
UNFINISHED BUSINESS

Bill No: SB 913
Author: Hertzberg (D), et al.
Amended: 8/15/22
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 3/9/22
AYES: Leyva, Ochoa Bogh, Cortese, Dahle, Glazer, McGuire, Pan

SENATE JUDICIARY COMMITTEE: 11-0, 3/29/22
AYES: Umberg, Borgeas, Durazo, Gonzalez, Hertzberg, Jones, Laird, McGuire, Stern, Wieckowski, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 37-0, 4/28/22
AYES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener
NO VOTE RECORDED: Grove, Laird, Wilk

ASSEMBLY FLOOR: 76-0, 8/22/22 - See last page for vote

SUBJECT: School districts: operations

SOURCE: Los Angeles Unified School District

DIGEST: This bill reduces the threshold of average daily attendance (ADA), from 400,000 to 250,000, which provides very large school district(s) some flexibility relative to several provisions in the Education Code, thereby reflecting the drop in enrollment in the state's largest school district

Assembly Amendments (a) reduce the new threshold of ADA from 300,000 to 250,000; and, (b) delete the exemption from administrator-to-teacher ratios.

ANALYSIS:

Existing law:

Single gender schools and classes

- 1) Authorizes a school district with an ADA of 400,000 or more students, and a charter school that is authorized by such district, to maintain any single gender schools and classes, as specified. (Education Code § 232.2)

Notice of intent to lease real property

- 2) Authorizes the governing board of any school district having an ADA of 400,000 or more, in lieu of a declaration of intention to lease real property, to publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district. (EC § 17467)

Sale or lease of property with a playground or playing field

- 3) Exempts any school district having an ADA of 400,000 or more from provision relating to the sale or lease of a schoolsite that has a school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes. (EC § 17500)

Governing board member compensation

- 4) Authorizes each member of the city board of education or the governing board of a school district with an ADA for the prior year exceeding 400,000, who attends all meetings held to receive as compensation for the member's services a sum not to exceed two thousand dollars (\$2,000) per month. (EC § 35120)

Substitute or temporary employees serving a complete school year

- 5) Exempts any school district in which the ADA is in excess of 400,000 from provisions related to deeming a substitute or temporary employee, who serves during one school year for at least 75 percent of the school year and has performed the duties normally required of a certificated employee of the school district, as a probationary employee if employed as a probationary employee for the following school year. (EC § 44918)

Teachers on emergency permit

- 6) Prohibits schools in any school district having an ADA in excess of 400,000 from having at any time a certificated teaching staff, excluding substitutes, of whom more than 5 percent have only an emergency credential. (EC § 44928)

Layoff of probationary certificated employees

- 7) Prohibits, for a school district in which the ADA is 400,000 or more, layoff provisions from being applicable to probationary certificated employees who are covered by a collective agreement which contains provisions for the layoff and reassignment of such employees. (EC § 44959.5)

Transmission of fees to employee organization

- 8) Requires the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 working days of issuing the paycheck containing the deduction to the employee. (EC § 45168.5)

Sick leave for classified employees

- 9) Exempts a school district or districts, governed by the same governing board, in which the combined ADA of all districts is in excess of 400,000 from the requirement to provide at least 12 days of sick leave to specified classified employees, provided such districts maintain sick leave policies as specified. (EC § 45191)

Personnel commission in districts with a merit system

- 10) Allows a unified school district with an ADA in excess of 400,000, to authorize payment to members of the personnel commission an amount not to exceed \$100 per meeting, and not to exceed \$500 per month. (EC § 45251)

Determining “length of service” relative to classified employee layoffs

- 11) Provides that “length of service,” in school districts with an ADA 400,000 or more, for service commencing or continuing after January 1, 1986, is to be determined by the date of hire. (EC § 45308)

This bill reduces the threshold of ADA, from 400,000 to 250,000, which provides very large school district(s) some flexibility relative to several provisions in the

Education Code, thereby reflecting the drop in enrollment in the state's largest school district. Specifically, this bill:

- 1) Reduces the ADA threshold from 400,000 to 250,000 relative to the following provisions in the Education Code:

Single gender schools and classes

- a) Authorizes a school district with an ADA of 250,000 or more students, and a charter school that is authorized by such district, to maintain any single gender schools and classes, as specified.

Notice of intent to lease real property

- b) Authorizes the governing board of any school district having an ADA of 250,000 or more, in lieu of a declaration of intention to lease real property, to publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district.

Sale or lease of property with a playground or playing field

- c) Exempts any school district having an ADA of 250,000 or more from provision relating to the sale or lease of a schoolsite that has a school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes.

