



**September 9, 2016**

## **Introduction**

The biennial legislative session ended on Wednesday, August 31, 2016. The California Federation of Teachers had historic success during the 2016 legislative year sending an unprecedented five sponsored or co-sponsored bills to the Governor for his signature. According to CFT historical records, this accomplishment has never been achieved. Governor Brown has until September 30, 2016 to sign or veto these bills.

In addition, the California Federation of Teachers secured major budget victories in the 2016-2017 Annual Budget. Due to the outstanding lobbying efforts of leadership, members and staff, the CFT secured millions of dollars in appropriations that will benefit CFT members and the students they serve. Significant appropriations in the areas of early childhood education, K-12 and community colleges were signed into law by Governor Brown on June 26, 2016.

The CFT also played a major advocacy role in sending several priority bills to the Governor for his signature as well, including bills that, if signed, would provide classified school employees with unemployment insurance benefits during summer recess, create theatre and dance credentials and require community college districts to report the percentage of part-time faculty required to hold office hours.

Finally, the CFT was instrumental in defeating several pieces of legislation that would have negatively impacted the working conditions, collective bargaining and due process rights of our members. Below is a summary of the victories that the CFT achieved over the 2015-2016 legislative session.

## **CFT-SPONSORED BILLS SENT TO THE GOVERNOR**

Currently, there are four CFT-sponsored or co-sponsored bills on the Governor's desk awaiting his signature: AB 1690 (Medina), AB 1878 (Jones-Sawyer), AB 2393 (Campos) and AB 2353 (McCarty). One of the CFT-sponsored bills, AB 2122 (McCarty) was included in a Budget Trailer Bill (SB 828) and was signed into law on June 26, 2016. The California Classified School Employee Teacher Credentialing Program received a \$20 million appropriation for implementation of the program over five years.

**Community College Part-Time Faculty Collective Bargaining: Assembly Bill 1690 (Medina)** would require those community college districts without a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2017 to, on or before

January 1, 2017, commence negotiations with the exclusive representatives for part-time, temporary faculty to establish standards for the treatment of part-time, temporary faculty to be met by community college collective bargaining agreements, including, among other issues, workload distribution, evaluation procedures and seniority rights. Specifically, AB 1690 would require those community college districts that have not entered into a collective bargaining agreement as of January 1, 2017 to engage in negotiations with their part-time faculty for the purpose of retaining qualified part-time faculty and establishing a seniority list that would govern the offering of new assignments or a reduction in assignments. Those districts that already have such an agreement in place are exempted from the requirements of this bill. This bill also would specify minimum standards for the negotiated language.

After AB 1690 passed off of the Assembly Floor on a concurrence vote and sent to engrossing and enrolling, the Governor requested amendments to the bill. Thus, AB 1690 was withdrawn from engrossing and enrolling so that the amendments that the Governor requested could be made in hopes of securing his signature. Because of the final days of the session, amendments could not be made to the bill. Consequently, Assemblymember Medina decided to “gut and amend” Senate Bill 1379 (Mendoza) in order to incorporate the Governor’s recommended amendments.

SB 1379 would narrow the provisions of AB 1690 while maintaining the requirement for colleges to bargain with part-time faculty over minimum standards for re-employment and faculty job security at California’s community colleges. Like AB 1690, SB 1379 relies on the local bargaining process and the existing local evaluation process to create and maintain a system of seniority. Both AB 1690 and SB 1379 will need to be signed by the Governor in order to make changes to current law.

**Classified Employee Death Benefit Increase: AB 1878 (Jones-Sawyer)** would ensure the death benefit of CalPERS school employees keeps pace with rising funeral costs. Specifically, AB 1878 grants the CalPERS Board the authority to annually increase the death benefit based on changes to inflation. The bill was amended in the Assembly Appropriations Committee to remove the increase to the death benefit. It ultimately came down to cost, as it was estimated the bill would cost tens-of-millions of dollars. The tie to the California Consumer Price Index ensures the gap between the death benefit and the cost of funerals does not widen.

