

CONCURRENCE IN SENATE AMENDMENTS

AB 917 (Ávila Farías)

As Amended July 6, 2026

Majority vote

SUMMARY

Makes 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) and employees who were in their probationary period prior to the 1983-84 fiscal year.

Senate Amendments

Change the operative date of the bill to July 1, 2027.

COMMENTS

What does this bill do? This bill makes three changes regarding which credentialed employees can attain permanent employee status. The bill requires the following groups to attain permanent employee status after completing a probationary period:

- 1) Regional occupational centers or programs (ROCP) instructors at a joint powers authority (JPA);
- 2) Certificated employees at school districts with an ADA of 250 or less; and
- 3) Certificated employees in a teaching position at county office of education (COEs) with an ADA of 250 or less.

Further, the bill makes changes to code sections that differentiate employment practices for school districts with less than 250 ADA and employees who were in their probationary period prior to the 1983-84 fiscal year.

What protections does "permanent employee" status offer to these employees? "Permanent employee" status guarantees the specific employees listed in the bill due process rights if they are dismissed. In the case of dismissal, "permanent employee" status allows employees to request a hearing before a Commission on Professional Competence to decide whether their dismissal was appropriate. Further, a "permanent employee" has the right to request a hearing during a reduction in force.

ROCP teachers. This bill eliminates the prohibition on service as an ROCP teacher at a JPA as counting toward attaining permanent employee status. With the implementation of the Local Control Funding Formula (LCFF), ROCPs no longer receive categorical program funding. Instead, funding for ROCPs has been rolled into the funding that is allocated to local educational agencies (LEAs) through the LCFF, increasing the LCFF base rate for high schools by 2.6%.

The state budget provides \$150 million in ongoing funding to the Career Technical Education Incentive Grant (CTEIG) program at the CDE, and an additional \$150 million for the K-12 component of the Strong Workforce Program through the Chancellor of the Community

Colleges. In 2021, the annual funding for CTEIG was increased to \$300 million. Prior to the adoption of the LCFF funding model, CTE programs were funded at up to \$400 million per year to meet the needs of students.

Generally, ROCP teachers have not been given permanent employee status due to the volatile nature of ROCP grant funding and the regional industry changes that mandate specific courses be offered through those programs. However, commencing July 1, 2025, service as an instructor at a ROCP operated by a single school district will be able to attain permanent status at a school district. LEAs are required to offer CTE career pathways in the industry sectors with demonstrated workforce needs in their region. As these industry demands change, the courses offered are required to change. A change in curriculum is an authorized reason for a school district to implement a reduction in force, and ROCP teachers with permanent status would then be entitled to request a reduction in force hearing.

Layoff procedures. According to the Legislative Analyst Office:

State law requires that districts lay off teachers in inverse seniority order. That is, the last teachers hired in the district—those having the least seniority—are first to be laid off. The state also specifies that no junior employee can be retained if a more senior employee is 'certificated or competent' to teach in that position. Though the state requires inverse-seniority order as the primary criteria for laying off staff, it allows districts to deviate from seniority for three specified reasons.

- 1) If two or more employees started with the district on the exact same date, the district has the right to develop standard criteria solely based on the district's and student's needs.
- 2) If the district demonstrates a need for specialized services that require a specific course of study, special training or experience (such as special education or speech pathologists), it may develop a system that gives higher priorities to teachers with these credentials or types of experience.
- 3) The state also allows deviating from seniority for 'maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.'

According to the California Federation of Teachers:

Legal precedent (*Bledsoe v. Biggs*, 2009) allows a district to choose to retain a more junior employee despite a more senior employee having the same "qualifications," so long as the district can demonstrate:

- 1) A specific need for an employee to teach a specific course or course of study; an
- 2) That the more junior employee has the "special training and experience necessary" to teach the course.

Competence is the threshold inquiry regarding bumping rights. If a permanent teacher "is certificated and competent to render" a service provided by a more junior teacher, the senior teacher is entitled to bump into that position and not be laid off. (EDC 44955(b)). However, the district can adopt competencies, including minimum experience standards, to determine if an employee is competent to render services, as found in *Duax v. Kern CCD* (1987).

Thus, AB 917 does not limit a district's flexibility to change their CTE classes to respond to workforce demand. Even if a CTE teacher has permanent status, the layoff process allows for the reduction of staff if a particular kind of service is reduced or discontinued. Furthermore, there are exceptions to seniority-based layoffs when a less senior employee has specific qualifications or competencies necessary to teach the class. Providing CTE teachers a path to attain permanent status will simply ensure that they have due process rights and that these exceptions to seniority layoffs are fair.

County offices and districts with less than 250 ADA. There are 22 COEs with less than 250 ADA and approximately 200 school districts with less than 250 ADA. This bill will affect those 200 school districts by requiring that all certificated employees attain permanent employee status after a probationary period. Additionally, at the 22 COEs with less than 250 ADA, certificated employees in a teaching position will earn permanent status after two years instead of after three years.

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."

Arguments in Support

The California Teachers Association states, "California is facing persistent teacher shortages. School districts continue to find it difficult to fill vacancies with fully credentialed teachers, especially math, science, special education, and bilingual education teachers. Teacher shortages impact student learning as districts resort to relying on a revolving door of underprepared teachers and substitute teachers, increasing class sizes, and cutting course offerings altogether. Students of color and students from low-income backgrounds bear the brunt of these consequences, as teacher shortages are the most severe in schools serving more of these students. CTA believes all certificated employees hired on a temporary contract should be given every possible opportunity to achieve probationary and permanent status. CTA opposes usage of temporary contracts for continual and perpetual rehire. The practice of hiring temporary teachers for what should be deemed permanent positions erodes the rights and privileges of the profession, such as seniority, due process, retirement, and more."

Arguments in Opposition

The Coastline ROP states, "It is not hyperbole to say that if Education Code Section 44910 is repealed by AB 917, that it will likely mean the end of ROC/Ps in just a matter of years because it would remove our ability to properly respond to the needs of the labor market and industry. Furthermore, our JPAs are consortia that provide CTE pathways and courses for our students, but

we do not receive direct state funding for our programs. We rely on the competitive CTE Incentive Grant and K12 Strong Workforce Program for much of our funding, and as a result, the flexibility in current statute also is needed so that we may adjust the level of services and coursework we offer to conform with our funding level in any given year. The current flexibility in statute is what allow our programs, and more importantly, our students to thrive.">

FISCAL COMMENTS

This bill was keyed non-fiscal by the Office of Legislative Counsel.

VOTES:

ASM EDUCATION: 6-2-1

YES: Muratsuchi, Addis, Alvarez, Bonta, Garcia, Lowenthal

NO: Hoover, Castillo

ABS, ABST OR NV: Patel

ASSEMBLY FLOOR: 49-18-12

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Pellerin, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

ABS, ABST OR NV: Arambula, Bauer-Kahan, Bennett, Berman, Flora, Irwin, Papan, Patel, Petrie-Norris, Ramos, Michelle Rodriguez, Blanca Rubio

UPDATED

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