program and has specified the purposes for which awards may be provided and the actions that a governing board must take prior to making awards. Because of this, school districts (and possibly the courts) may conclude that an award given for a purpose other than a statutorily authorized purpose may be inconsistent with existing law. **This bill** eliminates that potential conflict.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers
California School Employees Association

Opposition

None received

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