
5B

Information/Action

Credentialing and Certificated Assignments Committee

Assignment Monitoring and Compliance Activities

AGENDA INSERT

Executive Summary: This agenda item presents for discussion and potential Commission direction ways in which the Commission's assignment monitoring and compliance activities might be streamlined and strengthened to provide appropriate oversight.

Policy Question: Should the Commission move forward with full implementation of the assignment monitoring activities currently specified in regulations or consider modifications to some aspects of the assignment monitoring process?

Recommended Action: That the Commission discuss and provide direction concerning assignment monitoring compliance activities and related sanctions.

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Strategic Plan Goal

I. Educator Quality

- ◆ Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

Assignment Monitoring and Compliance Activities

This insert provides a summary of information from other state and provinces related to assignment monitoring, compliance activities, and penalties. *Table 1* provides responses from a survey conducted through the National Association of State Directors of Teacher Education and Certification (NASDTEC) in late January through early February of 2014.

NASDTEC Survey Questions

1. Does your state have policies, regulations or statutes related to educator misassignments or out-of-field teaching?
2. Has your state enacted accountability provisions or the imposition of penalties (financial or otherwise) related to educator misassignment or out-of-field teaching?

Table 1: NASDTEC Assignment Survey Summary of Responses

State/Province	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
British Columbia	NO	NO	The BC teaching certificate is unrestrictive in terms of grade level or teachable area. Teaching assignment is left to the determination/discretion of the employer.
Connecticut	YES	YES	If a person is teaching outside the field that they are certified to teach, they may not receive that time toward their teacher's retirement. CT completes compliance review on teacher placements every year. Districts have several months to rectify the problem; if not rectified, the teacher is formally notified that they begin losing teacher's retirement credit due to the out-of-field placement.
Delaware	YES	YES	They can be placed in a position at the discretion of the employing district. If it is out of their field, the district would request an Emergency certificate and the educator would have two years to complete the requirements. All placements are tracked through the payroll system and our DEEDS certification system.
Georgia	YES	NO	Out-of-field teaching certificates are only issued at the request of the personnel director of an employing school system for 3 years during which time the teacher completes requirements for adding the new field to the standard certificate.
Hawaii	YES	NO	Teachers are only supposed to be placed in out of field assignments if no licensed teacher is available.

State/Province	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
Idaho	YES	YES	We have monthly audits uploaded by districts to line up certifications to assignments. Lack of proper assignments results in loss of funding.
Indiana	YES	YES	School accreditation regulations require teachers to be properly licensed for their assignments.
Iowa	YES	YES	School districts are required to enter all staff into a software system that is synced with our licensing system. Errors are detected and districts are required to correct them. There is a \$25 per month fee for an educator teaching out-of-field to a maximum of \$150. Executive director also reserves the right to file an ethics complaint with our board which may result in action taken against their license.
Massachusetts	YES	NO	Our regulations indicate that someone can teach up to 20% of their time in an area that they are not licensed in. By policy, we indicate that a district should not have more than three teachers in the same building teaching under the 20% rule in the same content area. Regulatory language: "A person holding a license may be employed for a maximum of 20% of his/her time in a role and/or at a level for which s/he does not hold a license."
Mississippi	YES	YES	No more than 5% of FTE can be out of field. MAEP formula is reduced for teachers out-of-area based on the percent of time out-of-area.
Nevada	No Response	No Response	Accountability in this area not under responsibility of respondent. Reference provided to state accountability report: Requires each school district, including each charter school, to report information on the percentage of teachers who are providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or otherwise providing instruction without an endorsement for the subject area in which the teachers are employed.
Oklahoma	YES	YES	Adjunct teacher applies in some cases to teachers who are teaching out of their area or without appropriate certification. Waiver for Library media staffing. NCLB 2001 is used at Accreditation time as the standard for checking for HQ. The Regional Accreditation Officer recommends deficiencies to the State Board for teachers teaching out of their certified and/or HQ areas.

