

SENATE THIRD READING
SB 494 (Newman)
As Amended September 7, 2023
Majority vote

SUMMARY

Prohibits the governing board of a school district from taking action to terminate a superintendent or assistant superintendent of the school district, or both, without cause, at a special or emergency meeting of the governing board, or within 30 days after the first convening of the governing board after an election at which one or more members of the governing board are elected or recalled.

Major Provisions

- 1) Prohibits the governing board of a school district from taking action to terminate a superintendent or assistant superintendent of the school district, or both, without cause, at a special or emergency meeting of the governing board. Authorizes, for any month in which there is no regular meeting scheduled, the governing board of a school district to allow a regular meeting, as defined by Government Code (GC) Section 54954, to be called for this purpose.
- 2) Prohibits the governing board of a school district from terminating a superintendent or assistant superintendent of the school district, or both, without cause, within 30 days after the first convening of the governing board after an election at which one or more members of the governing board are elected or recalled.

COMMENTS

Types of school board meetings and required public notice. School district governing boards have the authority to convene regular meetings with 72-hour public notice, special meetings with 24 hour public notice, and emergency meetings with less than 24 hour public notice. Current law provides that emergency meetings are for cases of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. Current law does not prescribe what types of situations may be acted upon during regular or special meetings; school district governing boards may take any action with as little as 24-hour public notice.

This bill limits the authority of a school district governing board to terminate a superintendent or assistant superintendent of the school district, or both, without cause to occur only at regular meetings, which require 72-hour notice. This bill does not restrict the ability to terminate a superintendent or assistant superintendent with cause at any time, including a special or emergency meeting with 24 hour or less public notice. This bill requires more time before board meetings where critical decisions are made about school district leadership to enable greater participation and input by school and district employees, parents, students, and the community at large.

Termination without cause vs. with cause. Existing law prohibits a permanent employee from being dismissed except for cause, and includes a list of causes for which a permanent employee may be terminated (for example: unsatisfactory performance, immoral or unprofessional

conduct). This bill does not affect any terminations for cause; the bill only affects termination of a superintendent or assistant superintendent *without cause*.

Cooling off period. This bill prohibits the governing board of a school district from terminating a superintendent or an assistant superintendent of the school district, or both, without cause, within 30 days after the first convening of the governing board after a general election. This provision is similar to a local ordinance in the City of Orange that prohibits the City Manager from being terminated within 90 days after any municipal election for the selection or recall of one or more of the members of the City Council.

Superintendent stability and experience associated with positive outcomes. According to a 2006 report by the Mid-continent Research for Education and Learning (McREL), *School District Leadership that Works: The Effect of Superintendent Leadership on Student Achievement*, superintendent tenure is positively correlated with student achievement. The report noted that positive effects of the correlation manifest themselves as early as two years into a superintendent's tenure. The results of a 2014 AASA Journal of Scholarship and Practice study of superintendents in New Jersey, *The Superintendent's Influence on Student Achievement*, suggested that the number of years of experience a superintendent had in the state helped to offset the negative influence of other factors. For example, students in school districts with experienced superintendents with greater percentages of students eligible for free lunch outperformed similar school districts with less experienced superintendents.

According to the Author

"The implications of the current lack of required advance notice for such deliberations were brought into sharp focus earlier this year, when the newly installed governing board of the Orange Unified School District called a special meeting of the board, over the winter holiday break, with just 24-hour notice. At that meeting, the governing board proceeded to terminate the school district superintendent, explicitly without cause, appointing her interim replacement at the same meeting. That interim superintendent resigned a mere five weeks later, leaving the school district without a leader.

It's fairly self-evident that newly elected school board members generally need some time to become fully conversant in the often complex inner workings of school district governance, as well as the various and sometimes unique issues facing the district. In recognition of those facts, it seems reasonable that school district governing boards should have a 'cooling off,' or ramping up, period before making decisions as momentous as changing district leadership with cause by ensuring an appropriate interval for noticing and a resulting open and comprehensive discussion that fully includes all prospectively affected stakeholders as well as the public at large."

Arguments in Support

The Association of California School Administrators writes, "Regrettably there have been a growing number of incidents where school boards abruptly acted at a special meeting to terminate superintendents and/or assistant superintendents without cause. In some of the most unsettling instances this action was called during the winter holidays when the district was on break, the individual who was subject to the dismissal without cause was out of the country, or the meeting was announced on Sunday for a meeting on Monday. In other instances, the dismissal without cause took place at the first meeting of newly elected board members. Sudden changes in school leadership have lasting consequences that go far beyond the individual

superintendent. It can have financial and emotional impacts on a school community. It can also cultivate fear and destabilize a district.

SB 494 will further transparency and community awareness when changes in non-elected school leadership are under consideration. It will also help school board members gain a more complete understanding of their district and thereby better equip the governing body to responsibly deliberate and act upon significant personnel decisions that they have direct authority over."

Arguments in Opposition

The California School Boards Association writes, "The bill further presumes that only the superintendent contributes to the stability of the district following an election of a board majority. However, the bill would tie the hands of a new board majority that brings stability to a district in turmoil brought on by the current superintendent and previous board majority. It is important to preserve flexibility to ensure the law does not interfere in either instance that would enable a district to achieve stability.

The cooling off period could also have the unintended consequence of undermining the expectation that voters have in the power of elections and lead to even lower voter participation levels in local school board elections."

FISCAL COMMENTS

None. This bill has been keyed non-fiscal by the Office of Legislative Counsel.

VOTES

SENATE FLOOR: 32-6-2

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Ochoa Bogh, Padilla, Portantino, Roth, Skinner, Stern, Umberg, Wahab, Wiener

NO: Dahle, Jones, Nguyen, Niello, Seyarto, Wilk

ABS, ABST OR NV: Rubio, Smallwood-Cuevas

ASM EDUCATION: 6-0-1

YES: Muratsuchi, Juan Carrillo, Hoover, Lee, McCarty, Quirk-Silva

ABS, ABST OR NV: Megan Dahle

UPDATED

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