



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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

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MEMORANDUM

To: Superintendents, Member K-12 School Districts, County Offices of Education

From: Jennifer E. Nix, General Counsel *JEN*

Date: December 16, 2022

Re: **Certificated and Classified Layoffs; Probationary Non-Reelections and Temporary Teacher Releases; Administrator Releases/Reassignments-Changes**

We encourage all clients to notify us as soon as possible if your agency is considering any of the following:

1. Certificated layoffs
2. Non-re-election of probationary certificated employees
3. Release of temporary employees
4. Release and/or change in assignment or terms and conditions of certificated administrative staff
5. Classified layoffs
6. Classified reductions in hours

If you are considering any of the above actions, we encourage you to schedule a meeting with legal counsel so that we can assist you with necessary resolutions and notices and prepare for any applicable hearings. The attorneys available to work with you on these issues are Loren Soukup, Steve Reiner, Jennifer Henry, and Kaitlyn Schwendeman. We encourage you to contact your attorney of choice so that work can be timely initiated.

In light of last year’s changes to the classified layoff process, we recommend any client anticipating classified layoffs or reductions in hours take the following steps immediately:

- Please ensure your classified seniority list is up-to-date and has been shared with all classified employees and, where applicable, with the classified bargaining unit.
- Please ensure that your seniority list details all positions previously held by employees for “bumping” issues.
- Please consider the Board adoption of “tie-breaking” criteria for those classified employees with the same amount of hours/same date of hire in a position.



While permanent classified employees are required to receive a layoff notice **no later than March 15, 2023**, due to the significant planning now required to implement classified layoffs, we encourage clients take action on classified layoffs as soon as possible.

In preparation for the work that may need to be done, we will need the following:

1. Certificated seniority list (including name, first date of paid service, all credentials held, amount of FTE, current assignment);
2. A separate list of all temporary certificated employees and interns currently employed by the District/COE;
3. Classified permanent seniority list (including name, date served in a class, and all classes each employee has served);
4. A separate seniority list for all classified probationary employees;
5. The collective bargaining agreement with any certificated and classified bargaining units as it relates to layoffs; and
6. All board/superintendent policies and regulations pertaining to certificated and/or classified layoffs and Administrative releases.

Our office is happy to assist you in preparing any of the above documents, as well as assist through these procedures. Should you have any questions regarding the above, please do not hesitate to contact me.