

ASSEMBLY THIRD READING
AB 2120 (Solache)
As Introduced February 18, 2026
Majority vote

SUMMARY

Repeals the sunset date for the alternative hiring process at the Los Angeles Unified School District (LAUSD) for certain merit system classified service job classifications.

Major Provisions

- 1) Permanently extends the authority of the LAUSD to make an appointment from other than the first three ranks on the eligibility list by repealing the existing sunset date of January 1, 2027, granting this authority.
- 2) Removes the classification "Information Technology Electronic Communications Technician" from this alternative hiring process.
- 3) States that a classified employee hired using the alternative hiring process may be retained, without regard to seniority, if the employee's layoff would deprive the district of the qualifications listed that was the basis for the employee's original employment.

COMMENTS

Brief History of the Establishment of Merit Systems in California Public Schools

"Merit systems," also commonly referred to as district "civil service systems" relating to public education in California are independent of the school or community college district's governing board where the personnel commission of a "merit system" district is responsible for administering the hiring and retention of classified school employees through a statutory framework pursuant to the Education Code. A personnel commission is an independent board separate from the governing board of a school district where a personnel commission has been formally adopted to cover employees.

Merit systems derive from the late 19th and early 20th century civil service movement that sought to curtail the "spoils" resulting from political patronage in the system whereby elected political candidates rewarded their supporters with government positions. These systems arose out of a particularly egregious school board decision to discharge over 700 classified employees in the 1930s upon the new board's election. This history strongly suggests that the Legislature intended the merit system framework as a means to protect classified employees from local political mistreatment at a time prior to public sector collective bargaining, and in which such systems continue to exist. The personnel commission's main directive is to ensure fair and objective treatment of all applicants and employees. Generally, in the public education employment arena, districts that have not formally adopted the merit system are referred to as "nonmerit" districts. For such districts, employment matters are not addressed by a personnel commission.

Vacancies in the classified service are filled from applicants on eligibility lists, except for vacancies filled by transfer, demotion, reinstatement, or reemployment in accordance with rules of the commission. An applicant's place on an eligibility list is determined by their performance

on a competitive examination. All eligible applicants with the same score are considered as having the same rank, and positions generally are filled by applicants from the first three ranks on an eligibility list. Appointments may be made from other than the first three ranks when the ability to speak, read, or write a language in addition to English, possession of a valid driver's license, specialized licenses or ability, or gender is a requirement of the position.

Exemption from the "Rule of Three Ranks."

The rationale for the exemptions permanently extended by this bill, as described in an analysis of Chapter 881, Statutes of 2003 (Assembly Bill 424, Richman) was that these provisions would "provide efficiencies, economies and flexibility in the examination and selection process for classified employees of the [LAUSD]." At that time, the sponsor of that bill stated that the "Rule of Three Ranks" takes between one and four months to fill a vacancy, and that "at any given time, there are tens of vacancies in any given classification. If one school must select from the top three ranks before the next school can select, inordinate delays are created in the hiring of qualified employees." The sponsor estimated that an exemption would reduce hiring time to two to three weeks.

Examples of Selective Certification Use in Other Jurisdictions

Similar to California's various civil service statutes, the federal Office of Personnel Management's (OPM) process for federal employment involves the selection of eligible candidates for appointment based on merit and fitness. This process is governed by specific regulations and guidelines to ensure a fair and open competition. The selection is made from a list of eligibles, known as a certificate, which may be prepared from the most nearly appropriate existing register. The OPM may rerate the eligibles on the register based on the particular requirements of the position.

This authorization, pursuant to Section 332.403, Title 5 of the Code of Federal Regulations expressly provides, "[w]hen there is no register appropriate as a whole for the certification of eligibles for a particular position, [the federal Office of Personnel Management (OPM)] may prepare a certificate from the most nearly appropriate existing register by the selective certification of eligibles qualified for the particular position in the order of their ranking on the register. Special overseas selection factors may also be used as a basis for selective certification from a register used for filling overseas positions. When appropriate, [the OPM] may rerate the eligibles on the register on the basis of the particular requirements of the position."

In New York City, the "selective certification process allows for candidates with specialized skills to be preferentially hired for positions requiring specific qualifications. This enables agencies... to identify candidates with special qualifications not tested in exams [and.] creates a smaller, specialized list of candidates from the broader eligible list, facilitating faster hiring needs for roles."¹

The City of Sacramento also uses selective certification. Its Civil Service Board Rules and Regulations provide that, "[i]f a vacancy exists within a classification, the appointing authority

¹ "What is the selective certification process and how does it work for city positions?" Committee on Civil Service and Labor, New York City Council. February 27, 2024. Also see, "Rule 4.7.10 Selective Certification," The Rules of the City of New York.

may request a selective certification (special qualifications) of eligibles having the specialized qualifications required if such request is made prior to certification. If the Board, after public hearing, determines that the facts and reasons justify such selective certification, the highest ranking eligibles who possess the special qualifications shall be certified. Notwithstanding any other provision of these rules, the Board must initiate selective certification (special qualifications) whenever the City workforce is constituted in such a manner that certain segments of the population are being insufficiently served because the workforce cannot adequately relate to their needs or culture. Such certification shall be applicable in all classifications where open competitive examinations are given and where the Board determines that the desired special qualifications will most effectively meet the needs of those under-served citizens of Sacramento and help further the goal of achieving a diversified workforce." (Rule 6.7(b), Rules and Regulations of the Sacramento City Civil Service Board.) Although various other examples exist, the underlying purpose for the use, when appropriate, of selective certification remains the same.

Please refer to the respective policy committee analyses for a full discussion of this bill.

According to the Author

"Selective certification has allowed [the] LAUSD to decrease the time to hire staff in certain, critical roles, who have the skills to effectively support our schools and families on day one. In a time of decreasing enrollment and increasing costs, every dollar counts. Selective Certification is cost-effective and provides decreased disruption of service."

Arguments in Support

Among other things, the LAUSD states that, "[it] has used Selective Certification since 2003, which allows the district to move quickly to fill certain positions that require skills that cannot be acquired on the job, such as fluency in a foreign language. Prior to the implementation of Selective Certification in 2003, the district required between one to three months to fill a vacancy. These positions are now filled in two to five weeks, greatly improving continued service for our staff and students. Additionally, Selective Certification allows the district to most efficiently utilize taxpayer dollars by hiring candidates who have the skills to effectively perform the job on day one. [This bill] will further the impact of this policy, by allowing the district to retain employees with specialized skill sets during reductions in force."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, this bill would result in no new state costs.

VOTES

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 6-0-1

YES: McKinnor, Lackey, Boerner, Garcia, Nguyen, Michelle Rodriguez

ABS, ABST OR NV: Alanis

ASM EDUCATION: 9-0-0

YES: Patel, Hoover, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Pellerin, Zbur

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Aguiar-Curry, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

ABS, ABST OR NV: Arambula

UPDATED

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