**Family Leave for Classified Employees and Community College Instructors: AB 2393 (Campos)** would provide K-12 and community college classified employees, and community college full- and part-time faculty with up to twelve weeks of paid parental leave for both new mothers and fathers. Specifically, when a qualified employee has exhausted all available sick leave and continues to be absent on account of parental leave, the employee would receive "differential pay," which is calculated by reducing the employee's salary by the amount paid to his or her substitute. For districts that do not have a differential pay policy, qualified employees would receive half of their normal salary.

**Culturally Responsive Instruction Professional Development: AB 2353 (McCarty)** would require the California Department of Education to “identify” professional development programs in culturally responsive instruction and provide links to those programs on its website. An

amendment to the bill, accepted in the Senate Education Committee on June 15, 2016, stripped out a provision of the bill that would have further defined school climate in statute by adding, “local measures may include the extent to which teachers and other school employees, as appropriate, have received or are receiving professional development related to culturally responsive instruction.”

## **CFT SECURES HISTORIC BUDGET VICTORIES**

The California Federation of Teachers secured historic budget victories in the 2016-2017 Annual Budget. Appropriations were provided for the California Classified School Employee Teacher Credentialing Program, Early Childhood Education, Community Schools, Restoration Funding for City College of San Francisco and Community College Part-Time Faculty Office Hours.

**Classified School Employee Teacher Credentialing Program:** The Annual Budget passed by the Legislature (SB 828) and signed by the Governor includes an appropriation of \$20 million to fund a CFT-sponsored piece of legislation, AB 2122 (McCarty), known as the California Classified School Employee Teacher Credentialing Program. The appropriation will provide grants to school districts and county offices of education to provide incentives of up to \$4,000 per year to classified public school employees to obtain their Bachelor’s degree and their teaching credential. The legislation both addresses the current teacher shortage by increasing the number of applicants to teacher credentialing programs and provides a career ladder for classified school employees.

**Early Childhood Education:** An Early Education Block Grant was proposed by Governor Brown in January that would have consolidated Proposition 98 dollars from the State Preschool Program, Transitional Kindergarten and the Preschool Quality Rating and Improvement System Grant into a \$1.6 billion block grant for local educational agencies. The block grant amount essentially represented flat funding for all of the programs. In addition, the proposal would have removed Transitional Kindergarten language in current law.

The CFT, in conjunction with numerous education organizations, opposed this proposal from the introduction by the Governor in January. Realizing that there was a great deal of opposition to the proposal, the Governor revised the proposal slightly to provide a year of transition time. Both the Assembly and Senate Budget Committees rejected the Governor’s proposal.

In the end, the Annual Budget signed by the Governor includes an early childhood education package that increases funding by \$100 million, maintains the current funding streams, maintains Transitional Kindergarten language in current law, increases the number of state preschool slots available by 8,877 over four years and increases the standard reimbursement rate by 10% across the board.

**Community Schools and Restorative Justice:** The Annual Budget and associated Trailer Bills signed by the Governor on June 26, 2016 include a \$27.4 million appropriation to establish the *Learning Communities for School Success Program*. \$18 million will come from a one-time allocation, and an additional \$9.4 million allocation will come from annual Prop 47 savings. Three-year grants will be awarded by the Department of Education on a competitive basis to fund programs such as Community Schools, Restorative Justice programs and other programs

that advance social-emotional learning, positive behavior interventions and supports, culturally responsive practices and trauma informed strategies.

Senate Bill 527 (Liu) and Assembly Bill 1014 (Thurmond), companion bills, are currently on the Governor's desk awaiting his signature. These bills will define specifically how these dollars can be spent. The CFT worked extensively throughout the legislative session to support and advance SB 527 and AB 1014.

**City College of San Francisco Restoration Funding:** A \$41.5 million appropriation was included in the Annual Budget signed by the Governor to provide "restoration funding" for City College of San Francisco. The language of the appropriation requires the Board of Governors of the California community colleges to provide the San Francisco Community College District with a revenue adjustment for restoration of apportionment revenue for five fiscal years. Beginning in the 2017–18 fiscal year, the San Francisco Community College District shall be entitled to restoration of any reduction in apportionment revenue due to decreases in full-time equivalent students (FTES), up to the level of attendance of FTES funded in the 2012-2013 fiscal year, if there is a subsequent increase in FTES. These revenue adjustments would not be subject to the growth cap, thereby allowing for growth up to the pre-accreditation crisis levels.

