
5A

Action

Credentialing and Certificated Assignments Committee

Assignment Monitoring of Certificated Employees in California by County Offices of Education 2011-2013, A Report to the Legislature

Executive Summary: This agenda item is provided in response to Education Code §44258.9, which requires the Commission to report to the Governor and Legislature biennially on assignment monitoring data for certificated employees submitted by County Offices of Education.

Policy Question: Does the Commission approve transmitting this report to the Governor and the Legislature?

Recommended Action: That the Commission approve the *Assignment Monitoring of Certificated Employees in California by County Offices of Education, 2011-2013*, a report for transmittal to the Governor and the Legislature.

Presenters: Roxann L. Purdue, Consultant and Angel D. Lopez, Analyst, Professional Services Division

Strategic Plan Goals

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.

III. Communication and Engagement

- ◆ Advise the Governor, Legislature, and other policy makers as appropriate regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

December 2014



**Assignment Monitoring of Certificated Employees in
California by County Offices of Education 2011-2013,
A Report to the Legislature**

Submitted Pursuant to Education Code §44258.9

This report was developed by Roxann L. Purdue, Consultant, and Angel D. Lopez, Analyst, of the Professional Services Division of the Commission on Teacher Credentialing. For more information about the content of this report, contact rpurdue@ctc.ca.gov.

December 2014

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Mary Vixie Sandy, Ed.D.
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| | | |
|------------------------------------|---|---------|
| Barnes, Kirsten | Non-Administrative Services Representative | 2016 |
| Blackburn, Constance | Teacher Representative | 2016 |
| Cooney, C. Michael | Public Representative | 2017 |
| Darling-Hammond, Linda | Faculty Member | 2017 |
| Gonzalez, Jose | Administrative Services Representative | 2015 |
| Harris, Kathleen | Teacher Representative | 2017 |
| Hinde, Alicia, | Teacher Representative | 2016 |
| Imura, Georgette | Public Representative | 2015 |
| Klatt, Bonnie | Teacher Representative | 2017 |
| Rodriguez, Haydee | Teacher Representative | 2016 |
| Rodriguez, Ref | Public Representative | 2016 |
| Tiffany-Morales, Juliet | School Board Member | 2016 |
| Zeiger, Richard Zumot, Michelle | Designees, Superintendent of Public Instruction | Ongoing |
| Vacant | Teacher Representative | |
| Vacant | Public Representative | |
| Ex-Officio Members | | |
| Browne, Kathryn | California Community Colleges | |
| Martin, Shane | Association of Independent California Colleges and Universities | |
| Sloan, Tine | University of California | |
| Young, Beverly | California State University | |

Vision Statement

All of California's diverse learners, preschool through grade 12, are inspired and prepared to achieve their highest potential by a well-prepared and exceptionally qualified educator workforce.

Mission Statement

To inspire, educate and protect the students of California.

Assignment Monitoring of Certificated Employees in California by County Offices of Education 2011-2013, A Report to the Legislature

Executive Summary

Examining assignment monitoring data in California is essential for policy makers as they analyze how current statutes and policies impact the assignment of certificated employees in California, as well as the need for expanded or alternative preparation programs in areas with a high number of unauthorized assignments. This report provides data collected by the Commission on Teacher Credentialing (Commission) from the county offices of education and addresses several items regarding the assignment of teachers and other certificated staff in California.

This item is provided in response to Education Code (EC) §44258.9 which requires that the Commission report biennially to the Legislature on the assignment monitoring data for certificated employees submitted by the county offices of education. The report includes assignment monitoring data from academic years 2011-2012 and 2012-2013. This report incorporates information on data collection for the teachers of English learners and certificated assignment monitoring data in California's lowest performing schools ranked in Deciles 1, 2 and 3 of the 2009 base Academic Performance Index (API). The electronic version of this report, including associated data tables, will be available on the Commission's website following Commission approval of the report to the Legislature.

As a result of the *Williams v. State of California* settlement, county superintendents are required to annually collect data and monitor assignments for all schools ranked in deciles 1, 2 and 3. The *Williams* settlement created a new focus in the review of English learner assignments resulting in better identification of teachers that lacked an authorization to provide instructional services to English learner students. Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in the *History of Assignment Monitoring* section at the end of this report.

County superintendents of schools must also submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews conducted for all schools each year. Approximately one-quarter of the certificated staff in the school districts within each county are annually reviewed. At the end of a four-year cycle the certificated staff assignments for all school districts and counties in California will have been monitored. The current four-year cycle includes the 2011-2012 through 2014-2015 academic years. As a result, the state and county level aggregate data for all certificated staff in all public schools in California (excluding charter schools) will not be available until 2016.

This report is organized by the following headings:

- The Assignment Monitoring Report for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)
- Teaching Misassignment Data for Schools Ranked in Deciles 1, 2 and 3, 2011–2012 and 2012-2013 (2009 Base API)
- English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)
- Statistics on Education Code Assignments Outside of the Credential Authorization for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)
- Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)
- Certificated Services (Non-Teaching) Misassignment Data for Schools Ranked in Deciles 1, 2 and 3, 2011–2012 and 2012-2013 (2009 Base API)
- Summary of Selected Findings
- History of Assignment Monitoring

Each monitoring year, the initial misassignments identified by the county offices of education during their assignment monitoring are reported to the school district superintendent for correction. The district superintendent has thirty calendar days from the date of official notification by the county to correct the misassignments. The county reports any misassignments that were not corrected by the district to the Commission for follow up directly with the school district superintendent.

Selected findings are provided below that summarize the information contained in the full report for California for the schools ranked in deciles 1, 2 and 3 in the 2011-2012 and 2012-2013 (2009 Base API) academic years:

- Overall decrease in identified teaching misassignments each year during the three year report cycle (2010-11, 2011-12 and 2012-13) at the same school sites ranked in deciles 1, 2 and 3 (2009 Base API).
- Total decrease of 49% in the number of teaching misassignments between the 2010-2011 and 2012-2013 report years. In total, a reduction from 9,843 teaching misassignments in 2010-11 to 5,051 in 2012-13.
- Over 80% of all teaching misassignments occur at the secondary school level (middle and high schools) with approximately 50% of those identified at the high school level in each year.
- Special Education represented the largest number of teaching misassignments in both years but did decrease by over 13% between 2011-12 and 2012-13.
- Significant decreases in the number of misassignments in schools ranked in the lowest three deciles occurred in four core subject areas between 2011-12 and 2012-13: Science (-61%), English (-51%), Mathematics (-55%), and Social Science (-65%).
- Overall, the total number of English Learner authorization misassignments reduced by more than 49% between 2011-12 and 2012-13.

**The Assignment Monitoring Report for Schools Ranked in Deciles 1, 2 and 3,
2011-2012 and 2012-2013 (2009 Base API)**

Introduction

This agenda item provides data collected and reported to the Legislature biennially by the Commission on Teacher Credentialing (Commission) from monitoring activities completed by the county offices of education on the assignments of teachers and other certificated staff as required by Education Code (EC) §44258.9. The assignment monitoring activities and data collection for this report is limited to California’s lowest performing schools ranked in Deciles 1, 2 and 3 of the 2009 base Academic Performance Index (API) for the 2011-2012 and 2012-2013 academic years. While state level aggregate data is provided within the report narrative, additional detailed data tables are also provided in the *Appendix* <http://www.ctc.ca.gov/commission/agendas/2014-12/2014-12-5A-appendix.pdf> as follows:

| | |
|----------|--|
| Table 1 | Teaching Misassignments by County with Combined Data for Schools Ranked in Deciles 1, 2, and 3, 2011-12 and 2012-13 (2009 Base API) |
| Table 1A | Teaching Misassignments by County, District, Decile Rank, School, and Subject, 2011-12 (2009 Base API) |
| Table 1B | Teaching Misassignments by County, District, Decile Rank, School, and Subject, 2012-13 (2009 Base API) |
| Table 2 | Data Collection for Classrooms with 20% or More English Learner Students by County, District, School, and Decile Rank, 2011-12 (2009 Base API) |
| Table 2A | Data Collection for Classrooms with 20% or More English Learner Students by County, District, School, and Decile Rank, 2012-13 (2009 Base API) |
| Table 3 | Education Code Assignment Options by County with Combined Data for Schools Ranked in Deciles 1, 2, and 3, 2011-12 (2009 Base API) |
| Table 3A | Education Code Assignment Options by County with Combined Data for Schools Ranked in Deciles 1, 2, and 3, 2012-13 (2009 Base API) |
| Table 3B | Education Code Assignment Options by County, District, Decile Rank, School Site, and Subject, 2011-12 (2009 Base API) |
| Table 3C | Education Code Assignment Options by County, District, Decile Rank, School Site, and Subject, 2012-13 (2009 Base API) |
| Table 4 | Teacher Vacancies by County with Combined Data for Schools Ranked in Deciles 1, 2, and 3, 2011-12 and 2012-13 (2009 Base API) |
| Table 4A | Teacher Vacancies by County, District, Decile Rank, and School, 2011-2012 (2009 Base API) |
| Table 4B | Teacher Vacancies by County, District, Decile Rank, and School, 2012-2013 (2009 Base API) |
| Table 5 | Certificated Services Misassignments by County with Combined Data for Schools Ranked in Deciles 1, 2, and 3, 2011-12 and 2012-13 (2009 Base API) |
| Table 5A | Certificated Services Misassignments by County, District, Decile Rank, and School, 2011-12 (2009 Base API) |
| Table 5B | Certificated Services Misassignments by County, District, Decile Rank, and School, 2012-13 (2009 Base API) |

