
3B

Action

Credentialing and Certificated Assignments Committee

Assignment Monitoring of Certificated Employees in California by County Offices of Education 2007-2009, a Report to the Legislature

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

Recommended Action: Staff recommends that the Commission approve the report “Assignment Monitoring of Certificated Employees in California by County Offices of Education 2007-2009” for submission to the Legislature.

Presenter: Roxann L. Purdue, Assistant Consultant, Certification, Assignment and Waivers Division

Strategic Plan Goal 2:

Support policy development related to educator preparation, conduct and professional growth

- ◆ Provide and report information to the legislature, stakeholders and other state agencies

August 2010

Assignment Monitoring of Certificated Employees in California by County Offices of Education 2007-2009, a Report to the Legislature

Introduction

This agenda item is a report of the assignment monitoring activities of the certificated employees in California by County Offices of Education for academic years 2007-2009. This item is provided in response to Education Code §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 2007-2009. This report incorporates information on data collection for the teachers of English learners and certificated assignment monitoring data during the academic years between 2007-2009 in California's lowest performing schools ranked in Deciles 1, 2 and 3 of the 2006 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.

Background

Education Code §44258.9 requires the Commission to report assignment monitoring data to the Legislature from the county offices of education. County superintendents of schools must submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring conducted in that 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 districts in California will have been monitored. The current four-year cycle includes the 2007-2008 through 2010-2011 academic years. As a result, the state and county level aggregate data will not be available until 2012 and will be reported in full at that time.

County superintendents are also required to annually collect data in all schools ranked in deciles 1, 2 and 3 in the 2006 Base Academic Performance Index (API) for classrooms with a population of 20% or more English learner students. County superintendents must also annually monitor the assignments of all certificated employees in the decile 1, 2, and 3 schools. This report summarizes all of the data and assignment information collected for the decile 1, 2, and 3 schools during the 2007-2008 and 2008-2009 academic years.

Recommended Action

Staff requests approval of the report for submission to the Legislature.



COMMISSION ON
TEACHER CREDENTIALING

Ensuring Educator Excellence

**Assignment Monitoring of Certificated Employees in
California by County Offices of Education 2007-2009,
A Report to the Legislature**

Submitted Pursuant to Education Code §44258.9

This report was developed by Roxann L. Purdue, Assistant Consultant in the Certification, Assignment and Waivers Division of the Commission on Teacher Credentialing. For more information about the content of this report, contact rpurdue@ctc.ca.gov.

August 2010

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Blackburn, Constance	Teacher Representative	2012
Castillo, Brenda V.	Public Representative	2013
Chernow, Dan	Public Representative	2013
Dean, Steven	Teacher Representative	2011
Evans, Marlon	Public Representative	2012
Gahagan, Charles	Teacher Representative	2012
Littman, Leslie	Designee, Superintendent of Public Instruction	Ongoing
McInerney, Carolyn	School Board Member	2012
Oropeza-Enriquez, Irene	Administrative Services Representative	2011
Sun, Ting	Public Representative	2011
Vacant	Non-Administrative Services Credential Representative	
Vacant	Faculty Member	
Vacant	Teacher Representative	
Vacant	Teacher Representative	
Vacant	Teacher Representative	
Ex-Officio Members		
Martin, Shane	Association of Independent California Colleges and Universities	
Perry, Janis	California Postsecondary Education Commission	
Sloan, Tine	University of California	
Young, Beverly	California State University	

Assignment Monitoring in California of Certificated Employees by County Offices of Education 2007-2009, 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 2007-2009. This report incorporates information on data collection for the teachers of English learners and certificated assignment monitoring data during the academic years between 2007-2009 in California's lowest performing schools ranked in Deciles 1, 2 and 3 of the 2006 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.

County superintendents of schools must submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews conducted in that 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 districts in California will have been monitored. Each county office of education, with the districts in their area, determines their own monitoring schedule with the goal of monitoring approximately one-fourth of all certificated staff in the county each year. The current four-year cycle includes the 2007-2008 through 2010-2011 academic years. As a result, the state and county level aggregate data will not be available until 2012 and will be reported in full at that time.

As a result of the *Williams v. State of California* settlement, county superintendents are also required to annually collect data in all schools ranked in deciles 1, 2 and 3 in the 2006 Base API for classrooms with a population of 20% or more English learner students. County superintendents must also annually monitor the assignments of all certificated employees in the decile 1, 2, and 3 schools. This report summarizes all of the data and assignment information collected for the decile 1, 2, and 3 schools during the 2007-2008 and 2008-2009 academic years.

The *Williams* settlement created a new focus in the review of English learner assignments resulting in better identification of teachers that lacked the authorization to provide instructional services to English learners. Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in Appendix 1.

