

SCHOOLS EXCESS LIABILITY FUND

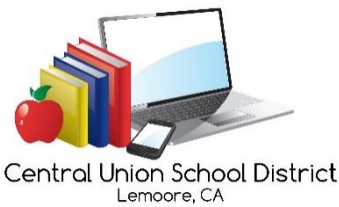
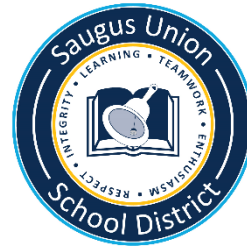
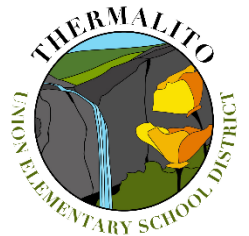
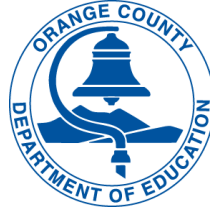
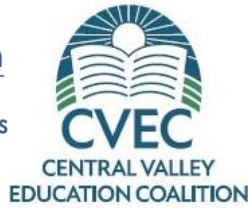


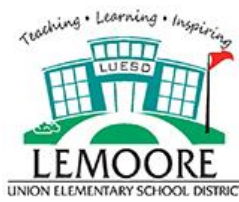
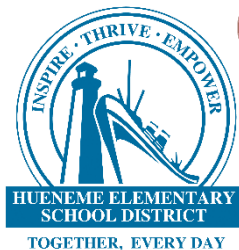
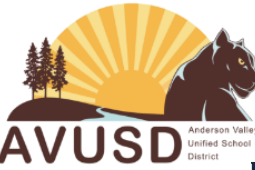
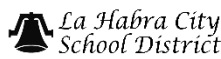
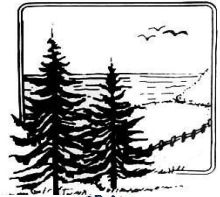
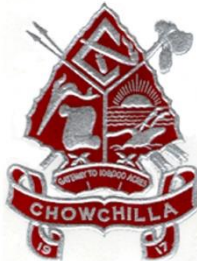
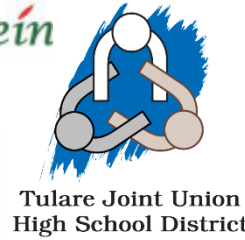
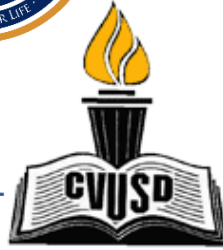
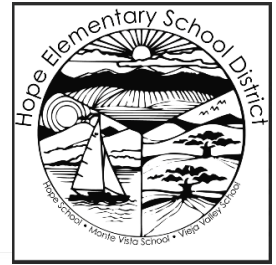
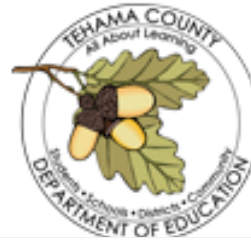
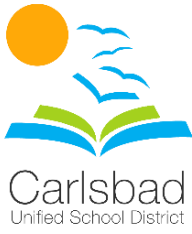
Learning With Purpose



College and Career Ready







August 28, 2023

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

Re: Assembly Bill 1699 (McCarty). K-14 classified employees: part-time or full-time vacancies:
public postings.
Senate Appropriations Committee – Suspense File (Updated Opposition)
OPPOSE (As amended 05/18/23)

Dear Senator Portantino,

On behalf of the undersigned organizations, local educational agencies (LEAs) and community college districts, we write in respectful opposition to Assembly Bill 1699 (McCarty), related to classified employee job vacancies. We are deeply concerned that this measure would impede timely hiring and exacerbate vacancies to the detriment of students and other current and future school employees. Amongst other things, AB 1699 requires job opportunities to be posted for internal applicants for 10 days before external candidates may be considered. It also requires that an internal candidate that meets the minimum qualifications, or “could” meet the minimum qualifications after 10 hours of paid on-the-job training, have the right of first refusal for a position.

We support having every qualified candidate available to fill vacant positions. LEAs and community colleges have established recruitment and hiring procedures consistent with state education code, merit system rules (if applicable), board policies, administrative regulations, and/or negotiated collective bargaining agreements. These established procedures take into consideration unique local factors and include a process for identifying who is qualified and best suited for each vacancy, whether by education, experience, licensure, examination, interview, and/or a combination thereof. Established recruitment procedures also include a process for internal candidate transfer requests and/or promotions. These locally established procedures are in place so students do not feel the brunt of staffing shortages due to delays or inefficiencies.

