

12-17-2013

# Low-Performing Schools. Intern Teachers. Charter School Administrators. Initiative Statute.

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December 17, 2013**VIA MESSENGER**

Office of the Attorney General  
1300 "I" Street, 17th Floor  
Sacramento, CA 95814

**RECEIVED**

DEC 17 2013

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: *The Highly Qualified Charter School Administrator and Teacher Act*

Dear Ms. Johansson:

In accordance with the requirements of Elections Code section 9001(a), I request that the Attorney General prepare a circulating title and summary of the chief purpose and points of the initiative measure entitled the "The Highly Qualified Charter School Administrator and Teacher Act." The text of the measure, a check for \$200.00, and the certifications required by Elections Code sections 9001 and 9608 are enclosed.

Please direct all correspondence and inquiries regarding this measure to:

Karen Getman  
Remcho, Johansen & Purcell, LLP  
201 Dolores Avenue  
San Leandro, CA 94577  
Phone: (510) 346-6200  
Fax: (510) 346-6201

Sincerely,



Thomas A. Willis

Enclosures

## The Highly Qualified Charter School Administrator and Teacher Act

### SEC. 1. Title.

This act shall be known and may be cited as "The Highly Qualified Charter School Administrator and Teacher Act."

### SEC. 2. Findings and Declarations.

1. Charter schools are public schools that have been given freedom from many state laws with the goal of increasing flexibility and school choice. Unfortunately, this has meant that some charter schools operate without the same highly qualified administrators and teachers that most public schools employ.

2. The lack of basic qualifications is particularly problematic at schools in the bottom three rankings on the statewide Academic Performance Index. Those schools need well-qualified administrators and teachers to help improve the academic performance of the students.

3. Some charter school operators use low-paid interns in place of fully credentialed teachers. Interns should not be used to take the place of highly qualified teachers at schools that are already struggling academically.

4. This Act will require that superintendents, principals and teachers who work at charter schools and other public schools ranked at or near the bottom of the statewide Academic Performance Index have, at a minimum, a full teaching or services credential. California's children deserve no less.

### SEC. 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. Require that superintendents, principals and similar administrators working at charter schools schools ranked in deciles 1, 2 or 3 of the Academic Performance Index must hold an administrator or teaching credential.

2. Restrict interns from teaching in charter schools and other public schools ranked in deciles 1, 2 or 3 of the Academic Performance Index.

### SEC. 4. Section 44065.1 is added to the Education Code, to read:

*Notwithstanding any other provision of law, a person employed at any charter school in a position in which 50 percent or more of his or her duties performed during the school year, whether performed in a particular school or across two or more schools, consist of rendering service in directing, coordinating, supervising or administering any portion or all of the types of functions listed in section 44065(a) of the Education Code, shall hold a valid teaching or services credential if a school at which he or she is employed is or has been, within the prior two years, ranked in deciles 1, 2 or 3 on the Academic*

*Performance Index. This requirement is not subject to waiver by the State Board of Education or the California Commission on Teacher Credentialing.*

SEC. 5. Section 44326.1 is added to the Education Code, to read:

*Notwithstanding any other provision of law, no person holding an intern or internship credential shall be authorized to teach at any public school, including a charter school, that is or has been, within the prior two years, ranked in deciles 1, 2 or 3 on the Academic Performance Index. This provision is not subject to waiver by the State Board of Education or the California Commission on Teacher Credentialing.*

SEC. 6. Amendment.

The statutory provisions of this measure may be amended to further the purposes of the initiative by a statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, and signed by the Governor.

SEC. 7. Severability.

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SEC. 8. Conflicting Initiatives.

(a) In the event that this measure and another initiative measure or measures relating to credential requirements for public and charter school employees 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.

SEC. 9. 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.