**Community College Part-Time Faculty Office Hours:** Community colleges will receive an increase of \$3.6 million in reimbursements to fund part-time faculty office hours – bringing the total allocation to nearly \$7.2 million in 2016-2017. Community colleges must spend these dollars to pay for office hours and then will be reimbursed for up to one-half of those expenditures by the state.

### **CFT ADVOCACY SENDS SEVERAL PRIORITY BILLS TO THE GOVERNOR**

**Classified School Employee Unemployment Insurance: AB 2197 (C. Garcia)** would expand unemployment insurance (UI) benefits to include classified school employees. Specifically, the bill would remove the prohibition that prevents classified school employees from receiving UI benefits during the summer months when schools are out of session. AB 2197 would phase-in up to eight weeks of UI benefits over a four-year timeframe, beginning with two weeks in 2016 and reaching eight weeks in 2019.

**Theatre and Dance Credential: SB 916 (Allen)** would add theatre and dance to the list of authorized single-subject teaching credentials. In addition, the bill would provide that a person issued a single-subject teaching credential in physical education or English before the establishment of a single-subject teaching credential in dance and theatre would be authorized to teach dance and theatre, respectively.

**Community College Part-Time Faculty Office Hours: Assembly Bill 2069 (Medina)** would require each community college district to report, on or before August 15<sup>th</sup> of each year, the total part-time faculty office hours paid divided by the total part-time faculty office hours taught during the prior fiscal year and post this information on its website.

## **CFT-SUPPORTED TEACHER RECRUITMENT BILLS SIGNED INTO LAW**

California currently faces a severe teacher shortage. It is estimated that school districts will need to hire between 60,000-135,000 new teachers in the next several years in order to address this shortage. This issue was a major topic of debate in the Legislature during the 2016 legislative session. At least nine major bills were introduced to address this shortage, including the CFT-sponsored AB 2122 (McCarty). In the end, only four bills were signed into law. Three of these bills were provided with significant budget allocations: AB 2122 (McCarty), AB 1756 (Bonilla) and SB 915 (Liu). Of these three bills, AB 2122 was funded at the highest dollar amount of \$20 million.

**Incentives to Expand Four-Year Credentialing Programs: Assembly Bill 1756 (Bonilla)** will authorize a postsecondary institution to offer a four- or five-year integrated program of professional preparation that will allow a student to earn a baccalaureate degree and a preliminary multiple- or single-subject teaching credential or an educational specialist instruction credential authorizing the holder to teach special education, including student teaching requirements concurrently and within four or five years. In addition, the bill will require the Commission on Teacher Credentialing to develop and implement a program to award 40 grants of \$250,000 each to postsecondary institutions for the development of transition plans to guide the creation of four-year integrated programs of professional preparation. (The Annual Budget passed by the Legislature includes \$10 million to fund this program.)

**California Center on Teaching Careers (CalTEACH): Senate Bill 915 (Liu)** will re-establish the California Center on Teaching Careers (CalTEACH) for the purpose of recruiting qualified individuals into the teaching profession. SB 915 will require the Commission on Teacher Credentialing to award a multi-year grant, through a competitive grant process, to a local educational agency (LEA), to establish the program. SB 915 will require the CalTEACH Center to distribute marketing materials for recruitment purposes, provide information to prospective teachers regarding requirements for obtaining a credential and provide information to prospective teachers regarding financial aid and loan assistance. (The Annual Budget passed by the Legislature includes \$5 million to fund this program.)

**Out-Of-State Credentialing for English Language Learner Teachers: Assembly Bill 2248 (Holden)** will streamline the credentialing process for out-of-state teachers in the area of English Language Learner education and provide greater reciprocity with other states. AB 2248 will reduce additional tests and coursework for out-of-state teachers with two or more years of service and satisfactory evaluations. (AB 2248 was signed into law by Governor Brown on July 25, 2016.)

