
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: AB 2120 **Hearing Date:** June 10, 2026
Author: Solache
Version: February 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: Glenn Miles

SUBJECT: School district employees: merit system

KEY ISSUE

This bill deletes the sunset date for Los Angeles Unified School District (LAUSD)'s Selective Certification process, an alternative to the merit hiring process for specified school classified positions. The bill also exempts employees hired under the Selective Certification from seniority rules during layoffs, as specified.

ANALYSIS

Existing law:

- 1) Authorizes both the adoption and termination of a merit system in a school district by a majority vote of its classified employees, or by a majority vote of the voting electors of the district. A majority vote of the district board and the county superintendent of schools with the consent of a majority of the county board of education may also adopt a merit system, as specified. (Education Code (EC) § 45220 et seq.)
- 2) Requires the governing board of a school district within 120 days after receipt of the petition to adopt a merit system by the classified members to obtain the services of competent and qualified persons to present the pros and cons of a merit system (However, the classified employees who submitted the petition may select the person or persons to present the proponent position on the issue) and to provide adequate and ample opportunity for all of its classified personnel to attend one or more meetings at which the issue is presented. (EC § 45221)
- 3) Provides, should a school district adopt a merit system, for the appointment process of a personnel commission to administer it. (EC § 45240 et seq.)
- 4) Requires that vacancies in the classified service of a school district that has adopted the merit system be filled by appointments from eligible applicants on the applicable eligibility list who are ready and willing to accept the position, in order of rank on the list. (EC § 45277)
- 5) Authorizes the LAUSD, until January 1, 2027, to make an appointment to specified classifications from other than the first three ranks on the eligibility list if one or more specified criteria are required for successful job performance. In those circumstances, appointments must be made from among the highest three ranks of eligible candidates on the list who meet the special requirements and are ready and willing to accept the position. (EC § 45277.5)

- 6) Requires that when classified employees are subject to layoff for lack of work or lack of funds, the order of layoff within a class is determined by length of service, with the employee who has been employed the shortest time laid off first and reemployment occurring in order of seniority. (EC § 45308)

This bill:

- 1) Strikes the sunset language for existing law that authorizes the Selective Certification process, making the exemption from merit system hiring permanent.
- 2) Eliminates the “Information technology electronic communications technician” classification from the list of position classifications that LAUSD can hire through the Selective Certification process.
- 3) Provides that LAUSD may retain a classified employee hired through the Selective Certification process without regard to seniority during layoffs if the employee’s layoff would deprive the district of specified qualifications that were the basis for the employee’s original employment.
- 4) Clarifies that if a governing board *of a school district* enters into an agreement with the exclusive representative of classified employees that defines “length of service” to mean the hire date, the governing board may define “length of service” to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

COMMENTS

1. Background

Existing law allows school district to establish a personnel commission and transfer hiring and human resource functions from the governing board to the commission to ensure fair and objective treatment of all job applicants and employees. Known as a merit district, this system provides for a set of rules and procedures governing the selection, promotion, retention, and discipline of classified staff in order to avoid favoritism or prejudice. The commission is responsible for classifying and reclassifying positions and presiding over appeal hearings of classified employee disciplinary actions.

Merit districts hire classified staff from the first three ranks of eligibility lists compiled from competitive job examinations although the district may make appointments from other than the first three ranks when the position requires 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 a specific gender. Otherwise, districts are required to use the merit process.

Although LAUSD is a merit district subject to the general “civil service” rules governing merit districts, since 2003 it has enjoyed an exemption to use an alternative process for some classified employee hires called Selective Certification. Under current law, the authorization for this process will end on January 1, 2027.

The Legislature has broadened and narrowed the exemption several times by shortening or lengthening its authorization through periodic sunset dates and adding or subtracting the classifications for which LAUSD may use the process.

This bill would reauthorize LAUSD's exemption, make it permanent, eliminate one position classification as described above, and provide new authority to exempt these positions from layoff seniority rules, as specified.

LAUSD classified employees are generally represented by unions affiliated with CSEA, SEIU, and the Teamsters. The positions subject to the Selective Certification process are represented by the Teamsters affiliates and include both school administrators and service managers.¹

While LAUSD and the author note that the exemption allows the district to fill vacancies in two to five weeks that would otherwise require between one to three months to fill, it is unclear how the exemption is being used, its effectiveness, what guardrails exist against favoritism and other non-merit appointments.