Background

As a result of the *Williams v. State of California* settlement, county superintendents of schools are required to annually monitor the assignments of all certificated employees for schools ranked in deciles 1, 2 and 3 of the Academic Performance Index (API). Assignment monitoring involves reviewing all assignment records for the certificated staff at these school sites in order to determine if the individual holds an appropriate credential and authorization for the instruction or service provided or if the educator is otherwise legally authorized to serve on the basis of a permit, waiver, or local assignment option within statute or regulation. County superintendents must also annually collect data for these schools on classrooms with a population of 20% or more English learner students in order to determine the number of classrooms served by a teacher without an appropriate English learner authorization. This report summarizes all data reported for schools ranked in deciles 1, 2, and 3 (2009 Base API) during the 2011-2012 and 2012-2013 academic years. Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in the *Assignment Monitoring History* section at the end of the report.

County superintendents must also annually report the results of assignment monitoring activities conducted for approximately one-quarter of all certificated staff in each county throughout the state. At the end of a four-year cycle, all certificated staff assignments in California are monitored for all schools, districts, and county offices of education. The current four-year monitoring cycle includes the 2011-2012 through 2014-2015 academic years. As a result, the aggregate data for all certificated staff in the state will not be available and reported until 2016.

An explanation of common terms used in this report is provided below for clarification.

Misassignment

The placement of a certificated employee in a teaching or services position for which the educator does not hold a legally recognized certificate, credential, permit, or waiver with an appropriate authorization for the assignment or is not otherwise authorized for the assignment under another section of statute or regulation.

Academic Performance Index (API)

A measurement maintained by the California Department of Education of the academic performance and growth of schools. It is a numeric index or scale that ranges from a low of 200 to a high of 1000. A school's score on the API is an indicator of a school's performance level. For purposes of annually monitoring schools ranked in deciles 1, 2 and 3 schools, a specific base API year is identified in statute and is updated every three years. This results in the same school sites being monitored annually for three consecutive years and in order to reduce the number of the misassignments identified each year.

Deciles

California schools are ranked in deciles 1 (lowest) through 10 (highest) based on the API. While charter schools are ranked by decile, these schools are not subject to annual assignment

monitoring under EC §44258.9 unless they elect to opt in. At this time, no charter schools have opted in for the additional monitoring and data for these schools are not included in this report.

**Teaching Misassignment Data for Schools Ranked in Deciles 1, 2 and 3,
2011–2012 and 2012-2013 (2009 Base API)**

In the 2011-2012, the assignments of more than 72,780 certificated teachers were reviewed in 1,917 schools ranked in the bottom three deciles of the 2009 Base API across 362 districts in California. The total number of certificated staff decreased by approximately 5% in 2012-2013 to 69,151 in 1,908 schools across 361 districts. Of the certificated teachers monitored, 8,338 were initially identified as misassigned in 2011-2012. The number of misassignments identified decreased to 5,051, a decrease of almost 40%, in 2012-2013.

As the same school sites were monitored for a total of three years (2010-11, 2011-12, and 2012-13), it is significant to note that 9,843 teaching misassignments were identified in 2010-2011 during the first year of monitoring. The total percentage decrease for teaching misassignments between the first and third year of assignment monitoring for these school sites is 49%.

Table A details the total certificated teachers monitored and identified as misassigned during 2011-2012 and 2012-2013 in schools ranked in the lowest three deciles of California.

| Table A: Total Certificated Teachers Monitored Relative to Identified Misassignments for Schools Ranked in Deciles 1, 2, and 3, 2011-12 and 2012-13 (2009 Base API)* | | | |
|---|----------------|----------------|--|
| | 2011-12 | 2012-13 | % Change Between 2011- 12 and 2012-13 |
| Base API Year | 2009 | 2009 | N/A |
| Total Monitored Districts with Schools Ranked in Deciles 1-3 | 361 | 360 | -0.28% |
| Total Monitored Schools Ranked in Deciles 1-3 | 2,094 | 2,085 | -0.43% |
| Total Certificated Teachers Monitored | 72,780 | 69,151 | -4.99% |
| Total Teaching Misassignments | 8,338 | 5,051 | -39.42% |

* The Base API Year has changed every three years for monitoring purposes; therefore, some of the decile 1 through 3 school sites closed or merged prior to the 2011-2012 and/or 2012-2013 academic year (2009 Base API). Charter schools ranked in deciles 1 through 3 (2009 Base API) are **not** included in this data.

Figure 1 illustrates the breakdown of identified teaching misassignments between the three decile ranks for each report year and demonstrates the significant reduction of those misassignments in each decile between the 2011-2012 and 2012-2013 report years. The identified misassignments decreased in each of the three decile ranks between 2011-2012 and 2012-2013 (2009 Base API): 43% decrease in decile 1 schools, 38% decrease in decile 2 schools, and 37% decrease in decile 3 schools.

Figure 1: Teaching Misassignments by Decile, 2011-12 and 2012-13 (2009 Base API)

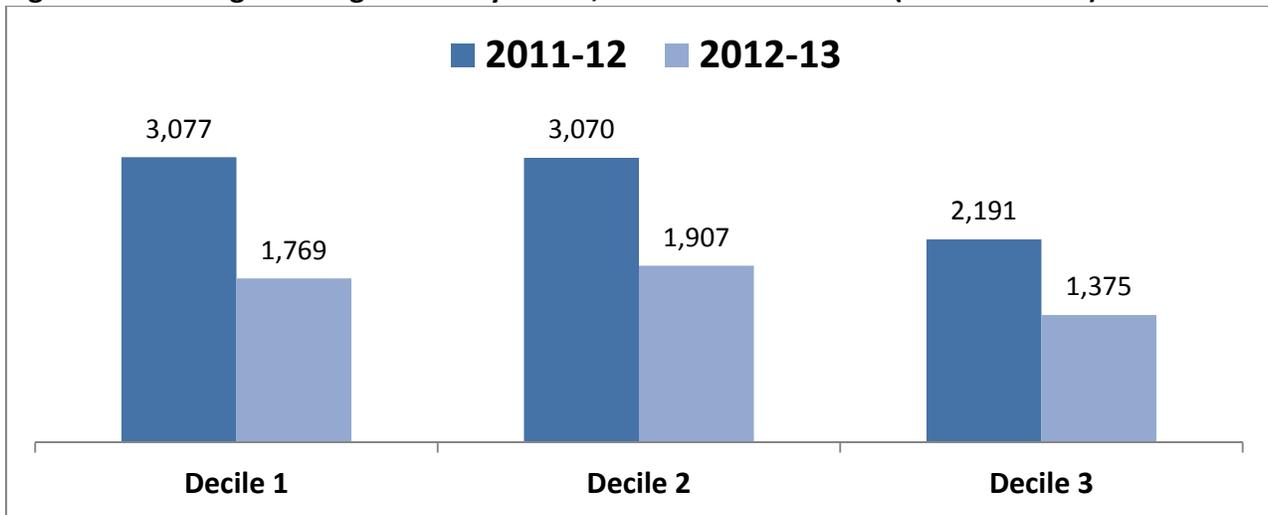


Figure 2 provides the percentage of teaching misassignments that occurred in 2011-2012 and 2012-2013 at each school level (Elementary, Middle and High). In both years, approximately half of all teaching misassignments are identified at the high school level with over 80% at the secondary level when middle and high school teaching misassignments are combined. Elementary schools represent between 14%-16% of the identified teaching misassignments each year.

