







September 3, 2024

The Honorable Gavin Newsom
 Governor, State of California
 State Capitol Building, Suite 9000
 Sacramento, CA 95814

RE: Assembly Bill 2088 (McCarty). K–14 classified employees: part-time or full-time vacancies: public postings.
Request for Veto (as enrolled)

Dear Governor Newsom:

On behalf of the undersigned organizations representing school districts, county offices of education, community colleges, and regional and statewide associations, we write in respectful opposition to Assembly Bill 2088 (McCarty), related to hiring classified positions, and urge your veto. This measure would create restrictions on how and when classified position vacancies are filled to the detriment of TK-14 students and other current and future school employees,

AB 1699 Veto Message: There have been minor modifications to AB 2088 from the substantially similar legislation that was acted on by the legislature in 2023 (AB 1699, McCarty). However, many concerning provisions remain in AB 2088 and are accurately summarized in your veto message of AB 1699, which states, “While I support the author’s goal of seeking to provide opportunities for current classified staff to apply for other open positions, this bill may have unintended consequences that are not in the best interest of students.”

Longer Vacancies Mean Student Services Suffer: We are deeply concerned that AB 2088 would impede timely hiring and prolong vacancies by creating a ten-business day restriction when only internal candidates may apply for and be offered a position. Even when there are no qualified or interested internal candidates, external candidates may not be offered the position for nearly two weeks of school. Recruiting individuals into classified, classroom-based positions such as paraprofessionals is particularly crucial at this time because of the need to implement the Expanded Learning Opportunities Program and universal transitional kindergarten (TK). In fact, insufficient staff-to-student ratios for TK classrooms results in state-levied monetary penalties on schools. AB 2088

would create an unnecessary delay before schools may fill a position. School employers also note the continued need for Individualized Education Plan (IEP) special assistants who serve students with a disability.

Priority Given Based on Years of Services Over Relevant Experience: AB 2088 offers “right of first refusal” to an internal employee that meets the minimum qualifications of a position, regardless of the prior positions held with the employer, based on seniority. This creates a precedent that a candidate’s time spent with an employer means more than a candidate’s experience and suitability. The amendments dated August 23 may have been intended to secure the right of first refusal within the same job classification but, as drafted, do not accomplish any narrowing. A current classified employee would be guaranteed a new position outside their classification especially in the scenario when there is only one internal candidate who is interested and meets the minimum qualifications.

We support having every qualified candidate available to fill vacant positions. Local educational agencies and community colleges 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. Furthermore, school employers shared that if and when they have an interested, suitable internal candidate to fill a new position or take on new shifts, they encourage those candidates to apply. Instead, AB 2088 creates a confusing ranking process that could require extensive training to ensure minimally qualified staff are able to take on new responsibilities.

AB 2088 Holds Back Qualified, Existing Classified Staff: While the sponsors state AB 2088 is intended to improve opportunities for classified employees and help with staffing shortages the measure could have broader, long-lasting negative consequences for recruitment and retention within the classified workforce. Highly qualified internal employees will have limited opportunities to be promoted within the proposed framework without seniority. AB 2088 could further exasperate retention and morale issues as employees struggle to find a promotional pathway that aligns with their career goals. LEAs and community colleges will also be unable to infuse diversity, attract talent, and address the local community’s needs unless all minimally qualified internal candidates reject an open assignment.

Added Administrative Burdens: AB 2088 would require a revamped hiring process to be established under a constrained timeline, or else default to automatic right of first refusal policies. For merit districts, AB 2088 unwinds a system designed expressly to promote fairness and fitness in hiring and promotion decisions. For all schools, it creates new costs and demands on existing staff resources without a benefit to students or programs. The Department of Finance estimates¹ Proposition 98 costs “could be in the low tens of millions of dollars for school districts” and up to \$1.7 million for community colleges to “develop hiring process, procedures, and policies.” They also note in their analysis that school employers “already have the ability to bargain this issue, and many already have agreements that meet the goals of this bill.”

To avoid any unintended consequences for students and for the aforementioned reasons, we respectfully request that you veto AB 2088. If you have any questions regarding our position, please contact Dorothy Johnson, Association of California School Administrators Legislative Advocate, at (916) 329-3807.

¹ California Department of Finance Bill Analysis: <https://leganalysis.dof.ca.gov/getPdf/8371>

Sincerely,

Dr. Gina Zietlow, Superintendent, **ABC Unified School District**
Lucy Salcido Carter, M.A., J.D., Director of Policy and Governance, **Alameda County Office of Education**

Dr. Kevin Walthers Ph.D., Superintendent/President, **Allan Hancock College**
Nick Hilton, Assistant Superintendent – Human Resources Development, **Alvord Unified School District**

Michael Matsuda, Superintendent, **Anaheim Union High School District**
Susan K. Bray, Executive Director, **Association of California Community College Administrators**
Dorothy Johnson, Legislative Advocate, **Association of California School Administrators**
Isaiah Roter, Chairperson; Timothy Carter, Vice-Chairperson; Heidi Goldstein, Commissioner
Charlie Castillo, Secretary; **Berkeley Unified School District Personnel Commission**

Ebon Brown, Ed.D, Assistant Superintendent of Instruction and Support Services, **Beaumont Unified School District**

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Dr. Randal Haggard, Superintendent, **Buellton Union School District**

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Jeff Frost, Legislative Advocate, **California Association of Suburban School Districts**

Derick Lennox, Senior Director, Governmental Relations & Legal Affairs, **California County Superintendents**

Chris Reeve, Legislative Director, **California School Boards Association**

Philip J. Gordillo, Executive Director, **California School Personnel Commissioners Association**

Dr. Shelly Viramontez, Superintendent, **Campbell Union School District**

Kristi Schwiebert, Superintendent, **Cambrian School District**

Bob Presby, Associate Superintendent, Human Resource Services, **Capistrano Unified School District**

Jill Vinson, Superintendent, **Cardiff School District**

Dr. Benjamin Churchill, Superintendent, **Carlsbad Unified School District**

Bob Brauneisen, Superintendent, **Castaic Union School District**

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

Andrea Ball, Legislative Advocate, **Central Valley Education Coalition**

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Ceylida J. Lopez, Director, Classified Human Resources, **Downey Unified School District**

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Mark Burroughs, Superintendent/Principal, **San Pasqual Union School District**
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Meliton Sanchez, Superintendent/CBO, **Vallecitos School District**

Dr. Kristin Clark, Chancellor, **Westhills Community College District**

cc: The Honorable Kevin McCarty, California State Assembly
Nichole Muñoz-Murillo, Deputy Legislative Secretary, Office of Governor Newsom