



September 16, 2013

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 375 (Buchanan): School employees: dismissal or suspension: hearing
REQUEST FOR VETO

Dear Governor Brown:

On behalf of the California Association of School Business Officials (CASBO), which represents more than 3,000 school business officials statewide, we are writing to respectfully request that you veto Assembly Bill 375 (Buchanan), legislation that is intended to update and streamline the procedures for teacher discipline and dismissal, while making those procedures more cost-effective and reducing the time necessary to complete the teacher dismissal process.

CASBO supports and greatly appreciates the intent of AB 375, as it is stated in the findings and declarations of the bill. We further appreciate the time that Assembly Member Buchanan and her staff spent with stakeholders discussing concerns with various provisions in the bill. While we appreciate that a number of amendments to the bill were adopted in some of the areas of concern, we remain concerned that AB 375 contains a number of provisions that would not streamline the process, and would in fact result in additional costs for school districts. The most significant of those provisions are as follows:

Timelines for dismissal hearing and standard for continuances. The enrolled version of AB 375 specifies that a continuance shall not extend the date for the commencement of a dismissal hearing more than six months from the date of the employee's request for a hearing, except for "extraordinary circumstances," as determined by the Administrative Law Judge. The bill further specifies that if extraordinary circumstances are found, the deadline for concluding the hearing and closing the record shall be extended for a period of time equal to the continuance. Finally, the bill specifies that a continuance shall not extend the date for the close of the record more than seven months from the date of the employee's request for a hearing, except for good cause.

Based on input from school attorneys and practitioners, our concern with these requirements – even as reflected following late amendments to the bill – is that these deadlines are unrealistic, in light of current workload at the Office of Administrative Hearings. Further, the bill would create new procedures that must be scheduled before the main hearing (see comments below). Finally, the lack of a clear legal definition of "extraordinary circumstances" is also a significant concern.

Appeals process for suspensions without pay. Under existing law, employees that have been suspended without pay may appeal that status as part of the regular dismissal hearing. We believe that establishing a separate appeal process to the Office of Administrative Hearings will almost certainly result in increased costs for school districts, and is inconsistent with the stated goal of the bill to streamline the process. We are also concerned that the timelines associated with this process would pose an additional hurdle to dismissing (or suspending without pay) employees, and increase litigation over these issues.

Disclosure Requirements and Procedures. AB 375 would add a section of law to govern the requirements for making initial and supplemental disclosures. We are concerned that these provisions do not streamline the process (and could therefore lead to increased costs), and would also make it more difficult for school districts to gather relevant evidence that would be admissible under current law and that would be uncovered through the current discovery proceedings.

In conclusion, the legislative findings and declarations in AB 375 state that pupils, educators, administrators, school boards, and school district employees need a teacher dismissal process that is both fair and efficient. CASBO fully endorses that statement, and would go so far as to state that any additional costs associated with an improved, streamlined, fair and efficient dismissal process would be justified and represent a meaningful investment in the future of California teachers and students. We commend Assembly Member Buchanan's effort in undertaking this issue, but our concern at this juncture is that taken as a whole, the changes to the dismissal process that would be made by AB 375 would not achieve the worthy goals that are outlined in the bill's findings and declarations – goals that we believe are shared by all parties.

For the reasons outlined above, we respectfully request that you veto Assembly Bill 375. As always, thank you for your consideration of our views.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey A. Vaca".

Jeffrey A. Vaca
Deputy Executive Director, Governmental Relations

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