

Date of Hearing: April 17, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2160 (Thurmond) – As Introduced February 12, 2018

**SUBJECT:** Classified employees: school and community college districts: part-time playground positions.

**SUMMARY:** Repeals provisions in the Education Code (EC) exempting part-time playground positions from the classified service in school districts and California Community Colleges (CCC) districts and makes clarifying and technical changes to existing law.

**EXISTING LAW:**

- 1) Defines “classification” within a school district as having a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specific statement of the duties required to be performed by the employees in each such position, and the regular monthly salary ranges for each such position, as well as associated benefits (EC Section 45100 and Section 45101).
- 2) Allows school districts and community college districts to employ and classify non-academic employees who do not require certification, and requires those employees be placed in the “classified service” (EC Section 45103).
- 3) Requires community college governing boards that do not incorporate the merit system, to employ persons for nonacademic positions, which are known as the classified service. Specifies the employees that are excluded from the classified service are substitute and short-term employees employed and paid for less than 75 percent of the college year, as well as, apprentices and professional experts employed on a temporary basis for a specific project (regardless of the length of employment), and full-time students employed part-time and part-time students employed part-time in a college work study program or work experience education program at a community college district, as specified (EC Section 88003).
- 4) Establishes the classified service in community colleges, and excludes the following positions from classified service: a) academic positions; b) part-time playground positions; c) full-time students employed part time; d) part-time students employed part-time in any college work-study program, or in a work experience education program by the community college that is financed by state or federal funds; e) apprenticeship positions; and, f) positions established for the employment of professional experts on a temporary basis for a specific project by the governing board, as specified (EC Section 88076).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Double referral.* This bill was heard by the Assembly Committee on Public Employees, Retirement, and Social Security; and passed out with a vote of 5-2 on April 4, 2018.

*Background.* Last year, AB 670 (Thurmond), which was enacted, intended to include part-time playground aides in all school districts as part of the classified service. However, according to

the author, due to a drafting error, part-time playground aides in merit school districts and community college districts were not included.

*Purpose of this measure.* This measure seeks to correct the aforementioned drafting error. According to the author, "AB 2160 is simply clean-up of the Education Code".

This bill will consider all part-time playground assistants as part of the classified service.

*Playground assistants on CCC campuses?* While it would appear, based on the job title that "playground assistants" may not exist at the CCC campuses, said classification does exist. Campuses of the CCC that have child care centers employ staff with the classification of "playground assistant". Additionally, this classification goes beyond the monitoring of children as they play on playgrounds.

Committee staff understands that at the CCC, the playground assistant classification has several levels. Depending on the level, some playground assistants, under the supervision of the CCC Lab School Director and guidance of the Early Childhood Education Lab Mentor, work as a member of the teaching team to promote active learning in the lab school environment by assisting in planning and implementing developmentally appropriate practices and creating an environment in which early childhood education students gain mastery of running a quality program for three to five year old children. Additionally, playground assistants assist in maintaining a clean, safe, and orderly physical environment as specified in current state regulations that meet guidelines for health and safety.

*Prior legislation.* AB 670 (Thurmond), Chapter 582, Statutes of 2017, which, in part, removed the provision of law exempting playground positions from the classified service within school districts if the person is not also employed in a classified position.

AB 2849 (Washington), Chapter 1100, Statutes of 2002, which, in part, required that employees engaged in part-time playground positions be included as part of the classified service if they also work part-time in existing classified positions

AB 500 (Goldberg), Chapter 867, Statutes of 2002, required the governing board of a school district and of a community college district, before employing a short-term employee to specify the service required to be performed by the employee.

AB 1780 (Washington) of 2000, which was vetoed by the Governor, would have deleted the exemption that prohibited part-time playground positions from classified service.

AB 1490 (Washington) of 1999, which was vetoed by the Governor , would have allowed part-time playground positions to be a part of the classified service when the employee in the position also works in the same school district in another classified position.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

American Federation of State, County and Municipal Employees, AFL-CIO  
California Federation of Teachers  
California School Employees Association (Sponsor)

California Teachers Association

**Opposition**

None on file.

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