Figure 2: Teaching Misassignments by Level, 2011-12 and 2012-13 (2009 Base API)

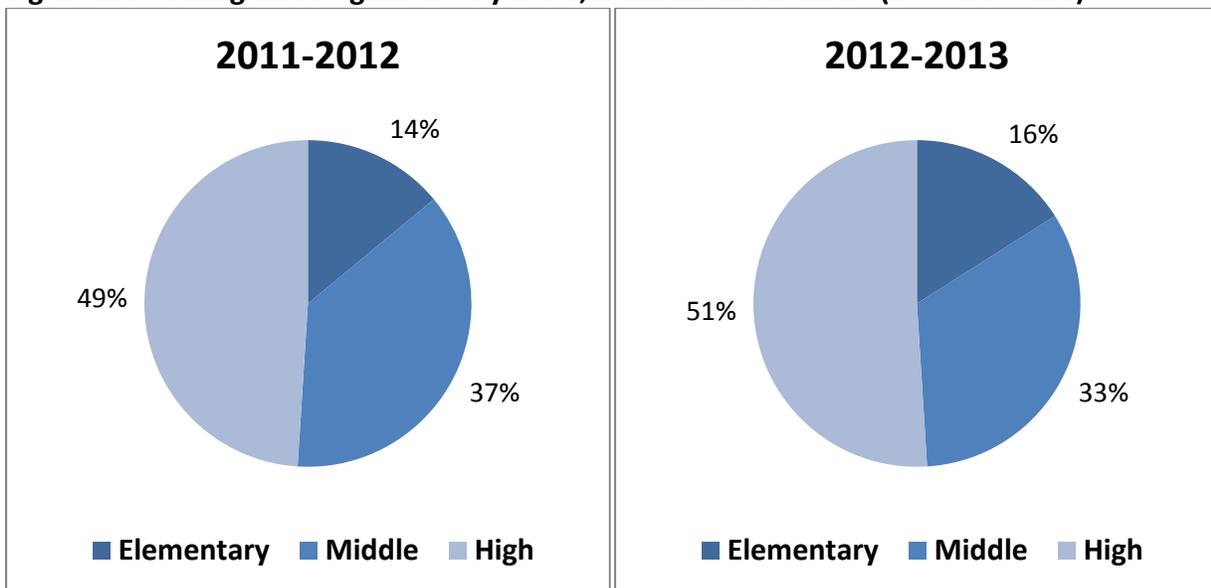


Table B includes specific information on the number of identified teaching misassignments by aggregate content areas in 2011-2012 and 2012-2013 for schools ranked in deciles 1 through 3. The largest number of identified misassignments in each year is identified within the area of Special Education; however, there was over a 13% decrease in this area between the two

report years. The aggregate area of Special Education is further broken out by specific federal disability category or specialty area authorization in *Table C*.

Table B: Total Teaching Misassignments by Subject, 2011-12 and 2012-13 (2009 Base API)

| Subject | 2011-12 | 2012-13 | % Change between 2011-12 and 2012-13 |
|---------------------------------------|--------------|--------------|--------------------------------------|
| Agriculture | 7 | 7 | 0.00% |
| Art | 112 | 79 | -29.46% |
| Business | 26 | 14 | -46.15% |
| Career Technical Education (CTE) | 86 | 37 | -56.98% |
| Computer Education | 116 | 55 | -52.59% |
| Electives | 1,986 | 1,525 | -23.21% |
| English | 491 | 240 | -51.12% |
| English Learner | 489 | 249 | -49.08% |
| Health | 509 | 168 | -66.99% |
| Home Economics | 27 | 30 | 11.11% |
| Industrial Technology Education (ITE) | 75 | 59 | -21.33% |
| Mathematics | 396 | 177 | -55.30% |
| Music | 13 | 12 | -7.69% |
| Other | 615 | 27 | -95.61% |
| Physical Education | 321 | 208 | -35.20% |
| Science | 594 | 234 | -60.61% |
| Self-Contained | 32 | 24 | -25.00% |
| Social Science | 336 | 116 | -65.48% |
| Special Education | 2,025 | 1,752 | -13.48% |
| World Languages | 82 | 38 | -53.66% |
| Totals | 8,338 | 5,051 | -39.42% |

Figure 3 highlights four ‘core’ content area misassignments for these school sites and demonstrates significant decreases between 51% and 65% for each content area over the two years.

Figure 3: ‘Core’ Content Area Misassignments for Schools Ranked in Deciles 1, 2, and 3, 2011-12 and 2012-13 (2009 Base API)

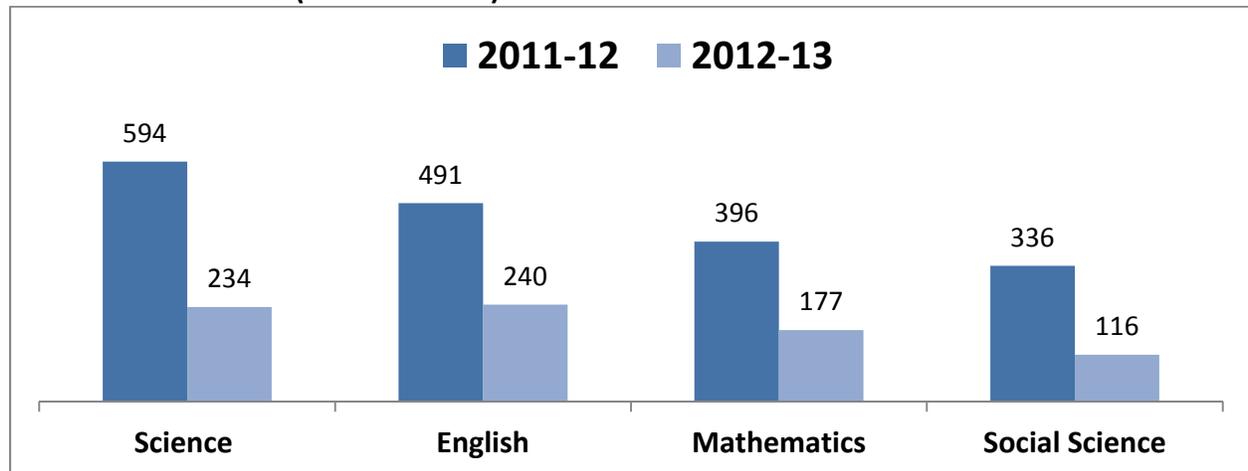


Table C: Special Education Teaching Misassignments by Disability Category or Specialty Area, 2011-12 and 2012-13 (2009 Base API)

| Special Education Misassignments* | 2011-12 | 2012-13 |
|---|----------------|----------------|
| Adapted Physical Education (APE) | 2 | 1 |
| Autism Spectrum Disorders (ASD) | 1,253 | 709 |
| Deaf and Hard of Hearing (DHH) | 53 | 87 |
| Deaf-Blindness | 0 | 2 |
| Early Childhood Special Education (ECSE) | 13 | 11 |
| Emotional Disturbance (ED) | 4 | 20 |
| Intellectual Disabilities (ID)** | 5 | 74 |
| Mild/Moderate (M/M) | 163 | 21 |
| Moderate/Severe (M/S) | 84 | 18 |
| Multiple Disabilities (MD) | 6 | 35 |
| Orthopedic Impairments (OI) | 109 | 230 |
| Other Health Impairments (OHI) | 19 | 104 |
| Physical and Health Impairments (PHI) | 153 | 5 |
| Resource Specialist (RSP) | 38 | 33 |
| Specific Learning Disability (SLD) | 15 | 115 |
| Speech or Language Impairment (SLI) | 62 | 188 |
| Traumatic Brain Injury (TBI) | 13 | 45 |
| Visual Impairments including Blindness (VI) | 33 | 54 |
| Totals | 2,025 | 1,752 |

* Monitoring of special education assignments is transitioning from a focus on broad identification of special education classrooms that align with specialty areas to a more focused monitoring of the federal disability categories of the students being served and whether the teacher is appropriately prepared and authorized to serve that student population. This change in monitoring is aligned with legislation that focused on the specific disability category of Autism and the lack of teachers prepared to serve that population.

**In 2010, President Obama signed “Rosa’s Law” creating federal legislation to replace the term “Mental Retardation” (MR) with “Intellectual Disability” (ID). SB 1381 (Chap. 457, Stats. 2012) aligned California statutes with the federal law.

