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Teachers union now backs bill to ease firing

By **LAURA OLSON**
 ASSOCIATED PRESS

SACRAMENTO — California's largest teachers union is backing a measure that would make it easier to discipline and fire teachers accused of misconduct after successfully fighting a similar proposal last year.

Lawmakers this week will take up AB375 by Assemblywoman Joan Buchanan, D-Alamo, which would speed up the appeals process after a teacher is fired and add homicide charges to the list of offenses that can spur a teacher's removal by a school district.

It would still allow a panel of teachers and a judge to resolve dismissal disputes instead of giving districts the power to make a final decision, a provision in last year's bill that teachers unions opposed.

The measure also has support from Sen. Alex Padilla, a Los Angeles Democrat who spearheaded last year's attempt to revise the process in response to a Los Angeles elementary school teacher who was accused of blindfolding students and feeding them his semen.

Under current law, teachers who are fired can appeal their case to a three-member disciplinary commission of a judge and teachers chosen by both sides, a process that can take years to resolve and can cost school districts hundreds of thousands of dollars.

Districts have long complained that the process is cumbersome and expensive, but unions have stridently fought attempts to change it.

Union leaders say the new proposal would shorten the dismissal process in a way that still allows charges against teachers to be handled fairly.

"It streamlines the process, it makes it less expensive, and it doesn't leave our members hanging for so long," said Eric Heins, vice president of the California Teachers Association.

That view is in stark contrast to last year's comments from the union, which represents 325,000 California teachers and is a deep-pocketed political supporter of

*Please see **BILL** on **A6***
 Democratic lawmakers.

Labor groups, including the CTA, aggressively opposed Mr. Padilla's measure, which he introduced after Miramonte Elementary School teacher Mark Berndt was arrested in January 2012 and charged with 23 counts of engaging in lewd conduct with students. The Los Angeles Unified School District fired him, but he appealed and the district opted to pay him \$40,000 to drop his challenge.

Mr. Padilla's proposal would have expanded the authority of school boards to dismiss an instructor who is accused of violent, sexual or drug offenses involving children. An administrative law judge would have issued a recommendation in such cases.

The bill also would have allowed evidence that is more than four years old to be used in certain cases, a restriction that has hampered some districts' efforts to dismiss teachers after learning of past allegations. Ms. Buchanan's bill also would allow such older evidence in certain cases.

Union officials objected in particular to granting school boards wider dismissal powers, saying at the time that the bill would "open teachers to dismissal at the whim of local administrators, who have shown themselves woefully ill-equipped to protect students or teachers."

Mr. Padilla's bill passed the Senate, but failed in the Assembly Education Committee. Ms. Buchanan was among those whose "no" votes

halted last year's bill, saying then that the proposal was too narrow.

Mr. Padilla said he was disappointed that lawmakers did not feel more urgency last year to update dismissal procedures. He said he met with Ms. Buchanan several times in the fall, and since then has dropped his proposed legislation.

"Is it exactly the same? No," Mr. Padilla said of his decision to support Ms. Buchanan's measure.

"It achieved pretty much the core things that I was trying to do."

Mr. Padilla said one of his main goals was to speed up resolution of teacher firings. Under Ms. Buchanan's bill, the appeals process must be completed within seven months and the discovery process would be limited.

"Some (district officials) will say one of the reasons that we don't issue more dismissal notices is because we don't want to go through the cost," said Ms. Buchanan. "It's not fair to anybody."

The legislation also would remove current exemptions regarding who can be placed on leave, allowing teachers who are charged with homicide or certain drug offenses to be placed on leave.

An accompanying measure, AB1338, would require all school districts to have a policy on child abuse reporting and to review that policy with employees each year. In the Miramonte case and other past incidents, administrators also were at fault for not reporting allegations to law enforcement, Ms. Buchanan said.

"People who are charged with taking care of our kids clearly didn't understand their responsibility," she said.

Republicans also have introduced proposals to update teacher dismissal rules. Sen. Steve Knight, R-Palmdale, has reintroduced SB531, a bill that he pushed last year that would shorten the dismissal process and prevent a school employee's record from being expunged.

While the CTA has offered its enthusiastic support to Ms. Buchan-

an's bill, the head of another teachers union was more cautious.

Joshua Pechthalt, president of the California Federation of Teachers, said his organization is "generally in agreement" with Ms. Buchanan's proposal, but he said the group will be watching to see whether any further changes are made.

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TARGETING CLASSROOM PREDATORS

Last June saw one of the rawest displays ever of the power wielded by the half-million-plus members of the California Teachers Association and the California Federation of Teachers.

After appalling revelations that a teacher at Miramonte Elementary School in the Los Angeles Unified School District had been spoon-feeding semen to young students, a bill was introduced to make it easier for districts to quickly dismiss sexual predators.

This came after L.A. Unified officials concluded that teacher job-security rules were so strong that the district had no choice but to pay the teacher \$40,000 to get him to quit.

But the measure died in the Assembly's Education Committee after a bizarre union campaign that likened protecting students from perverts to an "un-American" assault on teachers. Now Education Committee Chairwoman Joan Buchanan, the Alamo Democrat whose vote killed last year's reform measure, has introduced her own version, with the support of the CTA, making its passage nearly certain.

Even though Buchanan's measure is somewhat weaker than last year's bill, this is a welcome development.

Something is horribly out of whack if a school district has to pay off such a teacher to get him off the payroll.