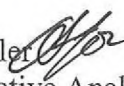


**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: January 25, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller   
Chief Legislative Analyst Council File: 13-0002-S11  
Assignment No.: 13-01-0036

SUBJECT: Resolution (Perry - Parks) to support SB 10 (Padilla) which would expedite the dismissal process for certified public school employees facing allegations of sex offenses.

CLA RECOMMENDATION: Adopt Resolution (Perry - Parks) to include in the City's 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.

SUMMARY

Resolution (Perry - Parks), introduced January 11, 2013, advises that under existing law, the review and dismissal process of certified public school employees facing allegations of sexual misconduct and other serious offenses is widely believed to be excessively costly, time-consuming, and ineffective. SB 10 (Padilla) would make several changes to the existing law that would potentially streamline the review and dismissal process. The Resolution therefore seeks to include in the City's State Legislative Program support of SB 10 (Padilla), which would expedite the dismissal process for certified public employees facing allegations of sex offenses, controlled substance offenses, or acts of violence or child abuse.

BACKGROUND

SB 10 (Padilla) closely resembles an unsuccessful bill advanced by State Senator Alex Padilla in early 2012. On February 24, 2012, California State Senator Alex Padilla introduced SB 1530 which would have expedited the disciplinary review process for teachers accused of sexual abuse, as well as other offenses involving acts violence or drug use. According to several media reports, SB 1530 was introduced in response to the Miramonte Elementary School scandal involving two teachers charged with sexually abusing students. SB 1530 (Padilla) passed through the Senate, but failed in the Assembly Education Committee, reportedly due to strong union opposition. SB 10 (Padilla), introduced in the current legislative session, would result in the following changes to the current review and dismissal process that is widely believed to be excessively costly, time-consuming, and generally ineffective:

- 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. SB 10 (Padilla) 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.

- Under existing law, 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. SB 10 (Padilla) would except from the prohibition of giving notice to the employee between May 15 and September 15 proceedings where the charges involve specified offenses.
- 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. SB 10 (Padilla) 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.

DEPARTMENTS NOTIFIED

None

BILL STATUS

12/03/2012 Bill introduced  
01/10/2013 Referred to Committee on Education

  
\_\_\_\_\_  
Jerry Barnes  
Analyst

GFM:jb

Attachment: Resolution (Perry - Parks)

JAN 11 2013

13-0062-511

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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

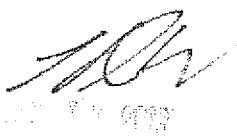
WHEREAS, currently pending before the State Senate is a bill, SB 10 (Padilla), which would include serious or egregious unprofessional conduct, as specified, as a ground for dismissal of a permanent school employee, and except from the prohibition of giving notice to the employee between May 15 and September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

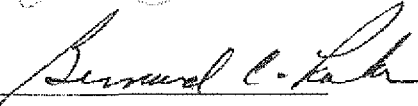
WHEREAS, SB 10 would increase the number of employees subject to immediate placement on compulsory leave of absence, thereby increasing the duties of school districts, SB 10 would impose a state-mandated local program; and

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.



PRESENTED BY   
JAN PERRY  
Councilmember, 9<sup>th</sup> District

SECONDED BY 

JSB

OFFICE OF THE CLERK OF THE CITY OF LOS ANGELES