Figure 4 further examines the special education teaching misassignments by both school decile rank and year. Each year provided a reduction in the number of special education teaching misassignments identified in each of the three deciles representing the following percentage decrease by decile rank between the 2011-12 and 2012-13 report years: a 10% decrease in schools ranked in Decile 1, a 17% decrease in schools ranked in Decile 2, and a 13% decrease in schools ranked in Decile 3. *Figure 5* represents the same data but broken out by the percentage of special education teaching misassignments that occurred at each school level. As with the total teaching misassignments, the majority occur at the secondary level with over 40% identified at the high school level each year. Between 30% and 33% of special education teaching misassignments were identified at the elementary level during the 2011-2012 and 2012-2013 report years respectively.

Figure 4: Special Education Misassignments by Decile, 2011-12 and 2012-13 (2009 Base API)

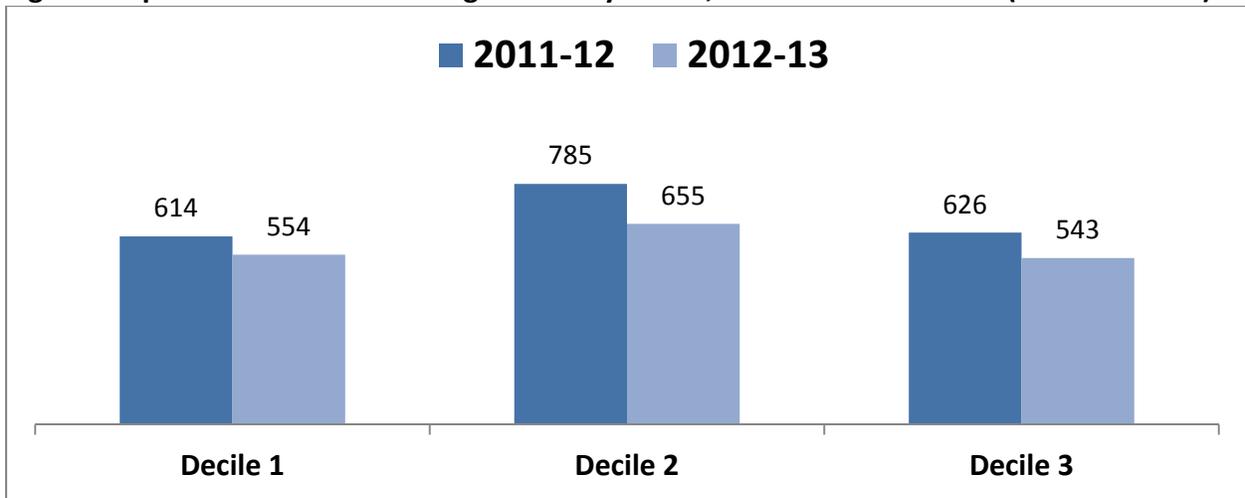


Figure 5: Special Education Misassignments by Level, 2011-12 and 2012-13 (2009 Base API)

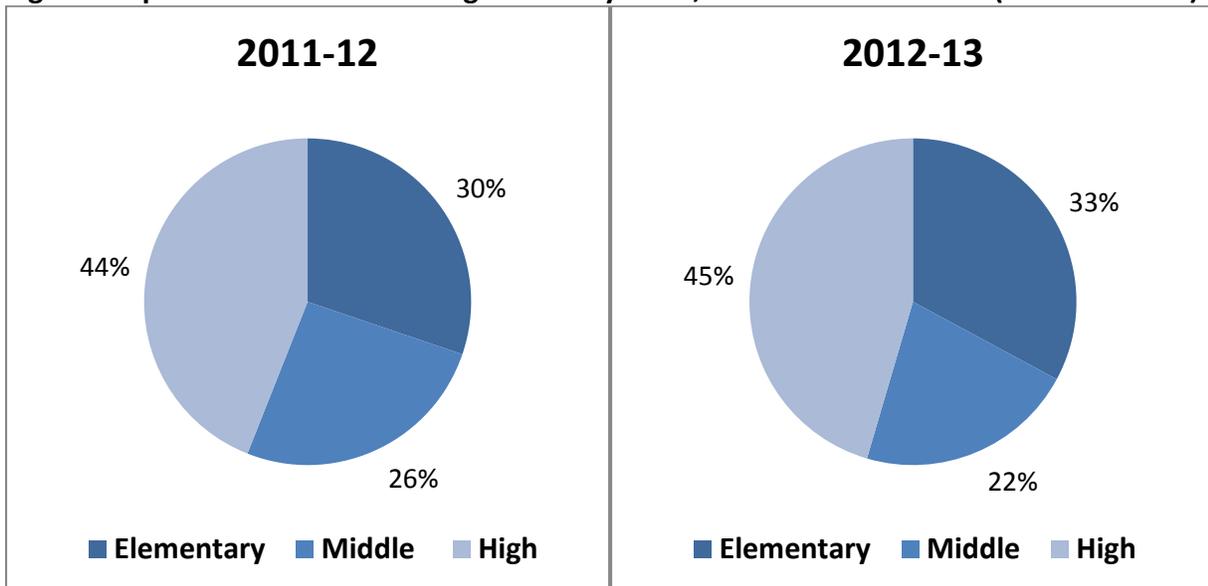


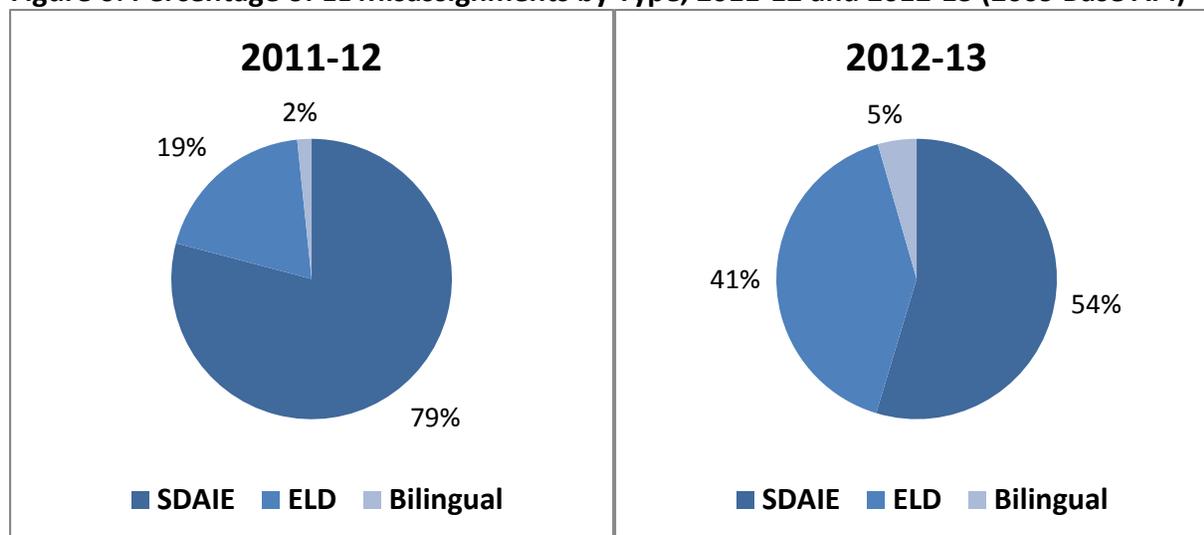
Table D represents a breakdown by type of the identified English learner (EL) teaching misassignments for each year in schools ranked in Deciles 1 through 3 (2009 Base API). Overall, the total number of EL misassignments reduced by more than 49% between the two report years. While the largest total of EL teaching misassignments were identified as Specially Designed Academic Instruction in English (SDAIE), this type of EL misassignment also represented the largest decrease at over 65% between 2011-12 and 2012-13. SDAIE is one component of a comprehensive program for English learners, consisting of a variety of strategies, techniques, and materials specially designed to provide students at an intermediate or advanced level of English proficiency access to grade-level core curriculum in English. SDAIE must be provided by a teacher who has completed appropriate preparation to earn an EL authorization that includes SDAIE. In contrast, the number of English Language Development (ELD) misassignments increased by 9.57% between the two years and the number of teachers

providing Bilingual instruction in the primary language of the student who were identified without the appropriate Bilingual Authorization increased by 22% though the overall numbers within this type of English learner misassignment area remains low across the state.

| EL Authorization | 2011-12 | | | | 2012-13 | | | | % Change between 2011-12 and 2012-13 |
|------------------|------------|------------|------------|------------|-----------|------------|-----------|------------|--------------------------------------|
| | D1 | D2 | D3 | Total | D1 | D2 | D3 | Total | |
| SDAIE | 175 | 112 | 99 | 386 | 28 | 72 | 35 | 135 | -65.03% |
| ELD | 45 | 26 | 23 | 94 | 43 | 28 | 32 | 103 | 9.57% |
| Bilingual | 5 | 0 | 4 | 9 | 0 | 6 | 5 | 11 | 22.22% |
| Totals | 225 | 138 | 126 | 489 | 71 | 106 | 72 | 249 | -49.08% |

Figure 6 shows the percentage for each type of EL teaching misassignment calculated against the total number of EL teaching misassignments identified. In 2011-12, out of the total 489 EL misassignments, SDAIE represented (386) 79%. The total number of EL misassignments reduced to 249 in 2012-13 and SDAIE decreased to (135) 54% of the total in 2012-2013. In contrast, ELD increased from (94) 19% of the 489 total in 2011-12 to (103) 41% of the 249 total in 2012-2013.

