

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 917 (Ávila Farías) – As Introduced February 19, 2025

**SUBJECT:** County offices of education: school districts: average daily attendance of less than 250 pupils: permanent status

**SUMMARY:** Makes changes regarding which credentialed employees can attain permanent employee status, and deletes sections that differentiate employment practices for school districts with less than 250 average daily attendance (ADA) and employees who were in their probationary period prior to the 1983-84 fiscal year. Specifically, **this bill:**

- 1) Deletes the prohibition on counting service as an instructor, conducted at regional occupational centers or programs (ROCPs), toward the service required to attain permanent employee status.
- 2) Requires an employee of a school district of any type or class, with an ADA of 250 or less, who is reelected to a third year of employment in a position requiring certification, to be classified as a permanent employee of the school district, and makes conforming changes.
- 3) Requires a county office of education (COE) with an ADA of 250 or less to award permanent status to employees *in a teaching position* requiring certification if they are re-elected for a third year of employment.
- 4) Deletes employment sections that apply only to employees in their probationary year prior to the 1983-84 fiscal year, including:
  - a) The requirement that school districts dismiss probationary employees during the school year for cause only;
  - b) The authorization for a school district to suspend a probationary employee for a specified period of time without pay as an alternative to dismissal; and
  - c) The requirement that probationary employees who are reemployed for the 4th year be classified as permanent.
- 5) Deletes the dismissal process for probationary employees of a school district with an ADA of less than 250 students.

**EXISTING LAW:**

- 1) Specifies that if the ADA of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for two complete consecutive school years by the superintendent in a teaching position in those schools or classes requiring certification and whose salary is paid from the county school service fund, is re-elected for the next succeeding school year, shall be classified as a permanent employee. (Education Code (EC) 1296)

- 2) Specifies that service by a person as an instructor in classes conducted at ROC/Ps may not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district. Specifies, commencing July 1, 2025, service by a person as an instructor in classes conducted at a regional occupational center or program operated by a single school district shall be included in computing the service required as a prerequisite to attainment of, or eligibility for, classification as a permanent employee of a single school district. (EC 44910)
- 3) Specifies that every employee of a school district of any type or class having an ADA of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. (EC 44929.21)
- 4) Specifies that the governing board of a school district of any type or class having an ADA of less than 250 pupils may classify as a permanent employee of the district any employee who, after having been employed by the school district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications. (EC 44929.23)
- 5) Requires governing boards of school districts to dismiss probationary employees during the school year for cause only, in the case of permanent employees whose probationary period commenced prior to the 1983–84 fiscal year or who are employed in a school district having an ADA of less than 250 pupils. Authorizes the governing board to suspend a probationary employee for a specified period of time without pay as an alternative to dismissal for employees whose probationary period commenced prior to the 1983–84 fiscal year. (EC 44948)
- 6) Specifies the governing board of any school district having an ADA of less than 250 may elect to dismiss probationary employees during the school year pursuant to the provisions of Section 44948.3. (EC 44948.2)
- 7) Authorizes first and second year probationary employees to be dismissed during the school year for unsatisfactory performance or for cause, and specifies that this applies only to probationary employees whose probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and does not apply to probationary employees in a school district having an ADA of less than 250 pupils. (EC 44948.3)
- 8) Specifies a dismissal process for probationary employees of a school district with an ADA of less than 250 students and whose probationary period commenced prior to the 1983-84 fiscal year, which includes the following provisions, among others:
  - a) The dismissal hearing shall be conducted by an administrative law judge (ALJ); and
  - b) The ALJ shall make a recommendation to the school board and the final dismissal decision shall be made by the school board. (EC 44948.5)

- 9) Specifies that a person employed in an administrative or supervisory position requiring certification qualifications upon completing a probationary period, including any time served as a classroom teacher, in the same district, shall, in a district having an ADA of 250 or more pupils, be classified as and become a permanent employee as a classroom teacher. In a district having an ADA of less than 250 pupils, he or she may be so classified. (EC 44897)
- 10) Authorizes a county superintendent of schools to enter into contracts of employment with persons employed by him in positions requiring certification qualifications for periods not to exceed the end of the school year in which the term for which the county superintendent of schools was elected or appointed expires and in no event for more than four years and six months. (EC 1293)

**FISCAL EFFECT:** This bill was keyed non-fiscal by the office of Legislative Counsel.

**COMMENTS:**

*Need for the bill.* According to the author, “California is a diverse state with a diverse student body. Having a teaching staff that reflects the diversity of its students is essential for creating an inclusive and supportive learning environment.

