



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

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**To: Superintendents, Member School Districts (K-12)**

**From: Carl D. Corbin *CDC*  
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**Subject: Governor Brown Signs Bill Placing Part-Time Playground Positions in  
Classified Service for Districts Adopting a Merit System (AB 2160)  
Memo No. 30-2018 - REVISED**

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The Governor signed Assembly Bill (“AB”) 2160 on September 18, 2018, which amends Education Code § 45256<sup>1</sup> effective on January 1, 2019.

As mentioned in Legal Update 38-2017, AB 670 removed the exemption for part-time playground positions for K-12 districts not adopting a merit system. Part-time playground positions for non-merit systems became part of the classified service and likely part of your classified units on January 1, 2018.

AB 2160 removes the exemption for part-time playground positions for districts (including county office of educations) adopting a merit system. Therefore, effective on January 1, 2019, all part-time playground positions whether employed in a merit or non-merit district will be part of the classified service.

Please note: any employee employed by a merit school district (including a county office of education) in a part-time playground position as of January 1, 2019, shall be automatically deemed a permanent employee of the school district without placement on an eligibility list under Education Code § 45272 or examination under Education Code § 45273.<sup>2</sup>

However, any individual hired after January 1, 2019, in a part-time playground position may be required to successfully complete the required probationary period, be placed on an eligibility list, and undergo examination as appropriate.

In order to address AB 2160’s mandate and approaching deadline, we recommend that merit districts contact the local classified exclusive representative and determine what impact(s) AB 2160 will have on existing employees based on the applicable collective bargaining agreement. Districts should also consider whether the impacts of AB 2160 can be addressed via a memorandum of understanding, or whether they will require a change to the collective bargaining agreement.

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<sup>1</sup> Available at: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB2160](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2160).

<sup>2</sup> Education Code § 45256(f).



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Please contact our office with questions regarding this Legal Update or any other legal matter.

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