LAUSD is the second largest school district in the country after New York City.² Its governance is uniquely complex and challenging and probably warrants a certain level of flexibility. However, the committee recommends that the bill extending the exemption include a new sunset date given the added layoff exemptions and other public concerns regarding LAUSD's governance, financial challenges, and related liability. Moreover, the committee recommends that the bill include a requirement that LAUSD provide a report to the Legislature regarding its use of the exemption to be submitted prior to the new recommended sunset date.

2. Recommended Committee Amendments

Ed Code Section 45277.5):

... (f) On or before January 1, 2030, the Los Angeles Unified School District shall submit a report to the Legislature, in compliance with Section 9795 of the Government Code, on the use of an exemption to the merit process as authorized by this section. The report shall include all of the following:

(1) A list of positions and classifications filled using the exemption.

(2) The required skill or ability underlying the justification for an individual hired by the exemption.

(3) A certification that no candidate on an eligibility list within the first three ranks had the required skill or ability listed in paragraph (2) for the respective position.

(4) A list and concise explanation of any termination for cause of a person hired through the exemption process.

¹ See Teamsters Local 2010, <https://teamsters2010.org/>, and Teamsters Local 572, <https://www.teamsters572.org/industries/public-sector/>

² See World Atlas, *Largest School Districts in the United States*, <https://www.worldatlas.com/society/largest-school-districts-in-the-united-states.html>

(5) A list and concise description of any classified employees who were subject to layoff in lieu of an employee who retained their position due to an exemption authorized by this section, including whether the laid-off employee was later rehired by the district.

(6) Demographic data of the employees whom the district hired to fill the positions using the exemption.

(g) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

3. Need for this bill?

According to the author:

“Without selective certification, if the first three ranks do not possess the necessary knowledge or certification, the hiring division faces significant operational risks. The division is compelled to onboard individuals who require immediate, intensive remedial training. This results in a prolonged skills and productivity gap of up to two years, increased turnover, and the additional cost of restarting the recruitment cycle should the candidate fail to achieve the necessary competencies. Selective certification allows the district to most efficiently utilize taxpayer dollars by hiring candidates who are able to effectively perform the job on day one.”

“Additionally, in the event of a reduction in force, the District may be compelled to lay off a recently-hired employee who was hired specifically due to possessing a certain skill set or qualification. This bill would allow the district to skip over these employees during reductions in force, if following the typical layoff pattern would deprive the district of the special skill for which the employee was hired.”

4. Proponent Arguments

According to the Los Angeles Unified School District:

“Los Angeles Unified 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. AB 2120 will further the impact of this policy, by allowing the district to retain employees with specialized skill sets during reductions in force.”

5. Opponent Arguments:

None received.

6. Prior Legislation:

AB 1859 (Santiago), Chapter 67, Statutes of 2020, extended from December 31, 2020, to January 1, 2027, exemptions from the requirement that a merit system school district fill classified employee vacancies with applicants from the first three ranks on an eligibility list.

AB 1339 (Santiago), Chapter 243, Statutes of 2015, extended the exemption from the requirement to appoint from the first three ranks until December 31, 2020, and struck "information technology solution technician" from the list of positions subject to this exemption.

AB 2125 (Hall), Chapter 56, Statutes of 2012, extended the exemption from the requirement to appoint from the first three ranks to December 31, 2015, and reduced the application to nine positions.

AB 1293 (Hall), Chapter 145, Statutes of 2009, added nine additional positions to which the exemption from the requirement to appoint from the first three ranks may apply.

AB 415 (Karnette), Chapter 186, Statutes of 2008, added "any classifications that have been designated as management" to the positions exempted from the requirement to appoint from the first three ranks.

AB 580 (Smyth), Chapter 528, Statutes of 2007, extended the exemption from the requirement to appoint from the first three ranks to January 1, 2012, and limited its application to 16 specified positions.

AB 1772 (Assembly Public Employees, Retirement and Social Security Committee), Chapter 547, Statutes of 2005, extended the exemption from the requirement to appoint from the first three ranks to January 1, 2007.

AB 424 (Richman), Chapter 881, Statutes of 2003, created the exemption from the requirement to appoint from the first three ranks. That bill did not restrict the exemption to specified positions.

SUPPORT

Los Angeles Unified School District (Sponsor)

OPPOSITION

None received.

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