Substitute or temporary employees serving a complete school year

- d) Exempts any school district in which the ADA is in excess of 250,000 from provisions related to deeming a substitute or temporary employee, who serves during one school year for at least 75 percent of school year and has performed the duties normally required of a certificated employee of the school district, as a probationary employee if employed as a probationary employee for the following school year.

Teachers on emergency permit

- e) Prohibits schools in any school district having an ADA in excess of 250,000 from having at any time a certificated teaching staff, excluding substitutes, of whom more than 5 percent have only an emergency credential.

Layoff of probationary certificated employees

- f) Prohibits, for a school district in which the ADA is 250,000 or more, layoff provisions from being applicable to probationary certificated employees who are covered by a collective agreement which contains provisions for the layoff and reassignment of such employees.

Sick leave for classified employees

- g) Exempts a school district or districts, governed by the same governing board, in which the combined ADA of all districts is in excess of 250,000 from the requirement to provide at least 12 days of sick leave to specified classified employees, provided such districts maintain sick leave policies as specified.

Personnel commission in districts with a merit system

- h) Allows a unified school district with an ADA in excess of 250,000, to authorize payment to members of the personnel commission an amount not to exceed \$100 per meeting, and not to exceed \$500 per month.

Determining “length of service” relative to classified employee layoffs

- i) Provides that “length of service,” in school districts with an ADA 250,000 or more, for service commencing or continuing after January 1, 1986, is to be determined by the date of hire.
- 2) Deletes the cap of \$2,000 per month as compensation for each member of the governing board of a school district with an ADA for the prior year exceeding 250,000, who attends all meetings held, and instead authorizes board members’ salaries to be set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee. This bill also strikes reference to the city board of education, as no such body exists.
- 3) Eliminates the requirement that the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 working days of issuing the paycheck containing the deduction to the employee.

Comments

Applies only to Los Angeles Unified School District. The Los Angeles Unified School District (LAUSD) is the only school district in the state with an ADA of 250,000 or more. As mentioned in the author's statement, LAUSD's ADA has declined and has dropped below 400,000; therefore it is necessary to adjust the ADA threshold in certain statutes to maintain LAUSD's use of flexibility provided by those statutes.

As recently noted by the Los Angeles Times and others, LAUSD estimates that between 10,000 and 20,000 students are not enrolled or stopped attending last school year. This decline is in addition to on-going incremental declining enrollment, with a projected decline of 30 percent over the next decade.

Governing board member compensation. The bill deletes the cap of \$2,000 per month as compensation for each member of the governing board of a school district with an ADA for the prior year exceeding 250,000, who attends all meetings held, and instead authorizes board members' salaries to be set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee.

According to the author, this change in how compensation for LAUSD governing board members is necessary to reflect Los Angeles City Charter's Rule 804, which requires the total compensation for members of the board of education of the LAUSD to be set by a compensation committee, provides for how the membership of the committee will be appointed, and requires the committee to consider specified factors when establishing the annual salary and benefits.

Rule 804 also authorizes the LAUSD board of education, on an annual basis in years when the committee is not performing a compensation review, to increase the compensation and other benefits of individual or all board members beyond the amount established by the compensation committee, in an amount not to exceed two percent of the applicable total combined amount of compensation and benefits.

According to the author, the LAUSD Board Compensation Review Committee met and issued a resolution in 2017, as authorized by the Los Angeles City Charter, which resulted in an annual salary of \$125,000 for full-time board members. Records show that the prior salary was \$45,637 for full-time board members (those with no outside income), and for part-time board members the annual salary is now capped at \$50,000, a raise from the previous figure of \$26,437.

According to the author, the LAUSD believes the provisions of the Los Angeles City Charter supersede the existing provisions in the Education Code relative to a cap of a monthly salary of \$2,000. This bill has been double-referred to the Senate Judiciary Committee, where such issues were considered.

Transmission of fees to employee organization. This bill eliminates the requirement that the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 working days of issuing the paycheck containing the deduction to the employee.

The result is that LAUSD will be required to meet a similar provision that is applicable to all other school districts, which requires the fees to be transmitted within 15 days (not working days) of issuing paychecks. According to the author, the LAUSD will be able to meet this reduced timeline.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, this bill imposes no costs to the state.

SUPPORT: (Verified 8/22/22)

Los Angeles Unified School District (source)

OPPOSITION: (Verified 8/22/22)

None received

ASSEMBLY FLOOR: 76-0, 8/22/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Low, Maienschein, Mathis, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua,

Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon
NO VOTE RECORDED: Bigelow, Davies, Levine, Voepel

Prepared by: Lynn Lorber / ED. / (916) 651-4105
8/22/22 19:59:10

***** **END** *****