

JAN 17 2013

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

13-0002-511

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under existing law, a permanent school employee is prohibited from being dismissed, except for one or more of certain enumerated causes, including for immoral or unprofessional conduct and unsatisfactory performance, and the governing board of a school district is prohibited from giving notice of dismissal or suspension of a permanent employee between May 15 and September 15 of any year; and

WHEREAS, existing law provides that a certificated employee may be charged with a mandatory leave of absence offense for certain specified sex offenses or controlled substance offenses with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols; and

WHEREAS, existing law prohibits testimony from being given, evidence from being introduced, and a decision from being rendered relating to matters that occurred more than 4 years prior to the filing of the notice of charges for the dismissal or suspension of the employee; and

WHEREAS, currently pending before the State Senate is a bill, SB 10 (Padilla), which would include serious or egregious unprofessional conduct, as specified, as a ground for dismissal of a permanent school employee, and except from the prohibition of giving notice to the employee between May 15 and September 15 proceedings where the charges involve specified offenses; and

WHEREAS, SB 10 would remove marijuana, mescaline, peyote, and tetrahydrocannabinols as exceptions to the controlled substance offenses for which a certified employee may be charged with a mandatory or optional leave of absence offense; and

WHEREAS, SB 10 would increase the number of employees subject to immediate placement on compulsory leave of absence, thereby increasing the duties of school districts, SB 10 would impose a state-mandated local program; and

WHEREAS, SB 10 would exempt hearings that involve certain sex offenses, controlled substance offenses, or child abuse offenses from the prohibition on giving testimony, introducing evidence, and rendering a decision relating to matters that occurred more than 4 years before the date of the filing of the notice of charges for the dismissal or suspension of the employee;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that upon the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program support of SB 10 (Padilla), which would expedite the dismissal process for certified public school employees facing allegations of sex offenses, controlled substance offenses, or acts of violence or child abuse involving a minor.

*[Handwritten signature]*  
JAN 17 2013

PRESENTED BY *[Signature]*  
JAN PERRY  
Councilmember, 9<sup>th</sup> District

SECONDED BY *[Signature]*

ORIGINAL