



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

## LEGAL UPDATE

A Joint Powers Authority  
serving school and college  
districts throughout the  
state.

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June 16, 2020

**To: Superintendents, Member School Districts (K-12)**  
**From: Kaitlyn Schwendeman, Schools Legal Counsel <sup>KAS</sup>**  
**Carl D. Corbin, General Counsel <sup>CDC</sup>**  
**Subject: ADDENDUM to Legal Update No. 31-2020:**  
**Summer Layoffs of Certificated and Administrative Employees**  
**ADDENDUM to Memo No. 31-2020**

The Legislature has passed the Budget Act of 2020, without agreement from the Governor on essential funding. The Governor is not anticipated to sign the bill as passed. The Governor has 12 days after receiving the Act to either approve the bill, approve the bill with specific line item reductions, or veto the bill entirely and send it back to the Legislature.

As discussed in Legal Update No. 31-2020, Education Code § 44955.5 permits school districts to engage in summer layoffs of certificated teachers and administrators if both of two conditions are met:

- (1) “if the governing board of a school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent;” and
- (2) “if in the opinion of the governing board it is therefore necessary to decrease the number of permanent employees in the district.”<sup>1</sup>

**The Budget Act passed by the Legislature yesterday (June 15, 2020) does not permit districts to engage in summer certificated layoffs as it fully funds LCFF for 2020-2021, including 2.31% COLA.<sup>2</sup>** However, we anticipate that further negotiations to revise the Budget will occur between the Legislature and Governor through Friday, and will keep clients updated as to whether these negotiations result in the conditions being met.

Please contact our office with questions regarding the summer certificated layoff process, this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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<sup>1</sup> Education Code § 44955.5

<sup>2</sup> SB 74 [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB74](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB74)