

ASSEMBLY BILL

No. 2323

Introduced by Assembly Member Perea

February 24, 2012

An act to amend Section 35036 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2323, as introduced, Perea. Teachers: voluntary transfers.

Existing law prohibits the governing board of a school district from adopting a policy or regulation, or entering into a collective bargaining agreement, that assigns, after April 15 of the school year prior to the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualifications at that school.

This bill would make a nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35036 of the Education Code is amended
- 2 to read:
- 3 35036. (a) Notwithstanding subdivision (d) of Section 35035,
- 4 the superintendent of a school district may not transfer a teacher
- 5 who requests to be transferred to a school offering kindergarten
- 6 or any of grades 1 to 12, inclusive, that is ranked in deciles 1 to 3,

1 inclusive, on the Academic Performance Index if the principal of
2 the school refuses to accept the transfer.

3 (b) The governing board of a school district may not adopt a
4 policy or regulation, or enter into a collective bargaining
5 agreement, that assigns, after April 15 of the school year ~~prior to~~
6 *before* the school year in which the transfer would become
7 effective, priority to a teacher who requests to be transferred to
8 another school over other qualified applicants who have applied
9 for positions requiring certification qualification at the school.

10 (c) The prohibitions in this section shall become operative on
11 January 1, 2007. If the prohibitions in this section are in direct
12 conflict with the terms of a collective bargaining agreement in
13 effect on January 1, 2007, the prohibitions of this section shall
14 become operative on the employees governed by that agreement
15 upon its expiration.