



September 17, 2013

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

RE: AB 375 (Buchanan) – REQUEST FOR VETO

Dear Governor Brown:

On behalf of the EdVoice Board of Directors, I write to request the return of AB 375 to the Assembly without your signature.

The state constitution explicitly recognizes the inalienable right of students and staff to safe public schools, *“All students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful.”*

AB 375 is unsafe for children. The bill substantively amplifies moral hazard incentivizing an employing district to enter into settlement agreements with employees that are alleged to have committed egregious misconduct and abuse of children in the classroom. AB 375 restricts the ability of school districts to expeditiously and definitively dismiss staff abusing children and other adults on campus. The bill:

- Arbitrarily limits the number of children who can testify about abuse at the hands of a trusted adult in school. Every child deserves to be heard and no account of abuse should go untold or withheld from evidence during an adverse action against an employee that has violated the public trust.
- Prohibits a district from amending a complaint. Victims, especially children, and even adults as recently demonstrated by adult women in San Diego, are more comfortable coming forward and admitting to being a victim of serial assault once evidence from initial courageous victims comes to parents’ and public’s attention. The bill would increase the burden on districts to produce evidence and prohibit introduction of relevant testimony and facts of patterns of clearly unacceptable behavior and abuse of children.
- Fails to improve efficiency during the specific adjudicative process used for final determination of an adverse action. The bill authorizes an administrative law judge—just like current law—to set the schedule for final determination and length of the case.
- Adds a new appeal process to challenge immediate suspensions on technicalities—a consideration never previously available for allegations of heinous behavior with a child outside a superior court.

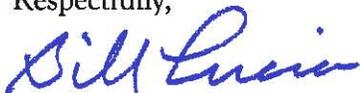
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- Reduces efficiency by establishing ambiguity on timeframes with conflicting standards for determining lawful extensions thereby opening the door to procedural disputes among the parties. Nowhere does AB 375 definitively guarantee a reduction of time necessary to complete an adverse action and dismissal when considering cases of reprehensible misconduct and abuse of children.
- Continues the unreasonable qualifications for panel member's eligibility when making final determinations on suspension or dismissal when the charges and preponderance of evidence demonstrates the adult attempted, or actually committed, acts of sexual assault and child molestation in a public school. A female English teacher would still be prohibited from sitting on a panel considering the dismissal of a male kindergarten teacher accused of inappropriately touching children in his classroom.
- Increases the risk of exposing additional school districts and additional classrooms of children to abuse by the same adult, who already violated children and the public trust, at a cost of additional lives ruined and more taxpayer dollars taken out of the classroom to address the next abhorrent incident that comes to light. Accordingly, the bill increases costs to the employing school district to settle an adverse action, and to the next employing district for having to repeat the adverse action, settle with the employee, and pay claims by victim plaintiff children and parents.

The bill proposes a flawed experiment in certificated employee dismissal that is prejudiced to victim children and their parents. AB 375 disastrously increases the likelihood that perpetrators will negotiate a buyout and a hall pass to inflict child abuse again in another California public school.

EdVoice strongly urges you to veto AB 375.

Respectfully,



Bill Lucia
President and CEO, EdVoice

Cc: Gareth Elliot, Secretary of Legislative Affairs, Office of the Governor
Karen Stapf Walters, Executive Director, State Board of Education
Judy M. Cias, Chief Counsel, State Board of Education
Cathy McBride, Deputy Legislative Secretary, Office of the Governor
Nick Schweizer, Program Budget Manager, Department of Finance