

November 3, 2015

Office of the Attorney General  
1300 "I" Street, 17th Floor  
Sacramento, CA 95814  
Attention: Ashley Johansson, Initiative Coordinator

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INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

**Re: California Effective Teacher Act**

Dear Ms. Johansson:

As proponents of the "California Effective Teacher Act" (15-0079), we are amending our initiative. Our amendment deletes Section 6 and re-numbers the remaining sections accordingly. We have enclosed an amended copy of our initiative with the section to be removed deleted in red.

Thank you for your assistance.

Sincerely,



HEIDI L. GALLEGOS



STEPHEN J. COX

Enclosures

Please direct all correspondence and inquiries regarding this measure to:

Robinson Bradford, LLP  
3255 West March Lane, #230  
Stockton, CA 95219  
(209) 954-9001

**SECTION 1. Title.** This measure shall be known and may be cited as the "Effective Teacher Act."

**SECTION 2. Findings and Declarations.** The People of the State of California find and declare California statutes currently do not enable school governing boards the time necessary to properly and fairly evaluate the performance of probationary certificated employees to insure that every child has an effective teacher.

**SECTION 3. Purpose and Intent.** In enacting this Act, the people of the State of California do hereby declare it is their purpose and intent to:

1. Ensure that every child has an effective teacher.
2. Establish local control and flexibility for elected governing bodies of schools districts to manage certificated employees in a manner that best serves the educational needs of all students.

**SECTION 4. Effective Date.** This measure shall take effect on January 1<sup>st</sup> following voter enactment or the expiration of any existing collective bargaining agreement or memorandum of understanding pertaining to collective bargaining in effect at time of passage, whichever is later. All new collective bargaining agreements and memorandums of understanding shall conform to this measure.

**SECTION 5. Superseding Statutes.** This measure shall supersede all California statutes in conflict with the measure to the extent they are in conflict.

~~**SECTION 6. Due Process Protection.** Certificated employees of school districts shall be entitled to the same due process provisions enjoyed by all other public employees consistent with *Skelly v State Personnel Board*, (1975) 15 Cal. 3d 194.~~

**SECTION 76. Permanent Status.** Certificated employees of local educational agencies hired after enactment of this measure may be granted permanent employee status only after the completion of a satisfactory teaching performance in each of five consecutive school years as determined by the governing board.

**SECTION 87. Standing.** Any parent or registered voter residing in the county of jurisdiction shall have standing to petition the Court for enforcement of these provisions and will be eligible for reasonable attorney fee and court costs if the petition is granted.

**SECTION 98. Severability.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application

**SECTION 109. Conflicting Initiatives.**

- (a) In the event that this measure and another initiative measure or measures relating to certificated school employee personnel matters appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative

votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.

- (b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

**SECTION 140. Proponent Standing.**

(a) The people of the State of California declare that the proponents of this Act have a direct and personal stake in defending this Act and grant formal authority to the proponents to defend this Act in any legal proceeding, either by intervening in such legal proceeding, or by defending the Act on behalf of the people and the State in the event that the State declines to defend the Act or declines to appeal an adverse judgment against the Act.

(b) In the event that the proponents are defending this Act in a legal proceeding because the State has declined to defend it or to appeal an adverse judgment against it, the proponents shall: (1) act as agents of the people and the State; (2) be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceeding; and (3) take and be subject to the Oath of Office prescribed by Article XX, section 3 of the California Constitution for the limited purpose of acting on behalf of the people and the State in such legal proceeding.