Figure 6: Percentage of EL Misassignments by Type, 2011-12 and 2012-13 (2009 Base API)



English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)

Additional data collection is required by statute for classrooms with 20% or more English learner students. For schools ranked in deciles 1 through 3, counties are required to collect the following data:

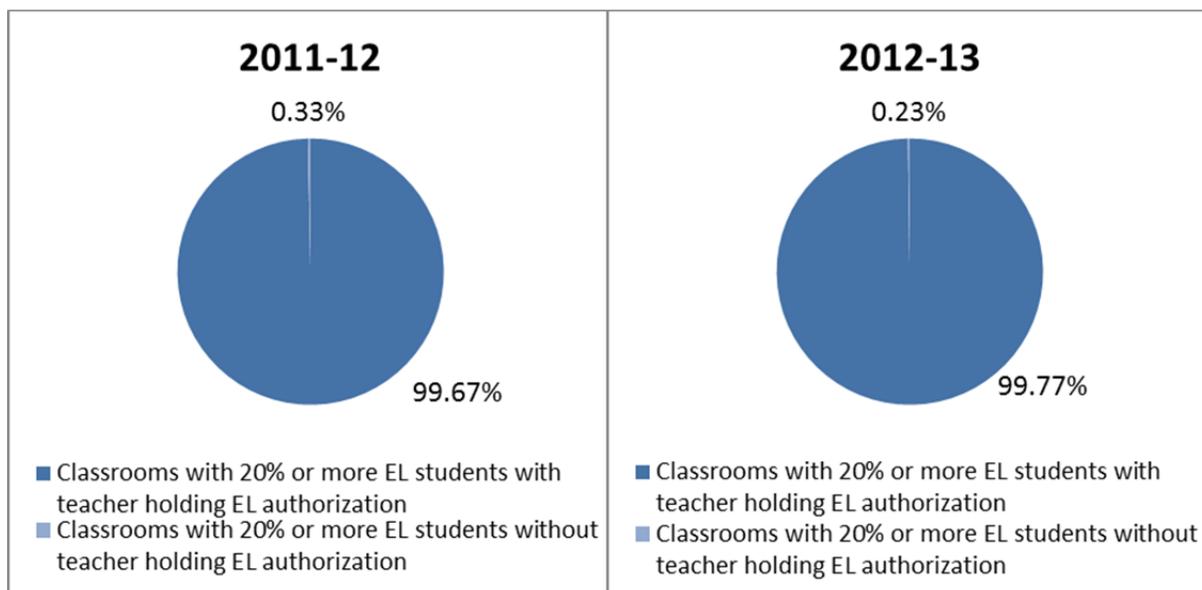
1. Total enrollment for students identified as English learners;
2. Total number of classrooms with an identified English learner student population of 20% or more;
3. Total number of classrooms with an identified English learner student population of 20% or more with a teacher who holds an English learner authorization; and

4. Total number of classrooms with an identified English learner student population of 20% or more with a teacher who does not hold an English learner authorization.

Table E below provides the data collected as a result of this additional monitoring, broken out by decile rank and report year. Table E demonstrates that there was a significant decrease of 35% in the number of these classrooms served by a teacher without an appropriate EL authorization between 2011-2012 and 2012-2013. Figure 7 provides a broader statewide perspective by illustrating that more than 99% of these classrooms were staffed by a teacher holding an appropriate EL authorization in 2011-12 and 2012-13.

| Data Collection Criteria | 2011-12 | | | | 2012-13 | | | | % Change between 2011-12 and 2012-13 |
|---|---------|--------|--------|----------------|---------|--------|--------|----------------|--------------------------------------|
| | D1 | D2 | D3 | Total | D1 | D2 | D3 | Total | |
| Classrooms with 20% or more EL students | 38,772 | 40,038 | 37,534 | 116,344 | 34,958 | 37,933 | 35,454 | 108,345 | -6.88% |
| Classrooms with 20% or more EL students <i>with</i> teacher holding EL authorization | 38,637 | 39,905 | 37,418 | 115,960 | 34,870 | 37,826 | 35,400 | 108,096 | -6.78% |
| Classrooms with 20% or more EL students <i>without</i> teacher holding EL authorization | 135 | 133 | 116 | 384 | 88 | 107 | 54 | 249 | -35.16% |

Figure 7: Percentage of Classrooms With 20% or More EL Students Appropriately Served by an EL Authorized Teacher, 2011-12 and 2012-13 (2009 Base API)



Statistics on Education Code Assignments Outside of the Credential Authorization for Schools Ranked in Deciles 1, 2 and 3, 2011-2012 and 2012-2013 (2009 Base API)

California has many provisions within the Education Code that provide avenues for the assignment of certificated employees outside their basic credential authorization. These Education Code options allow local school districts the flexibility to assign teachers to provide instruction in subjects other than those already authorized by the credential(s) they hold. In most cases, teaching assignments made under these options require the agreement of the school site administrator, the affected teacher and the governing board. Through the *Assignment Monitoring and Review Report*, the Commission collects information on the most frequently used options. The provisions of these options are summarized below:

- **§44256(b)** allows the elementary credentialed teacher to teach subjects in departmentalized classes grades 8 and below if the teacher has completed twelve semester units, or six upper division or graduate semester units, in the subject area to be taught.
- **§44258.2** allows the secondary credentialed teacher to teach classes in grades 5 through 8, provided that the teacher has a minimum of twelve semester units, or six upper division or graduate semester units, in the subject to be taught.
- **§44258.3** allows local school districts to assign credentialed teachers to teach departmentalized classes in grades K-12 as long as the teacher's subject-matter competence is verified according to policy and procedures approved by the governing board.
- **§44258.7(c) and (d)** allows a full-time teacher with special skills and preparation outside his or her credential authorization to be assigned to teach in an "elective" area (defined as other than English, math, science, or social science) of his or her special skills, provided the assignment is approved by the local Committee on Assignments prior to the beginning of the assignment.
- **§44263** allows the credential holder to teach in a departmentalized class at any grade level if the teacher has completed eighteen semester units of course work, or nine semester units of upper division or graduate course work, in the subject to be taught.

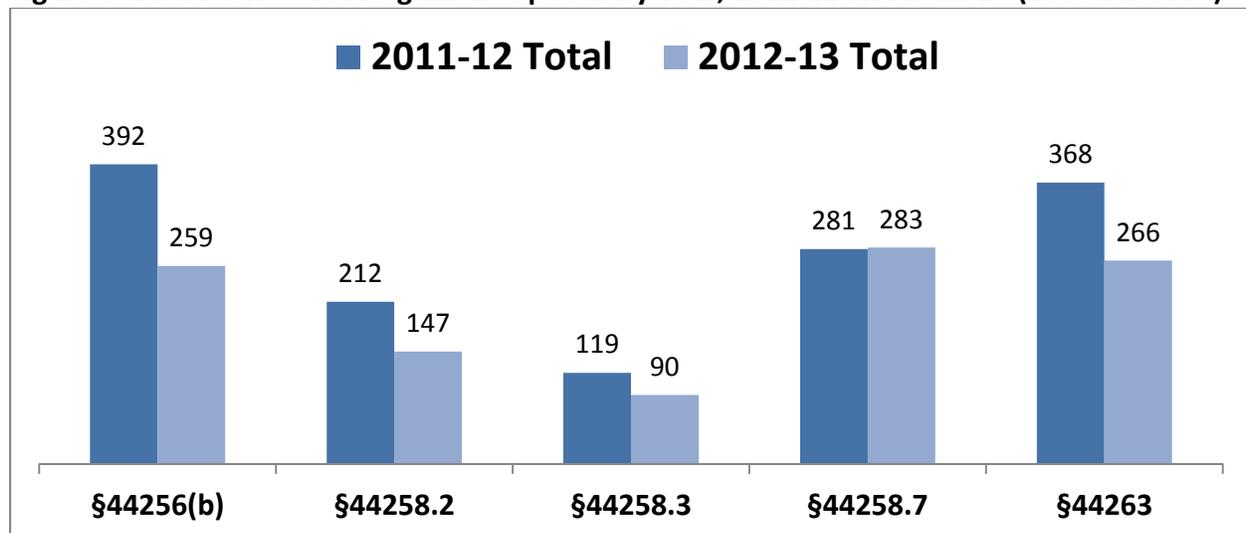
Table F presents data for each of the local assignment options noted above with data broken out by school decile rank and report year. In total, the data indicates an almost 24% decrease between 2011-12 and 2012-13 in the use of local assignment options within these section of statute for schools ranked in deciles 1 through 3 (2009 Base API).