When students see teachers who share their cultural, racial, or linguistic backgrounds, it fosters a sense of belonging and shows them that their identities are valued. Diverse teachers bring varied perspectives and experiences, enriching classroom discussions and helping address biases or gaps in traditional curricula. Representation also encourages greater understanding and connection, as teachers can draw on their own experiences to build meaningful relationships with students. A diverse teaching body not only promotes inclusivity, but also prepares all students to thrive in a multicultural society by modeling empathy, understanding, and respect for differences.

AB 917 will ensure that deserving educators and school employees in all school districts and county offices of education have an opportunity to achieve permanent employment status—providing career stability, workforce retention, and increasing the diversity of California’s education workforce.”

*What does this bill do?* This bill makes three changes regarding which credentialed employees can attain permanent employee status. The bill requires the following groups to attain permanent employee status after completing a probationary period:

- 1) ROCP instructors at a joint powers authority (JPA);
- 2) Certificated employees at school districts with an ADA of 250 or less; and
- 3) Certificated employees in a teaching position at COEs with an ADA of 250 or less.

Further, the bill makes changes to code sections that differentiate employment practices for school districts with less than 250 ADA and employees who were in their probationary period prior to the 1983-84 fiscal year.

*What protections does "permanent employee" status offer to these employees?* "Permanent employee" status guarantees the specific employees listed in the bill due process rights if they are dismissed. In the case of dismissal, "permanent employee" status allows employees to request a

hearing before a Commission on Professional Competence to decide whether their dismissal was appropriate. Further, a "permanent employee" has the right to request a hearing during a reduction in force.

**ROCP teachers.** This bill eliminates the prohibition on service as an ROCP teacher at a JPA as counting toward attaining permanent employee status. With the implementation of the Local Control Funding Formula (LCFF), ROCPs no longer receive categorical program funding. Instead, funding for ROCPs has been rolled into the funding that is allocated to local educational agencies (LEAs) through the LCFF, increasing the LCFF base rate for high schools by 2.6%.

The state budget provides \$150 million in ongoing funding to the Career Technical Education Incentive Grant (CTEIG) program at the CDE, and an additional \$150 million for the K-12 component of the Strong Workforce Program through the Chancellor of the Community Colleges. In 2021, the annual funding for CTEIG was increased to \$300 million. Prior to the adoption of the LCFF funding model, CTE programs were funded at up to \$400 million per year to meet the needs of students.

Generally, ROCP teachers have not been given permanent employee status due to the volatile nature of ROCP grant funding and the regional industry changes that mandate specific courses be offered through those programs. However, commencing July 1, 2025, service as an instructor at a ROCP operated by a single school district will be able to attain permanent status at a school district. LEAs are required to offer CTE career pathways in the industry sectors with demonstrated workforce needs in their region. As these industry demands change, the courses offered are required to change. A change in curriculum is an authorized reason for a school district to implement a reduction in force, and ROCP teachers with permanent status would then be entitled to request a reduction in force hearing.