State/Province	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
Oregon	YES	YES	<p>Educators are allowed to teach up to 10 hours a week out of field without the district reporting to the state. Districts must verify educator assignment upon renewal. (This is currently collected by educator at the time of renewal -- we are working on electronically collecting this information on a yearly basis through annual staffing data collections (in partnership with Department of Education)).</p> <p>We use the sanction authority to sanction educators who work without a license; teach out of field; and administrators who either intentionally or otherwise assign an educator out of field. We have the statutory ability to fine, but the process requires the state board of education's intervention.</p>
Pennsylvania	YES	YES	<p>The PA Auditor General's Office conducts on-site audits to identify educator misassignments or out-of-field teaching. Forfeitures are imposed for lapsed certificates, missassignments, of for no certificate used where a certificate is required. An auditor's report is reviewed by this Bureau at Dept of Ed in PA and a written report with calculated forfeitures is sent to the specific school district. The district must respond financially and with resolutions.</p>
West Virginia	YES	YES	<p>Accountability Provisions are enacted via the WV Office of Educational Performance Audits (OEPA) and accreditation status is impacted.</p>
Wyoming	YES	YES	<p>The Wyoming Department of Education monitors teaching assignments and compares an educator's licensure status and endorsements to the assignment to ensure that educators are properly qualified to be in each position. Per Wyoming Statute, school districts may only pay educators with public funds if the person holds the correct licensure or is a candidate for correct licensure.</p>

A total of 16 states/provinces responded to the survey thus far with 93.3% of respondents indicating that they have policies, regulations or statutes in place related to educator misassignments. Additionally, 66.7% of respondents have enacted accountability provisions or the imposition of penalties (financial or otherwise) related to educator misassignment or out-of-field teaching. Descriptions of penalties range from impacting a teacher's retirement credit to fiscal penalties for school district for each educator serving outside of their area of authorization.

Table 2 provides a summary of research completed by staff after an initial review of other state education websites in order to determine to what extent misassignments or out-of-field teaching are monitored. Staff also attempted to identify to what extent other states engage in compliance activities and/or apply penalties to address this issue. Source information for each state is provided at end of this insert. The information provided in Table 2 was identified in official documents identified for each state through a preliminary internet based search conducted in January 2014. The descriptions of activities and/or penalties noted were obtained from the documents provided in the links noted in the References section. While every attempt was made to ensure that the most current document was referenced, these documents may not represent the most current or complete policies, regulations, or statute for that state on this topic.

Table 2: Summary of Research on Assignment Practices from Other States

State	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
Alabama	YES	YES	<p>An individual who is assigned one or more periods per day in a teaching field in which he or she is not properly certified will cause a penalty of a minimum of \$500 per teacher per year to be assessed against the employing board of education.</p> <p>Alabama Administrative Code: “Proper certification is defined as having a valid Alabama Certificate in the teaching field(s) and/or area(s) of instructional support in which the person is assigned throughout the day.</p>
Florida	YES	YES	<p>Teacher teaching out-of-field.</p> <p>(1) ASSISTANCE.—Each district school board shall adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to a teacher who is teaching out-of-field. The district school board shall require that the teacher participate in a certification or staff development program designed to provide the teacher with the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide students with instructional services.</p> <p>(2) NOTIFICATION REQUIREMENTS.—When a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant’s minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, as determined by district school board policy in the subject area to be taught, the parents of all students in the class shall be notified in writing of such assignment.</p>