LEAS and community colleges also have established procedures to provide existing employees with opportunities for extra hours or overtime, as appropriate, to minimize the impact of vacancies during the recruitment process. LEAs and community colleges shared that if and when they have an interested, suitable internal candidate to fill a new position or take on more hours, they encourage internal candidates to apply. This practice has supported staffing needs for the implementation of Universal School Meals and Universal Transitional Kindergarten (UTK), amongst other programs that have called for increased hours or positions.

Unfortunately, AB 1699 would require school employers to offer positions to candidates that apply for a position and meet, or could meet, the minimum qualifications, but are not necessarily the best suited compared to other candidates. It also establishes an inequitable system by setting a higher bar for external candidates, who often must meet additional job requirements to even be considered. It is also troubling that AB 1699 does not address the scenario when an internal candidate is on an improvement plan or has received counseling or progressive discipline for prior conduct issues. As drafted, AB 1699 would still give that individual priority first right of refusal based on seniority.

In instances where multiple internal candidates express an interest, the most senior employee, regardless of their work experience or current classification, would be the top candidate. For example, multiple internal candidates may meet the minimum qualifications to be an instructional aide in a TK classroom, but because of seniority considerations and first right of refusal for internal candidates, AB

1699 would prevent an LEA from offering the position to the most suitable candidate. In this example, an employee who has ever only worked in an office setting or secure juvenile court would be offered the position over a candidate with experience working with four- and five-year-old children.

For merit system districts, AB 1699 directly contradicts the core goals of promoting efficiency, fairness, and impartiality in the selection, retention and promotion of classified employees. Even more regrettable is that AB 1699 would undermine diversity, equity and inclusion (DEI) efforts adopted and promoted by both merit and non-merit districts, negatively impacting their ability to strategically diversify their workforce, attract talent, and meet the needs in their local community.

Existing hiring and promotional practices need to remain intact so that LEAs and community colleges can continue to engage in their locally established recruitment systems unique to their students, programs, community, and organizational needs to provide adequate staffing levels expeditiously. The question of internal candidate preferences and hiring processes should be left to the local bargaining table.

Unfortunately, AB 1699 would further exacerbate the staffing shortages school employers face in all regions of the state. Not only would the implementation of AB 1699 be costly and challenging due to the protocols set forth in the measure, it would significantly delay how and when LEAs and community colleges could hire needed staff. For the aforementioned reasons, we respectfully oppose AB 1699. Please do not hesitate to contact Dorothy Johnson, Association of California School Administrators Legislative Advocate, if you have any questions regarding our position at (916) 329-3807.

Sincerely,

Lucy Salcido Carter, J.D., Director of Policy and Governance, **Alameda County Office of Education**

Brandon Tietze, Executive Director of Classified Personnel, **Anaheim Union High School District**

Louise Simson, Superintendent, **Anderson Valley Unified School District**

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Parvin Ahmadi, Superintendent, **Castro Valley Unified School District**

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Jeff Frost, Legislative Advocate, **Central Valley Education Coalition**

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Joseph Aldridge, Superintendent, **Fort Bragg Unified School District**
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Carlos Rojas, Assistant Superintendent, State and Local Initiatives, **Kern County Superintendent of Schools**
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Dr. Deneen Guss, **Superintendent of Monterey County Office of Education**
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Jeff Percell, Superintendent, **Riverdale Joint Unified School District**

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Dave George, Chief Executive Officer, **Schools Excess Liability Fund (SELF)**
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Eric Bonnicksen, President, **Small School Districts' Association**
Shannon Sanford, Superintendent, **Stanislaus Union Elementary School District**
Dr. Catherine Kawaguchi, Superintendent, **Sulphur Springs Union School District**
Michael Gallagher, Ed.D., Superintendent, **Sunnyvale School District**
Richard DuVarney, **Tehama County Superintendent of Schools**
Cody Walker, Assistant Superintendent of Business & Operations, **Thermalito Union Elementary School District**
Tim Stowe, EdD, Superintendent of Schools, **Torrance Unified School District**
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Lucy Van Scyoc, Superintendent, **Tulare Joint Union High School District**
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Debra Kubin, Superintendent, **Ukiah Unified School District**
Bree Valla, Superintendent/Principal, **Vista del Mar Union School District**
Gina Rossal, Superintendent, **Westside Union School District**
Mike Kuhlman, Superintendent, **William S. Hart Union High School District**

cc: Honorable Kevin McCarty, California State Assembly
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Lenin Del Castillo, Consultant, Senate Appropriations Committee
Cory Botts, Consultant, Senate Republican Caucus