



## LAW UPDATE LABOR AND EMPLOYMENT

PHONE: (661) 636-4830 • FAX: (661) 636-4843  
E-mail: [sls@kern.org](mailto:sls@kern.org) • [www.schoolslegalservice.org](http://www.schoolslegalservice.org)

October 2019

### CALIFORNIA LEGISLATURE AMENDS EDUCATION CODE TO LIMIT CLASSIFIED PROBATIONARY PERIOD TO SIX MONTHS

On October 7, 2019, Governor Newsom signed Assembly Bill 1353 (“AB 1353”) which amends Education Code section 45113 to decrease the length of the maximum probationary period for classified employees in non-merit system K-12 school districts.<sup>1</sup> Effective January 1, 2020, classified employees will be designated as permanent employees of their employing school district after serving “a prescribed period of probation that shall not exceed **six months or 130 days of paid service**, whichever is longer.” After achieving permanency, districts can only dismiss employees for cause.

An exception in AB 1353 exists for districts with an existing collective bargaining agreement (“CBA”) provision in conflict with the newly amended law. AB 1353 states that if the change in the law conflicts with a provision of a CBA entered into before January 1, 2020 between a school district and an exclusive bargaining representative, AB 1353 will not apply to the school district until expiration or renewal of the CBA.

Although AB 1353 was a short and straightforward bill, Schools Legal Service is aware of the potential ramifications resulting from this significant change in law. Please contact our Labor and Employment Practice Group members with any questions regarding AB 1353 and its implications for your school district and employees.

-Melissa Brown

*Education Law Updates are intended to alert Schools Legal Service clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Consult legal counsel as to how the issue presented may affect your particular circumstances.*

---

<sup>1</sup> Merit system districts are already limited by statute to a six-month probationary period for classified employees. The main stated purpose of AB 1353 was to bring clarity and equity to classified employees and ensure the same limit on probationary periods in non-merit system districts as in merit system districts.