



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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

LEGAL UPDATE

5350 Skylane Boulevard
Santa Rosa, CA 95403

June 23, 2020

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

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

**From: Kaitlyn Schwendeman, Schools Legal Counsel ^{KAS}
Carl D. Corbin, General Counsel ^{CDC}**

General Counsel
Carl D. Corbin

**Subject: SECOND ADDENDUM to Legal Update No. 31-2020:
Summer Layoffs of Certificated and Administrative Employees
ADDENDUM to Memo No. 31-2020**

Attorneys
Monica D. Batanero
Jennifer Henry
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Kaitlyn A. Schwendeman
Loren W. Soukup
Erin E. Stagg

As announced on Monday, June 22, 2020, the Governor and Legislature have reached a compromise on the State Budget for 2020. The full text of the Education Trailer Bill, Assembly Bill (“AB”) 77, can be found at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB77. Our office will be providing additional, separate, guidance regarding other important provisions of AB 77.

Of Counsel
Ellie R. Austin
Robert J. Henry
Patrick C. Wilson
Frank Zotter, Jr.

As to personnel actions, AB 77 includes two important provisions:
1) AB 77 suspends Education Code Section 44955.5 (“summer certificated layoffs”), except as to certificated administrators; and
2) AB 77 prohibits districts from engaging in lack of work/lack of funds layoffs of classified personnel with the classification of “nutrition, transportation, or custodial services,” effective July 1, 2020 through June 30, 2021.

While AB 77 does provide for full LCFF funding (with significant 19-20 and 20-21 deferrals), it includes a 0% COLA. Therefore, the fiscal conditions are met for summer certificated layoffs, but AB 77 expressly prohibits districts from engaging in these layoffs except for certificated administrators.

Additionally, Districts are prohibited from engaging in classified layoffs beginning July 1, 2020 through June 30, 2020, for employees in the above classifications.¹ The introductory language of AB 77 expressly acknowledges that layoffs of employees in other classifications, such as instructional aides, may still move forward.

Please contact our office with questions regarding the summer certificated administrator 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.

© 2020 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client’s own non-commercial purposes.

¹ While the language of AB 77 is ambiguous, it is our opinion that Districts that adopted a layoff resolution prior to July 1, 2020 may continue to move forward with these layoffs.