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LEGAL UPDATE

July 1, 2020

To: Superintendents/Presidents/Chancellors, Member Community College Districts

From: Kaitlyn Schwendeman, Assistant General Counsel *KAS*

Subject: **SB 116/98 Community College Impacts from Budget Act**
Memo No. 24-2020(CC)

The Governor signed the K-12 budget trailer education Senate Bill (“SB”) 98 and the postsecondary budget trailer education SB 116 on June 29, 2020. These laws go into effect immediately. The full text of SB 98 can be found at:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB98.

The full text of SB 116 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB116.

Our office will be providing more specific guidance related to classified layoffs in another Legal Update. Below, please find a brief overview of non-budget changes contained in SB 116 and 98:

1. Beginning July 1, 2020 through June 30, 2021, local education agencies (“LEAs”) (defined as school districts, community college districts, county offices of education and joint powers authorities) are prohibited from “**implement[ing] layoffs or releases**” of classified employees with the classification of “nutrition, transportation, or custodial services.”¹
2. Districts that receive Title I funding for Migrant Education are not required to run a summer program if their facilities are closed due to COVID-19, for the 2020 calendar year, however such programs may be provided through distance learning, and if so, instructional time requirements are waived.
3. As a condition of the receipt of funds for purposes of the Student Equity and Achievement Program, community college districts must support, or establish, on-campus food pantries or regular food distributions.
4. For purposes of computing the 50% classroom instructors expenditure requirement, a community college district must exclude from that computation any expenditures incurred by the district during a state or local declared emergency related to the COVID-19 pandemic that are not otherwise normal expenditures that would have been incurred by that district.

¹ For more detailed discussion regarding classified layoffs after July 1, 2020, please see Legal Update No. 23-2020(CC).



SB 116 includes a number of provisions related to district funding, which are not addressed in this Legal Update that we recommend districts become familiar.

Please contact our office with questions regarding SB 116 and/or SB 98, 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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