| Education Code | 2011-12 | | | | 2012-13 | | | | Change between 2011-12 and 2012-13 |
|----------------|------------|------------|------------|--------------|------------|------------|------------|--------------|------------------------------------|
| | D1 | D2 | D3 | Total | D1 | D2 | D3 | Total | |
| §44256(b) | 118 | 143 | 131 | 392 | 52 | 100 | 107 | 259 | -33.9% |
| §44258.2 | 84 | 66 | 62 | 212 | 73 | 37 | 37 | 147 | -30.7% |
| §44258.3 | 5 | 42 | 72 | 119 | 6 | 33 | 51 | 90 | -24.4% |
| §44258.7 | 41 | 96 | 144 | 281 | 42 | 123 | 118 | 283 | 0.7% |
| §44263 | 90 | 127 | 151 | 368 | 64 | 94 | 108 | 266 | -27.7% |
| Totals | 338 | 474 | 560 | 1,372 | 237 | 387 | 421 | 1,045 | -23.8% |

Most assignments made under the options within these sections of the Education Code are in the middle or high schools. EC §44256(b) is occasionally used to authorize teachers with Multiple Subject or Standard Elementary Credential to teach specialized subjects (e.g., music, art, world language, physical education) in departmentalized classrooms to different groups of students throughout the day in elementary schools. This generally occurs in school districts that provide elementary teachers with release time for planning. The school may have a “release time” departmentalized teachers for subjects such as art, music, physical education, or science.

Figure 8 illustrates a reduction in the use of each option except section 44258.7. Section 44256(b) is primarily used for Multiple Subject teachers serving in departmentalized classrooms at the middle school level and represented the most widely used option in 2011-12 but decreased in 2012-13.

Figure 8: Education Code Assignment Options by Year, 2011-12 and 2012-13 (2009 Base API)



While the Commission has authority to collect information for the purpose of analysis and reporting to the Legislature, it does not have authority to conduct a qualitative review of the assignments made in local school districts using Education Code provisions. For example, the Commission does not have data such as subject content area or curriculum/methods of classes taken at a college or university or grades received for the courses used to accumulate the 18 or

9 semester units required under EC §44263 or the 12 or 6 semester units required under EC §§44256(b) or 44258.2.

**Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3,
2011-2012 and 2012-2013 (2009 Base API)**

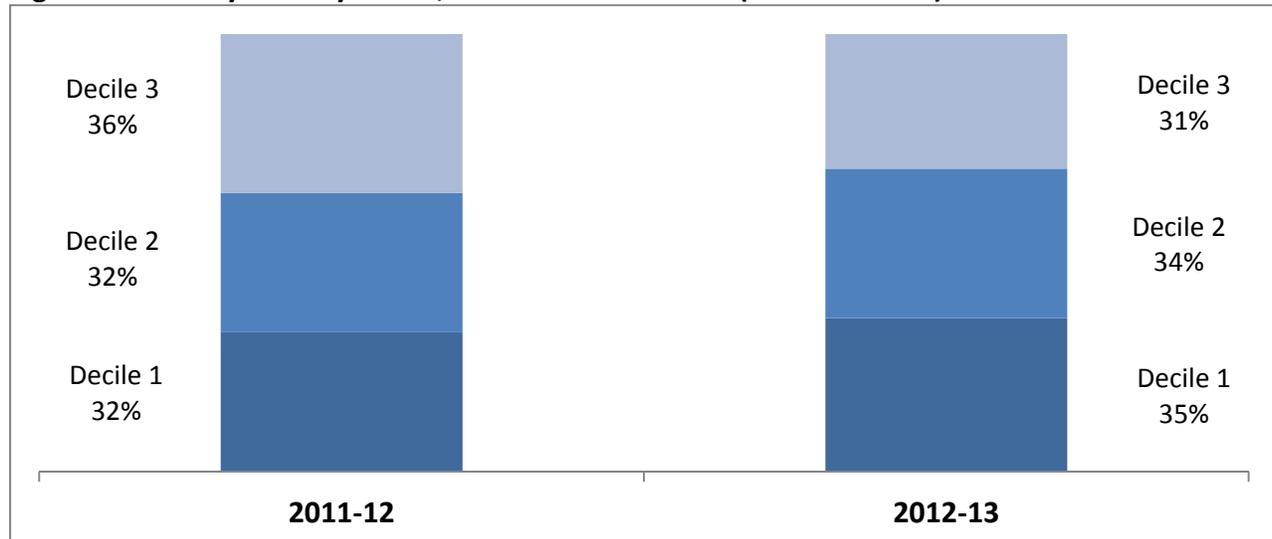
‘Teacher vacancy’ is another statutorily required data item collected by the county offices of education. EC§33126(b)(5)(A)(B) and 5 California Code of Regulations §4600 defines ‘Teacher Vacancy’ as certificated positions for which a single designated employee has not been assigned for the entire year or if it is a one-semester course, then for the entire semester within the first twenty working days after the first day of class for students.

Table G below provides the teacher vacancy data collected by the county offices for the schools ranked in deciles 1, 2 and 3 (2009 Base API) for the 2011-2012 and 2012-2013 report years. Teacher vacancy totals experienced a 21% increase between the two years with the largest increase occurring at schools ranked in the lowest decile.

| Table G: Teacher Vacancies by Decile, 2011-12 and 2012-13 (2009 Base API) | | | |
|--|----------------|----------------|---|
| Rank | 2011-12 | 2012-13 | % Change Between 2011-12 and 2012-13 |
| Decile 1 | 66 | 89 | 34.85% |
| Decile 2 | 66 | 86.5 | 31.06% |
| Decile 3 | 77 | 78 | 1.30% |
| Totals | 209 | 253.5 | 21.29% |

While Table G provides the percentage change between years for each decile rank, Figure 9 includes the percentage of teacher vacancies against the total number of teacher vacancies for each of the report years. While all schools had an increase in vacancies, the distribution of those vacancies between schools in each decile ranking is for the most part equally distributed.

Figure 9: Vacancy Data by Decile, 2011-12 and 2012-13 (2009 Base API)



Certificated Services (Non-Teaching) Misassignment Data for Schools Ranked in Deciles 1, 2 and 3, 2011–2012 and 2012-2013 (2009 Base API)

In the 2011-2012 and 2012-2013, the assignments of more than 9,000 educators providing certificated services in over 1,900 schools ranked in the bottom three deciles of the 2009 Base API in California were monitored. The total number of certificated services misassignments decreased by approximately 40% between these two report years.

Table H details the total certificated services staff monitored and identified as misassigned during 2011-2012 and 2012-2013 in schools ranked in the lowest three deciles of California (2009 Base API).

| | 2011-12 | 2012-13 | % Change Between 2011-12 and 2012-13 |
|---|---------|---------|--------------------------------------|
| Base API Year | 2009 | 2009 | N/A |
| Monitored Districts with Schools Ranked in Deciles 1-3* | 361 | 360 | -0.28% |
| Monitored Schools Ranked in Deciles 1-3* | 2,094 | 2,085 | -0.43% |
| Certificated Services Staff | 9,285 | 9,166 | -1.28% |
| Certificated Services Misassignments | 2,371 | 1,425 | -39.90% |

* The Base API Year has changed every three years for monitoring purposes; therefore, some of the decile 1 through 3 school sites closed or merged prior to the 2011-2012 and/or 2012-2013 academic year (2009 Base API). Charter schools ranked in deciles 1 through 3 (2009 Base API) are **not** included in this data.