## **HARMFUL LEGISLATION DEFEATED**

There were a number of bills introduced during the 2015-2016 legislative session that would have negatively impacted the working conditions, collective bargaining and due process rights of educators in the state of California. The CFT, in collaboration with a number of coalition partners, was able to defeat many of these harmful bills through intense lobbying and member activism.

**Probationary Period, Due Process Rights and Reduction in Force: AB 934 (Bonilla)**, was “gutted and amended” on March 31, 2016. The bill, in its original amended form, addressed a number of issues, including requiring four performance levels in evaluations of certificated school employees, mandating Peer Assistance and Review (PAR) program participation for teachers demonstrating “unsatisfactory performance” on evaluations, extending the length of the probationary period for certificated staff up to four years, streamlining dismissal proceedings based upon “unsatisfactory performance,” requiring binding arbitration in dismissal appeals and including teacher evaluation ratings in reduction in force (RIF) situations.

The CFT strongly opposed this bill from the point that it was “gutted and amended” and throughout various iterations of the legislation. Because of significant opposition from the CFT and the CTA, AB 934 was defeated on a 2-5-2 vote in the Senate Education Committee on June 29, 2016. However, the committee voted unanimously to grant the author reconsideration. Ultimately, despite numerous amendments, the author was unable to garner support for the bill and decided in the end not to move it forward.

**High School Credit for Religious Instruction: SB 1457 (Morrell)**, in its original form, would have authorized the governing board of a school district to adopt a policy to allow a pupil in high school to earn up to 2 elective credits toward the pupil’s high school graduation requirements for the completion of release time instruction in religious education courses. The bill would have required the policy to include secular criteria for determining whether to authorize a pupil to earn credit. Additionally, SB 1457 would have required a decision to award credit for release time instruction to be neutral to, and not involve any test for, religious content or denominational affiliation and would prohibit school district staff and faculty from encouraging or discouraging participation by pupils in release time instruction. Finally, the bill would have removed the current 40 days-per-year cap provision in current law that allows students to be given release time for religious instruction.

The CFT vigorously opposed this bill both in the Senate Education Committee and on the Senate Floor. In order to get it off of the Senate Floor, the author stripped out the provision requiring a school district to award up to 2 elective credits towards graduation for religious instruction.

SB 1457 was eligible for a Senate Floor vote for several days during the June 3, 2016 deadline week; however, realizing he did not have the votes, the author decided not to take it up on the Floor. Consequently, the bill “died” on the Senate Floor on June 3, 2016.

**Third Grade Reading Assessments and Plans: SB 1145 (Hueso)** would have required the State Board, on or before December 31, 2017, to identify formative reading diagnostic tools that could be used by the public schools to assess pupils’ developmental levels of reading proficiency by the end of grade 3 and to post a list of those diagnostic tools on the Education Department’s website. SB 1145 would have required, on or before the beginning of the 2018-2019 school year, public schools that enroll pupils in grades 1-4 inclusive, and at which less than 50% of 4<sup>th</sup> grade pupils demonstrate proficiency on English language arts standards on the statewide assessment administered the previous school year, to ensure each pupil’s reading proficiency is measured using at least one of the formative reading diagnostic assessments listed on the

Department's website. In addition, the bill would have required any pupil who does not have an appropriate developmental reading level to have a reading plan to be created in collaboration with the pupil's parents and teacher. Finally, the bill would have required the reading plan to have certain elements to be reviewed at least annually by the school and updated or revised as appropriate.

CFT opposed this bill in the Senate Education Committee and the Senate Appropriations Committee based upon the fact that it would have required excessive testing of students, the development of individualized reading plans for every student below grade level and redundancy of both testing and planning.

SB 1145 was placed on the Senate Appropriations Suspense File on April 25, 2016 and was subsequently held there.

### **Conclusion**

The California Federation of Teachers, through the hard work and advocacy of leadership, members and staff, recorded one of the most successful legislative sessions ever. Collaboratively, we sent an unprecedented number of sponsored or co-sponsored bills to the Governor for his signature, we achieved significant budget victories, we helped to send a number of priority pieces of legislation to the Governor and we defeated several harmful pieces of legislation that would have negatively impacted our members and our students. It is important that we recognize and celebrate these victories and use the momentum we have created to build upon these successes into the future.

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