State	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
New York	YES	YES	<p>Activities include but are not limited to reporting, public notice, equitable distribution of out-of-field teachers between high and low poverty schools, and additional efforts to increase the supply of teachers in hard to staff subjects in high poverty schools by eliminating fiscal penalties for retired teachers to return to service.</p> <p>Out-of-field teaching. Some LEAs and schools assigned teachers to out-of-field teaching beyond approved “incidental” teaching because of teacher shortages or administrative decisions. By definition, these teachers were not highly qualified. (Each year, the State Education Department identifies every teacher who is doing out-of-field teaching that is not approved incidental teaching and provides lists of these teachers and their assignments to LEAs for verification and technical assistance. In addition, the State Education Department plans to severely limit incidental teaching, especially in low performing schools, thereby limiting the use of the HOUSSE.)</p> <p>Of the more than 42,000 core classes not taught by highly qualified teachers in 2004-2005, 87 percent were taught by teachers without appropriate certification.</p> <p>These teachers were either (1) uncertified and holding only a modified temporary license during the last year such licenses were permitted; or (2) certified but teaching out-of-field due to shortages or administrative decisions.</p> <p>Preliminary 2005-2006 data for New York City, suggest that significant progress was made since 2004-2005 but that challenges still remain.</p> <p>Subjects with the highest percentages of teachers without appropriate certification were English to Speakers of Other Languages (ESOL) and bilingual education, languages other than English, math, science and special education, with some variation by geographic region.</p>

State	Assignment Policies	Accountability Provisions	Description of Monitoring Activities and/or Penalties
Texas	Yes	Information Not Confirmed	<p>Texas tracks and reports the percentages of employed teachers who are considered to be teaching out of field, either because they were assigned to a subject or grade level for which they were not fully certified, or because they had no standard or lifetime certificate at all.</p> <p>Breakdown by Grade Level and Subject Area - In academic year 2011-12, 13.7% of all teachers were assigned out of field. More than half this percentage, or 8.5%, had a standard certificate in some field.</p> <p>Some subjects and grade levels had many out-of-field teachers, but most of these teachers were certified in some field. - 21.8% of Secondary School teachers were out of field. More than half this percentage, or 14.2%, were certified. - Similarly, 22.5% of Middle School teachers were out of field. Three-fourths of this percentage, or 17.1%, were certified. - Secondary Bilingual/ESL had the most out-of-field teachers of all at 92.0%. Well over three-fourths of this percentage, or 79.6%, were certified.</p>

Research on four additional states, including three states with a significant teacher/student population, are included in *Table 2* above. Based on state documents, all four have policies, regulations or statutes in place related to educator misassignments or out-of-field teaching. Research confirms that three of the four appear to have enacted accountability provisions and/or the imposition of penalties (financial or otherwise) related to educator misassignment or out-of-field teaching. Descriptions of penalties range from public notice to fiscal penalties for local school boards with educators serving outside of their area of authorization.

References

Table 2 Research Resources¹

1. Alabama
State of Alabama Department of Education – *Memorandum of State Law, Alabama Administrative Code, NCLB, and Out-of-Field Penalty* (April 2009) - <http://public.alsde.edu/office/otl/tc/Current%20Related%20Memoranda/State%20Law%20Alabama%20Administrative%20Code%20NCLB%20and%20Out-of-Field%20Penalty.pdf>
2. Florida
Florida Department of Education - *A Resource Manual for the Development and Evaluation of Exceptional Student Education Programs: Volume 1-B: Florida Statutes and State Board of Education Rules* (Revised 2013)
<http://www.fldoe.org/ese/pdf/1b-stats.pdf>

Polk County School Board Certification Newsletter – *The Teacher Advisor*, Volume 2, Issue 1 (March 2010)
<http://www.polk-fl.net/staff/employeeinfo/hrs/documents/certificationTeacherAdvisorVol2Iss1.pdf>
3. New York
New York’s State Plan to Enhance Teacher Quality (September 2006) - <http://www2.ed.gov/programs/teacherqual/hqtplans/ny.pdf>
4. Texas
Out-of-Field Teacher Credentials 2010-2012 (April 2013)
<http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769804697&libID=25769804697>

Uncertified Teachers 2008-2012 (April 2013) - <http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769804698&libID=25769804698>

State Board for Educator Certification - *Teacher Assignment Chart* (2013) - <http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769807450&libID=25769807453>

¹ All references accessed through online links provided during January and February of 2014.