**Timing of ROCP grant funding.** According to various ROCPs:

- 1) In the 2022-23 and the 2023-24 funding cycles, the State Board of Education (SBE) approved the CTEIG awardees on March 9 and March 6, respectively. Because of this late notice for grant awards, making the CTE instructors permanent would mean we would have to hand out notices every year to all CTE instructors just to be safe. Obviously, that would have an impact on morale, keeping quality CTE staff, and hiring new staff when needed.
- 2) For the 2019-20 round of CTEIG funding, Baldy View ROP was not awarded a grant, and the grants were approved by the SBE at the March 2020 hearing. This was especially difficult for Baldy View ROP because, in prior years, Baldy View ROP received approximately \$2.5 million each year in CTEIG funds. Luckily, Baldy View ROP did not have to lay off any of its teachers that year despite the loss of CTEIG funds because the ROP had enough funds from other sources. However, Baldy View ROP would not have been able to sustain this had the ROP not received other grants that fiscal year or in subsequent years. Even though layoffs were not an outcome for Baldy View ROP, this illustrates the volatility of funding for ROCPs. \$2.5 million was a considerable loss for Baldy View ROP, and each year, ROCPs have to cross their fingers that they will be approved for grants such as CTEIG and the K-12 Strong Workforce Program that comprise a large part of their local budgets.

**Layoff procedures.** According to the Legislative Analyst Office:

State law requires that districts lay off teachers in inverse seniority order. That is, the last teachers hired in the district—those having the least seniority—are first to be laid off. The state also specifies that no junior employee can be retained if a more senior employee is 'certificated or competent' to teach in that position. Though the state requires inverse-seniority order as the primary criteria for laying off staff, it allows districts to deviate from seniority for three specified reasons.

- 1) If two or more employees started with the district on the exact same date, the district has the right to develop standard criteria solely based on the district's and student's needs.
- 2) If the district demonstrates a need for specialized services that require a specific course of study, special training or experience (such as special education or speech pathologists), it may develop a system that gives higher priorities to teachers with these credentials or types of experience.
- 3) The state also allows deviating from seniority for 'maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.'

According to the California Federation of Teachers:

Legal precedent (*Bledsoe v. Biggs*, 2009) allows a district to choose to retain a more junior employee despite a more senior employee having the same "qualifications," so long as the district can demonstrate:

- 1) A specific need for an employee to teach a specific course or course of study; an
- 2) That the more junior employee has the "special training and experience necessary" to teach the course.

Competence is the threshold inquiry regarding bumping rights. If a permanent teacher "is certificated and competent to render" a service provided by a more junior teacher, the senior teacher is entitled to bump into that position and not be laid off. (EDC 44955(b). However, the district can adopt competencies, including minimum experience standards, to determine if an employee is competent to render services, as found in *Duax v. Kern CCD* (1987).

Thus, AB 917 does not limit a district's flexibility to change their CTE classes to respond to workforce demand. Even if a CTE teacher has permanent status, the layoff process allows for the reduction of staff if a particular kind of service is reduced or discontinued. Furthermore, there are exceptions to seniority-based layoffs when a less senior employee has specific qualifications or competencies necessary to teach the class. Providing CTE teachers a path to attain permanent status will simply ensure that they have due process rights and that these exceptions to seniority layoffs are fair.

**County offices and districts with less than 250 ADA.** There are 22 COEs with less than 250 ADA and approximately 200 school districts with less than 250 ADA. This bill will affect those 200 school districts by requiring that all certificated employees attain permanent employee status

after a probationary period. Additionally, at the 22 COEs with less than 250 ADA, certificated employees in a teaching position will earn permanent status after 2 years instead of after 3 years.

***Obsolete code sections.*** This bill deletes education code sections that only apply to employees whose probationary period commenced prior to the 1983-84 fiscal year and education code sections that apply to COEs and school districts with more or less than 250 ADA. The author's intent is to eliminate any education code sections that apply different rules to COEs and districts with more or less than 250 ADA so that all local education agencies follow the same requirements.

***Arguments in support.*** The California Teachers Association states, "California is facing persistent teacher shortages. School districts continue to find it difficult to fill vacancies with fully credentialed teachers, especially math, science, special education, and bilingual education teachers. Teacher shortages impact student learning as districts resort to relying on a revolving door of underprepared teachers and substitute teachers, increasing class sizes, and cutting course offerings altogether. Students of color and students from low-income backgrounds bear the brunt of these consequences, as teacher shortages are the most severe in schools serving more of these students. CTA believes all certificated employees hired on a temporary contract should be given every possible opportunity to achieve probationary and permanent status. CTA opposes usage of temporary contracts for continual and perpetual rehire. The practice of hiring temporary teachers for what should be deemed permanent positions erodes the rights and privileges of the profession, such as seniority, due process, retirement, and more."

