



LAW UPDATE EDUCATION

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DON'T FORGET YOUR LABOR PARTNERS

Districts continue to consider options for reopening schools and delivery of instruction. The Center for Disease Control and Prevention, Consumer-Driven Health Plan and California Department of Education have all weighed in on considerations and guidelines for school reopening. As you grapple with options for fall instruction, it is recommended that districts regularly update the associations on considerations.

Districts are facing challenges in determining curricula that will provide the best educational opportunities for students while providing a safe environment for students and staff. Challenges exist in balancing safety with busing, class size, recess and meals. As districts consider the alternatives, it is important to provide regular updates to labor partners. Such meetings cannot be held too often. Discussions simply to advise that the district is considering return to school formats that may embrace multiple tracks and distance learning are recommended.

Districts should consider feedback from associations concerning return to school. Ultimately, delivery of instruction is a district prerogative. Once administration settles on a return to school format, it will likely need to engage in “effects” bargaining with associations to address necessary changes to execute the district’s plan. In this regard, Government Code section 3543.2(a) provides:

A public school employer shall give reasonable written notice to the exclusive representative of the public school employer's intent to make any change to matters within the scope of representation of the employees represented by the exclusive representative for purposes of providing the exclusive representative a reasonable amount of time to negotiate with the public school employer regarding the proposed changes.

Frequent and continuing discussions with labor partners will help facilitate a smoother transition to the 2020-21 school year.

- Timothy L. Salazar

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