
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No: AB 917 **Hearing Date:** July 1, 2026
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Version: February 19, 2025
Urgency: No **Fiscal:** No
Consultant: Ian Johnson

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

NOTE: This bill has been referred to the Committees on Education and *Appropriations*. A “do pass” motion should include referral to the Committee on *Appropriations*.

SUMMARY

This bill changes when some certificated employees earn permanent status by eliminating distinctions based on a district’s size and allowing service in any regional occupational center or program (ROCP), not just those operated by a single school district, to count toward permanent status.

BACKGROUND

Existing law:

- 1) Requires most certificated employees in school districts with an average daily attendance (ADA) of 250 or more to be classified as permanent after two years of satisfactory service and reelection for a third year. (Education Code (EC) § 44929.21)
- 2) Permits, but does not require, school districts with fewer than 250 ADA to grant permanent status after three years of service and reelection for a fourth year. (EC § 44929.23)
- 3) Applies a two-year probationary period for permanent status to county office of education (COE) teachers only if the COE has ADA of 250 or more. (EC § 1296)
- 4) Prohibits service as an instructor in classes conducted at a ROCP from counting toward permanent status in a school district, but provides an exception allowing such service to count if the ROCP is operated by a single school district. (EC § 44910)
- 5) Includes a number of employment and dismissal provisions that apply differently to certificated employees whose probationary period began before the 1983–84 fiscal year or to those employed in small school districts or COEs. (EC § 44948)

ANALYSIS

This bill:

- 1) Requires certificated employees in school districts and COEs with fewer than 250 ADA to be granted permanent status after two years of employment and reelection for a third year, consistent with the probationary period applicable to larger local educational agencies (LEAs).
- 2) Repeals Education Code Section 44910, which currently prohibits service as an instructor in an ROCP from counting toward permanent status in a school district, except when the ROCP is operated by a single school district.
- 3) Adds a new version of Section 44910 that affirms service in any ROCP counts toward permanent status in a school district, without distinguishing the ROCP's operator.
- 4) Repeals or amends various Education Code sections that apply only to employees whose probationary period began before the 1983–84 fiscal year, including provisions that establish alternative dismissal procedures or longer probationary timelines in small school districts.
- 5) Makes conforming changes to provisions governing dismissal, suspension, reassignment, and employment contracts to align with the bill's permanent status requirements and apply due process protections uniformly across all LEAs.

STAFF COMMENTS

- 1) ***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.”

- 2) ***What does permanent status mean?*** Permanent status provides certificated employees with due process protections against dismissal or non-reelection. A

permanent employee may only be dismissed for statutorily defined causes and is entitled to a hearing before a Commission on Professional Competence if dismissal is challenged. Permanent status also affects how employees are treated during reductions in force, including rights related to seniority, bumping, and notice. These protections are intended to promote stability in the workforce, discourage arbitrary employment decisions, and support the retention of qualified staff. At the same time, they can limit an employer's flexibility to reassign or reduce staff based on shifting programmatic needs.

- 3) ***Why have certain employees historically been excluded from permanent status?*** California law has long varied permanent status eligibility based on school size, probationary start date, and program type. For example, until recently, adult education teachers were excluded from attaining permanent status. AB 897 (McCarty, Chapter 548, Statutes of 2023) removed this exclusion for adult education teachers employed by school districts, provided they serve at least 75% of full-time equivalent hours. Legislative discussion around AB 897 noted that adult education programs have historically been categorically funded and often operated outside traditional TK–12 staffing and accountability structures, contributing to their exclusion from permanent status provisions.

Similarly, instructors in ROCPs have long been excluded from the permanent status pathway unless the ROCP was operated by a single school district. AB 2245 (Juan Carrillo, Chapter 956, Statutes of 2024) amended this framework by requiring, commencing July 1, 2025, that service as an instructor in classes conducted at an ROCP operated by a single school district be included in computing the service required to attain permanent employee status at that school district, ensuring that employment relationships are recognized when the operator and employer are the same.

The ongoing expansion—first via AB 897 for adult education and then AB 2245 for single-district ROCP instructors—suggests a broader legislative interest in eliminating carve-outs that were historically justified by funding instability, part-time staffing patterns, or the specialized governance of certain programs. This bill continues this trend by eliminating distinctions based on district size and removing operator-based limitations on which ROCP instructors may accrue service credit toward permanent status.

- 4) ***Arguments for expanding permanent status eligibility.*** Proponents of expanding eligibility argue that permanent status offers basic job protections that should apply to all certificated employees, regardless of the size of their employing agency or the structure of the program in which they teach. They note that temporary or probationary employment can discourage retention, particularly in hard-to-staff positions. Supporters also contend that distinctions based on ADA thresholds or employment start dates are outdated and arbitrary, and that funding instability should be addressed through budget and program reforms rather than limiting employee rights. In the context of ROCPs, they argue that as funding has shifted into the Local Control Funding Formula (LCFF), instructors should be treated like other high school educators.