***Arguments in opposition.*** The Coastline ROP states, "It is not hyperbole to say that if Education Code Section 44910 is repealed by AB 917, that it will likely mean the end of ROC/Ps in just a matter of years because it would remove our ability to properly respond to the needs of the labor market and industry. Furthermore, our JPAs are consortia that provide CTE pathways and courses for our students, but we do not receive direct state funding for our programs. We rely on the competitive CTE Incentive Grant and K12 Strong Workforce Program for much of our funding, and as a result, the flexibility in current statute also is needed so that we may adjust the level of services and coursework we offer to conform with our funding level in any given year. The current flexibility in statute is what allow our programs, and more importantly, our students to thrive."

***Related legislation.*** AB 2245 (Juan Carrillo), Chapter 956, Statutes of 2024, requires commencing July 1, 2025, service as an instructor in classes conducted at a regional occupational center or program (ROCP) operated by a single school district to be included in computing the service required to attain permanent employee status at a school district.

AB 2573 (McCarty) of the 21-22 Session would have made changes regarding which credentialed employees can attain permanent employee status, and deletes sections that differentiate employment practices for school districts with less than 250 average daily attendance (ADA) and employees who were in their probationary period prior to the 1983-84 fiscal year. This bill was held in the Senate Appropriations Committee.

AB 388 (Medina) of the 2021-22 Session would have made changes regarding which credentialed employees can attain permanent employee status, and deleted sections that differentiate employment practices for school districts with less than 250 ADA and employees

who were in their probationary period prior to the 1983-84 fiscal year. This bill was held in the Senate Appropriations Committee.

AB 2682 (Medina) of the 2019-20 Session would have extended permanent employee status to all nonsupervisory, non-management employees who work in positions requiring certification in school districts and COEs. This bill was held in the Assembly Education Committee.

AB 753 (Medina) of the 2015-16 Session would have extended permanent employee status to all nonsupervisory, non-management employees who work in positions requiring certification in school districts and COEs. This bill was held in the Assembly Appropriations Committee.

AB 1619 (Gonzalez) of the 2013-14 Session would have made changes, as of July 1, 2015, regarding which credentialed employees could attain permanent employee status. This bill was held in the Senate Education Committee.

AB 165 (Cohn) of the 2001-02 Session would have required COEs serving at least 250 average daily attendance to grant permanent status to a non-supervisory, nonmanagement employees who work in positions requiring certification, if the individual works two consecutive school years and is rehired for the next (third) year. This bill was held in the Assembly Appropriations Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Teachers Association  
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio

### **Opposition**

Alameda County Office of Education  
Association of California School Administrators  
Baldy View Regional Occupational Program  
California Association of School Business Officials (CASBO)  
California Association of Suburban School Districts  
California School Boards Association  
Career Technical Education Joint Powers Authority Coalition  
Carocp - the Association of Career and College Readiness Organizations  
Central Valley Education Coalition  
Chino Valley Unified School District  
Claremont Unified School District  
Coastline Rop  
College and Career Advantage, Jpa Rop  
Colton-redlands-yucaipa Regional Occupational Program  
Cutler-orosi Joint Unified School District  
Dinuba Unified School District  
East San Gabriel Valley Regional Occupational Program and Technical Center  
Eden Area Rop  
Kings Canyon Unified School District

Kingsburg Joint Union High School District  
Merced County Office of Education  
Metropolitan Education District  
Mission Valley Rop  
North Orange County Regional Occupational Program  
Parlier Unified School District  
Riverside County Office of Education  
Sanger Unified School District  
School Employers Association of California (SEAC)  
Selma Unified School District  
Small School Districts Association  
Southern California Regional Occupational Center  
Tri-cities Regional Occupational Program  
Tri-valley Regional Occupational Program  
Valley Regional Occupational Program

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