



March 17, 2022

The Honorable Patrick O'Donnell, Chair
 Assembly Education Committee
 Legislative Office Building
 1020 N Street, Room 159
 Sacramento, CA 95814

Re: AB 2573 (McCarty): Certificated school employees: probationary employees. (As introduced)
 Position: Oppose
 Hearing Date: Assembly Education Committee – March 23, 2022

Dear Assembly Member O'Donnell,

On behalf of the local educational agencies and statewide education organizations represented on this letter, we are writing to respectfully express our opposition to Assembly Bill 2573 (McCarty), which expands the classification of permanent status employees. Specifically, this bill would make 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).

Loss of Flexibility to Meet Changing Student Needs

Current law regarding school districts with an ADA of 250 or less was negotiated in 1983 as part of the Hughes-Hart Educational Reform Act of 1983. This flexibility has been allowed to address the changing needs of a student population that creates unique staffing challenges. We are concerned this bill would reduce the flexibility of small districts and county offices of education to address the changing needs of their student population, where small school populations create unique staffing challenges.

Drastic Changes to the Probationary Period for All Teachers Employed on Assignment

This bill goes well beyond creating parity for teachers in certain educational programs. In a sweeping change to existing law, AB 2573 would give all probationary teachers credit for a full year served so long as the probationary employee served just 75 percent of the number of days required of the assignment, as opposed to days of the school year (current law). Assignments may include part time employment for just a matter of weeks or months, which is not enough to time to ensure an employee has the capability to fulfill the duties of a position.

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Industry Sector Programs Diminished by Seniority Rule

Designated service credentials are assigned by industry sector – within these sectors are 58 pathways. For example, if instructors who work in Adult Education as well as Career and Technical Education programs become permanent, then layoffs are determined by seniority that could result in an instructor being placed in a position very different from their current expertise simply because they hold the same credential as an individual with less seniority. This bill would also limit a district's ability to provide the career technical education classes that would be in the most demand for today's workforce needs.

Impact of Process and Fiscal Constraints

Lastly, expanding the rights of permanent teachers to all certificated employees will be cost prohibitive as school districts would need to put a dismissal process in place, mirrored for permanent teachers. We have concerns about the public policy impacts of beginning a process of granting tenure rights to additional positions, particularly in non-teaching positions.

For the reasons outlined above, we must respectfully oppose AB 2573. Should you have any questions, please do not hesitate to contact Leilani Aguinaldo at LeilaniA@sscal.com.

Sincerely,



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Career Technical Education Joint Powers Authority
Coalition



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cc: Honorable Members, Assembly Education Committee
Honorable Kevin McCarty, California State Assembly