Table I provides a breakdown by the types of services position identified as misassigned for each report year. The most notable decrease in certificated services misassignments is the position of Speech-Language Pathologists.

| Certificated Service Position | 2011-12 | 2012-13 | % Change Between 2011-12 and 2012-13 |
|------------------------------------|--------------|--------------|--------------------------------------|
| Administrative | 27 | 16 | -40.74% |
| Counselor | 4 | 2 | -50.00% |
| Program Coordinator (Non-teaching) | 1,374 | 719 | -47.67% |
| Psychologist | 1 | 2 | 100.00% |
| School Librarian | 7 | 7 | 0.00% |
| School Nurse | 0 | 1 | -- |
| Speech-Language Pathologists | 24 | 6 | -75.00% |
| Staff Developer (Non-teaching) | 934 | 672 | -28.05% |
| Totals | 2,371 | 1,425 | -39.90% |

The two largest populations of certificated services identified were Program Coordinators and Staff Developers. Program Coordinators develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning. While the holder of an

Administrative Services Credential is required for this type of position at the school district and county level, the Commission adopted Title 5 Regulations section 80020.4.1, effective in 2000, which provides a local assignment option for teacher leaders serving in these positions at the school site level. At the same time, Title 5 section 80020.4 was adopted as another local assignment option by the Commission to authorize teachers to serve as Staff Developers at the school, district, or county level. This particular local assignment option requires the teacher to hold a credential and authorization in the specific subject of the staff development or have their expertise in that subject verified by their local governing board.

Figure 10 illustrates the reduction in the certificated service misassignments across all deciles between 2011-12 and 2012-13. Figure 11 provides a breakdown by school level demonstrating an even distribution of 50% between elementary and secondary in the 2011-12 and with a reduction of 38% at the elementary level in 2012-13 for all certificated services misassignments.

Figure 10: Services Misassignments by Decile, 2011-12 and 2012-13 (2009 Base API)

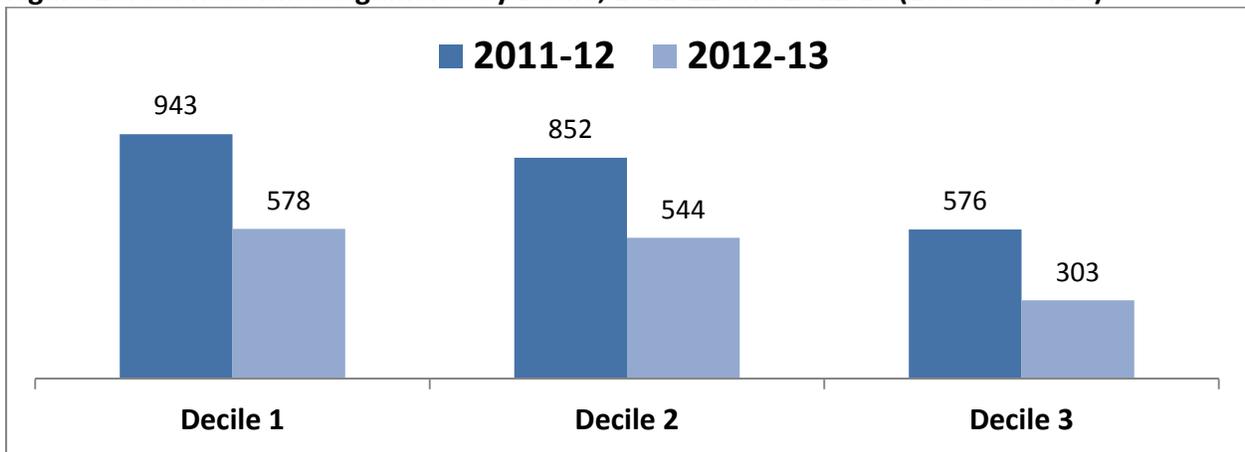
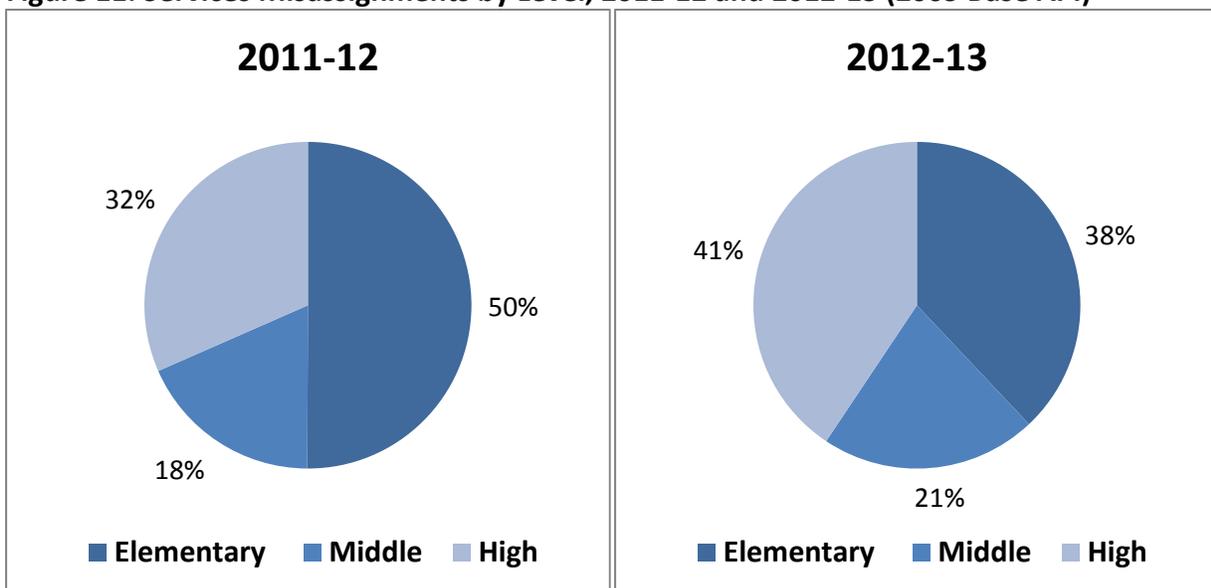


Figure 11: Services Misassignments by Level, 2011-12 and 2012-13 (2009 Base API)



Summary of Selected Findings

Selected findings are provided below that summarize the information contained in the full report for California for the schools ranked in deciles 1, 2 and 3 in the 2011-2012 and 2012-2013 (2009 Base API) academic years:

- Overall decrease in identified teaching misassignments each year during the three year report cycle (2010-11, 2011-12 and 2012-13) at the same school sites ranked in deciles 1, 2 and 3 (2009 Base API).
- Total decrease of 49% in the number of teaching misassignments between the 2010-2011 and 2012-2013 report years. In total, a reduction from 9,843 teaching misassignments in 2010-11 to 5,051 in 2012-13.
- Over 80% of all teaching misassignments occur at the secondary school level (middle and high school) with approximately 50% of those identified at the high school level in each year.
- Special Education represented the largest number of teaching misassignments in both years but did decrease by over 13% between 2011-12 and 2012-13.
- Significant decreases in the number of misassignments in schools ranked in the lowest three deciles occurred in four core subject areas between 2011-12 and 2012-13: Science (-61%), English (-51%), Mathematics (-55%), and Social Science (-65%).
- Overall, the total number of EL misassignments reduced by more than 49% between 2011-12 and 2012-13.
- More than 99% of classrooms with an EL student population of 20% or more were taught by an appropriately EL authorized teacher.
- Decrease of almost 24% between 2011-12 and 2012-13 in the use of local assignment options in the Education Code for teachers serving outside of the authorized content area(s) on their teaching credentials for schools ranked in deciles 1 through 3 (2009 Base API).
- Teacher vacancy totals increased by 21% between 2011-12 and 2012-13 with the largest increase occurring at schools ranked in the lowest decile.
- Total number of certificated services misassignments decreased by approximately 40% between 2011-12 and 2012-13.

History of Assignment Monitoring

Introduction

The Commission on Teacher Credentialing has been charged with the oversight of the appropriate and legal assignment of certificated personnel in the public schools. The Commission has attempted to achieve a balance between being certain that a certificated employee has the appropriate preparation to teach the subject to which he or she is assigned and the employer's need for assignment flexibility.

Since the initial Commission-directed study in 1982, the Commission has examined the extent of the misassignment of certificated personnel, the causes of misassignments, practices that eliminate or minimize misassignments, and solutions to the problem of misassignment. In the initial study of assignment practices, Commission staff monitored the certificated assignments in five school districts and five county offices of education during 1982-1983. While the study found that many of the school districts and county offices understood the obligation to appropriately assign certificated staff and keep accurate assignment data, it also uncovered deficiencies in some of the districts and county offices. These included the area of communication between their offices and the school sites when assignments were changed at the school site level and in the misunderstanding of the specific authorization for each type of credential.