- 5) **Arguments for maintaining some exclusions.** Opponents of expanding permanent status argue that in small districts and specialized programs like ROCPs, staffing needs are more variable and sensitive to funding changes, making rigid employment protections harder to manage. In the case of ROCPs, industry alignment is critical, and course offerings may need to change rapidly in response to labor market trends. Critics argue that permanent status can reduce a program’s ability to phase out outdated courses and replace instructors whose skillsets are no longer aligned with evolving needs. Additionally, some joint powers authority (JPA) operated ROCPs do not receive direct state funding, relying instead on competitive grants like the Career Technical Education Incentive Grant (CTEIG) and the K–12 Strong Workforce Program, which can vary significantly year to year.
- 6) **Should district size or program type matter?** This bill raises the broader question of whether distinctions in permanent status eligibility based on district size or program type remain appropriate. On one hand, applying uniform tenure rules across all LEAs promotes fairness and predictability for certificated employees performing similar work. On the other hand, the operational realities of small school districts, COEs, and ROCPs may justify different approaches to probation and tenure.

There are approximately 200 school districts and 22 COEs with fewer than 250 units of ADA. Under current law, these small LEAs are exempt from the standard two-year probationary timeline and are not required to grant permanent status at all—though they may do so after three years, at their discretion. Removing that exemption would require these LEAs to make tenure decisions earlier, which could be challenging given limited administrative capacity, small applicant pools, and enrollment volatility.

For COEs in particular, ADA tends to be low even when they operate many programs and employ sizable certificated workforces, because COEs only receive ADA—and generate LCFF funding—for specific high-need student populations, such as those in juvenile court schools or county community programs. As a result, the 250-ADA threshold may exclude COEs that serve many students through specialized programs. Requiring earlier tenure decisions for COEs with technically “low” ADA could create obligations that are not well-aligned with their program structure or funding streams.

- 7) **Potential implementation issues: Who grants permanent status when service is in an ROCP?** This bill replaces the current exclusion in Education Code Section 44910 with an affirmative provision stating that service in any ROCP counts toward permanent status in a school district. However, the bill does not specify how that service is to be credited—or by whom—when the ROCP is operated by an entity other than a single school district or when the instructor is not employed by a school district.

ROCPs in California are operated under different governance models. Some are run by a single school district, others by a COE, and others by a JPA composed of multiple school districts. Instructor employment arrangements vary

accordingly—some are employees of a school district, others of a COE, and others of the JPA itself.

These governance and employment structures create ambiguity under the bill's current framework. For example:

- a) If the instructor is employed by a JPA, which school district—if any—is responsible for granting permanent status? Is it a member district of the JPA? A designated lead agency? The student's district of residence?
- b) If the instructor is employed by a COE, is the COE required to grant permanent status, or must a school district do so based on service outside its direct employment structure?

As currently drafted, the bill could be interpreted to require a school district to grant permanent status to an individual with whom it has no employment relationship. This could create legal and administrative conflicts, particularly if districts are required to confer status on instructors over whom they have no employment relationship or direct oversight.

To address this ambiguity, **staff recommends amending the bill** to clarify that permanent status may only accrue to instructors employed by a school district or COE. This approach aligns with the existing structure of certificated employment law and avoids extending tenure obligations to JPAs, which are not currently subject to Education Code provisions governing teacher tenure, evaluation, or dismissal.

SUPPORT

California Teachers Association (sponsor)
California Federation of Teachers
California School Employees Association
California State Council of Service Employees International Union

OPPOSITION

Association of California School Administrators
Baldy View Regional Occupational Program
California Association of School Business Officials
California Association of Suburban School Districts
California County Superintendents
California School Boards Association
Career Technical Education Joint Powers Authority Coalition
CAROCP: the Association of Career and College Readiness Organizations
Central Valley Education Association
Central Valley Education Coalition
Chino Valley Unified School District
Claremont Unified School District
Coastline ROP
College and Career Advantage

Cutler-Orosi Joint Unified School District
Dinuba Unified School District
Eden Area ROP
Kings Canyon Unified School District
Kingsburg Joint Union High School District
Mission Valley ROP
Office of the Riverside County Superintendent of Schools
Orange County Department of Education
Parlier Unified School District
Riverside County Office of Education
San Bernardino County District Advocates for Better Schools
Sanger Unified School District
School Employers Association of California
Selma Unified School District
Small School Districts' Association
Tri-Cities Regional Occupational Program
Tri-Valley Regional Occupational Program
Upland Unified School District
Valley Regional Occupational Program

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