The Commission followed up this report with a series of workshops in Spring 1984 to address assignment issues. These workshops brought to light several problems related to the assignment of teachers in the elementary and middle grades. In response, the Commission sponsored Senate Bill (SB) 511 (Chap. 490, Stats. 1985) to provide greater assignment flexibility at these grades.

Legislation signed in 1986, SB 2371 (Chap. 1279, Stats. 1986), required the Commission to conduct a statewide study of the misassignment of credentialed personnel. The Commission reported its findings and recommendations in a report to the Legislature in February 1987. Among its findings, the study concluded that 8% of the State's secondary teachers were illegally assigned for one or more class periods during the 1985-1986 school year.

Based on the findings and recommendations of the study, the Commission sponsored SB 435 (Chap. 1376, Stats. 1987), which was signed into law October 1987. As a result, \$44258.9 was added to the Education Code requiring county superintendents of schools to monitor and review the certificated employee assignments in one-third of their school districts each year. The law also required that the Commission monitor and review certificated assignments for the State's seven single-district counties at least once every three years. Beginning July 1, 1990, county superintendents were required to submit an annual report to the Commission summarizing the results of all assignment monitoring and reviews within one third of their districts. These reports include information on assignments made under various Education Code options and identified misassignments. Beginning with the 1988-1989 school year, SB 435 established mandates for local monitoring activities that result in costs that were recoverable

through the state mandated costs procedures. School districts and county offices of education submitted annual claims to the Office of the State Controller.

As part of the 1996-97 state budget negotiations, the Legislative Analyst recommended that all of the mandates on school districts and county offices of education related to certificated assignment monitoring be changed. As a result, EC §44258.9 was amended, effective January 1, 1996, to require county superintendents of schools to monitor and review the certificated employee assignments in one-fourth of their districts each year and for the Commission to monitor the State's seven single district counties once every four years. At the end of a four-year cycle, the entire state has been monitored. Therefore, it is important to note that each year is a snapshot look at the assignments of certificated employees in the state. From the 1996-1997 to 2001-2002 school years, \$350,000 was placed in the Commission's budget to distribute to the county offices of education for assignment monitoring activities. Districts no longer could claim funds since the section of the Education Code which required the districts to annually report to their governing board was eliminated. The monies are distributed to the county offices of education on a pro rata basis. In the 2002-03 State budget the amount of money was reduced to \$308,000.

Changes to Assignment Monitoring as a Result of the *Williams* Lawsuit Settlement

Williams v. State of California (Williams) was filed as a class action in 2000. The basis of the lawsuit was that state agencies had failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The case was settled in August 2004 and several bills implementing the settlement were enacted.

As provided in Assembly Bill (AB) 3001 (Chap. 902, Stats. 2004), and AB 831 (Chap. 118, Stats. 2005), the Commission is responsible with respect to teacher assignment and reporting. Schools most affected by the *Williams* settlement are in deciles 1, 2, and 3 as determined by the 2003 Academic Performance Index (API) Base Report. Deciles are groupings of schools ranked 1 (lowest) through 10 (highest) based on the API. Some provisions are not limited to specific decile schools but affect all schools regardless of API decile.

AB 3001 AB 831, and SB 512 (Chap. 677, Stats. 2005) made changes to certificated assignment monitoring that existed in EC §44258.9. The four-year monitoring cycle remains the same for most schools as does the online reporting that is due by July 1 of each year. All certificated assignments in the school districts being monitored as a result of the four-year cycle, teaching and non-teaching support positions, must be monitored. Beginning the 2004-2005 school year, the changes were:

- 1) Assignment monitoring must be annually conducted and reported by county offices on all assignments for schools in deciles 1, 2, and 3 unless the school is under review through a state or federal intervention program. If the annual review of schools ranked in deciles 1, 2, and 3, inclusive of the 2003 API, finds that a school has no teacher misassignments or teacher vacancies for two consecutive years, the school may be included with the district's next review according to the regular four-year cycle.

If a school is under state or federal review, the exemption from assignment monitoring responsibilities is limited to the annual monitoring of all assignments in the decile 1, 2 and 3 schools (2003 API) and does not extend to the EL data collection or the regular one-fourth of districts monitoring.

- 2) As a result of the annual monitoring of all assignments, if a decile 1, 2, and 3 school (2003 API) is found to have no teacher misassignments or teacher vacancies for two consecutive years, the school may return to their district's regular monitoring cycle. This allows a county office to re-monitor the assignments in a school district during a four-year cycle if the district is found to have problems with misassignments and/or teacher vacancies. However, decile 1, 2, and 3 schools that are likely to have problems with teacher misassignment and teacher vacancies must be annually monitored at the discretion of the county office.
- 3) The timeline for the Commission to send the results of the monitoring report to the county superintendent of the seven single district counties that are monitored by the Commission was shortened from 45 to 30 days.
- 4) The assignment monitoring data is reported to both the Commission and the California Department of Education.
- 5) The county offices of education must collect and report additional English learner data. Subdivision (c)(4)(A) of EC §44258.9 requires county offices of education, on an annual basis, to report on the appropriate English learner certification held by teachers in kindergarten through grade twelve classes in deciles 1, 2, and 3 (2003 API Base) schools if the class has 20 % or more English learners. This is a school-by-school, classroom-by-classroom evaluation and must be completed on an annual basis whether or not the county is monitoring all the assignments in the district that year. The review is limited to collecting and reporting data on the appropriate English learner authorization.

It is important to note that the 20% or more rule for reviewing the appropriateness of the teacher's English learner authorization applies only to the separate data collection and reporting required under *Williams* and not to the regular assignment monitoring completed by the county offices. It does not matter whether one student or all the students in a class require English learner services; the teacher must hold the appropriate basic and English learner authorization or is otherwise authorized by statute.

After the county has determined the classes with 20 percent or more English learners, the data that will be collected and reported by the county offices will be in four areas:

- 1) Number of classes at a school site that have 20% or more English learners;
- 2) Number of classes with 20% or more English learners and the teacher holds an appropriate English learner authorization;

- 3) Number of classes with 20% or more English learners and the teacher does not hold an appropriate English learner authorization; and
- 4) English learner enrollment at each school site.

For the purpose of the English learner authorizations, the authorization must match the type of English learner services being provided by the teacher, i.e., English Language Development (ELD), Specially Designed Academic Instruction in English (SDAIE), or bilingual/primary language instruction, to be considered appropriately authorized. For example, a teacher with a Crosscultural Language Academic Development (CLAD) authorization is authorized for ELD and SDAIE, but is not appropriately authorized to provide bilingual/primary language instruction.

Assignment Data

In 1989, the Commission established a comprehensive database of assignment information compiled from the annual report submitted by the counties. Beginning with the 1989-1990 report year, teaching and non-teaching certificated employees (administrators, counselors, etc.) assignments in every school in the State have been monitored. Information compiled on the first three-year cycle (September 1989 through June 1992) of assignment monitoring was presented in a report to the Commission in August 1993 and the report on the second three-year cycle (September 1992 through June 1995) was presented to the Commission in September 1996. The database was updated with information on the four-year cycle (September 1995 through June 1999) that was presented to the Commission in December 2000.

In an effort to provide better customer service, utilize technology and improve communication, the Commission created a voicemail line specifically for assignment questions, followed by an e-mail box in 2001. In 2003, the Commission implemented an online assignment monitoring report system for the counties. In 2004 and 2005, the Commission created additional online report systems for county reporting of the English learner data collection and assignment monitoring of the schools in deciles 1, 2 and 3 (2003 API).

EC §44258.9 mandates that certain information be collected and reported including:

- 1) The number of teachers assigned and types of assignments made by local district governing boards under the authority of §§44256, 44258.2 and 44263 of the Education Code.
- 2) Information on actions taken by local Committees on Assignment (EC §44258.7), including the number of assignments authorized and subject areas in which committee-authorized teachers are assigned;
- 3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments;

- 4) Information on all assignments for schools in deciles 1, 2, and 3 annually unless the school is under review through a state or federal intervention program;
- 5) Information on additional English learner data collected annually pursuant to the *Williams* settlement including the appropriate English learner certification held by teachers in kindergarten through grade twelve classes in deciles 1, 2, and 3 (2006 API) schools if the class has 20 % or more English learners; and
- 6) After consultation with representatives of county superintendents of schools, other information determined to be needed by the Commission. This includes information on assignments under EC §44258.3 and the number of individuals assigned to serve English learner students.

Of significance in the passage of Assignment Monitoring legislation has been the improvement in the ability of county offices to record and track certificated personnel. In order to be in compliance with statute, county offices have vastly improved their record keeping, most by automating credential and assignment information.