This report is organized by the following headings:

- The 2007-2009 Assignment Monitoring Report
- Misassignment Data for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API), 2007-2009
- Information on English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API), 2007-2009
- Statistics on Education Code Assignments Outside of the Credential Authorization for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API), 2007-2009
- Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API), 2007-2009
- Summary

In conclusion, the cumulative report information from county superintendents indicates that during the 2007-2008 academic year, 18 percent of certificated employees in schools, ranked in the three lowest deciles (2006 Base API), were in a position for which they did not hold an appropriate credential or authorization. A total of 18,026 certificated employees were initially found to be placed in unauthorized assignments. The following academic year this figure reduced to 12,962 initial misassignments or 14 percent of certificated employees. The misassignment of teachers of English learners represents the largest number of misassignments reported in both the 2007-2008 and 2008-2009 monitoring years accounting for almost 50% of the total misassignments in each monitoring year. While the overall total of misassignments did decrease for these schools there was an overall increase in the misassignments in four core subject areas (English, social science, mathematics and science). The primary increase was identified in the category of general and introductory science courses at the middle school level. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments.

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 resolve these misassignments. The county reports any misassignments that were not corrected by the district to the Commission for follow up on the misassignment with the employing school district.

The 2007-2009 Assignment Monitoring Report

County superintendents of schools must submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews conducted in that 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 districts in California will have been monitored. Each county office of education, with the districts in their area, determines their own monitoring schedule with the goal of monitoring approximately one-fourth of all certificated staff in the county each year. The current four-year cycle includes the 2007-2008 through 2010-2011 academic years. As a result, the state and county level aggregate data will not be available until 2012 and will be reported in full at that time.

As a result of the *Williams v. State of California* settlement, county superintendents are also required to annually collect data in all schools ranked in deciles 1, 2 and 3 in the 2006 Base Academic Performance Index (API) for classrooms with a population of 20% or more English learner students. County superintendents must also annually monitor the assignments of all certificated employees in the decile 1, 2, and 3 schools. This report summarizes all of the data and assignment information collected for the decile 1, 2, and 3 schools during the 2007-2008 and 2008-2009 academic years.

Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in Appendix 1. The following is a summary and analysis of the annual assignment data on schools ranked in the lower three deciles and submitted to the Commission by county offices of education for the 2007-2008 and 2008-2009 academic years.

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 employee does not hold a legally recognized certificate, credential, permit, or waiver with an appropriate authorization for the assignment or is not authorized for the assignment under another section of statute or regulations.

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 monitoring the decile 1, 2 and 3 schools including the English learner data collection, 2006 is the base year used for assignment monitoring activities.

Deciles

California schools are ranked in deciles 1 (lowest) through 10 (highest) based on the API. If a decile 1, 2, or 3 school is under review through a state or federal intervention program, the school is exempt from annual monitoring. Title 5 §17101 defines which schools are considered 'under review' for purposes of the implementation of the *Williams* settlement.

Misassignment Data for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API) for the 2007–2009 Report Years

In the 2007-2008 academic year, the assignments of more than 99,503 certificated staff members were reviewed in schools ranked in the bottom three deciles of the 2006 Base API. The 2,228 school sites monitored during the 2007-2008 academic year were comprised of 739 decile 1 schools, 746 decile 2 schools and 743 decile 3 schools across 45 counties. Thirteen counties either did not have any decile 1, 2 or 3 schools or only had charter schools in the lower three deciles not subject to the monitoring. The number of schools monitored decreased for the 2008-2009 academic year as a result of school closures and annual monitoring exemptions for schools based on two consecutive years without misassignments. The total number of certificated staff also decreased to 93,891. Of the certificated personnel monitored, 18,026 were initially identified as misassigned in the first year of 2007-2008. In the second year, that number decreased to 12,962 for the 2008-2009 academic year.

Table A details the total certificated staff monitored in schools ranked in the lower three deciles of California between the 2005-2006 school year when this level of monitoring began through the most recent school year in this report cycle, 2008-2009.

Table A: A Comparison of Total Staff Monitored Relative to Misassignment in Schools Ranked in Decile 1, 2 and 3, 2005-2009

	2005-06	2006-07*	2007-08*	2008-09
Base API Year for Monitoring	2003	2003	2006	2006
Total Certificated Staff Monitored	100,868	101,315	99,503	93,891
Total Certificated Misassignments	58,283	11,867	18,026	12,962
Percentage of Certificated Staff Misassigned	58%	12%	18%	14%

* The Base API Year changes every three years; therefore, some of the school sites reviewed for this monitoring did change depending on their decile ranking during the API year designated for that monitoring year. The Base API Year changed from 2003 to 2006 between the 2006-2007 and 2007-2008 academic years.

Table B and Figure 1 compare the total number of misassignments by year and decile ranking for all certificated staff initially identified as misassigned from August 2007 through June 2009.

Table B: Decile 1, 2 and 3 Certificated Staff Identified as Misassigned, 2007-2009

	2007-08	2008-09	% Change from 2007-08 to 2008-09
Decile 1	7,842	6,152	-22%
Decile 2	5,776	3,799	-34%
Decile 3	4,408	3,011	-32%
Totals	18,026	12,962	-28%

As illustrated by Figure 1 below, all three decile ranks decreased their overall number of misassignments from report year one (2007-08) to report year two (2008-09) by 22 – 32%. The same school sites were monitored during these two report years.

Figure 1: Certificated Staff Identified as Misassigned by Academic Year and Decile Rank, 2007-2009

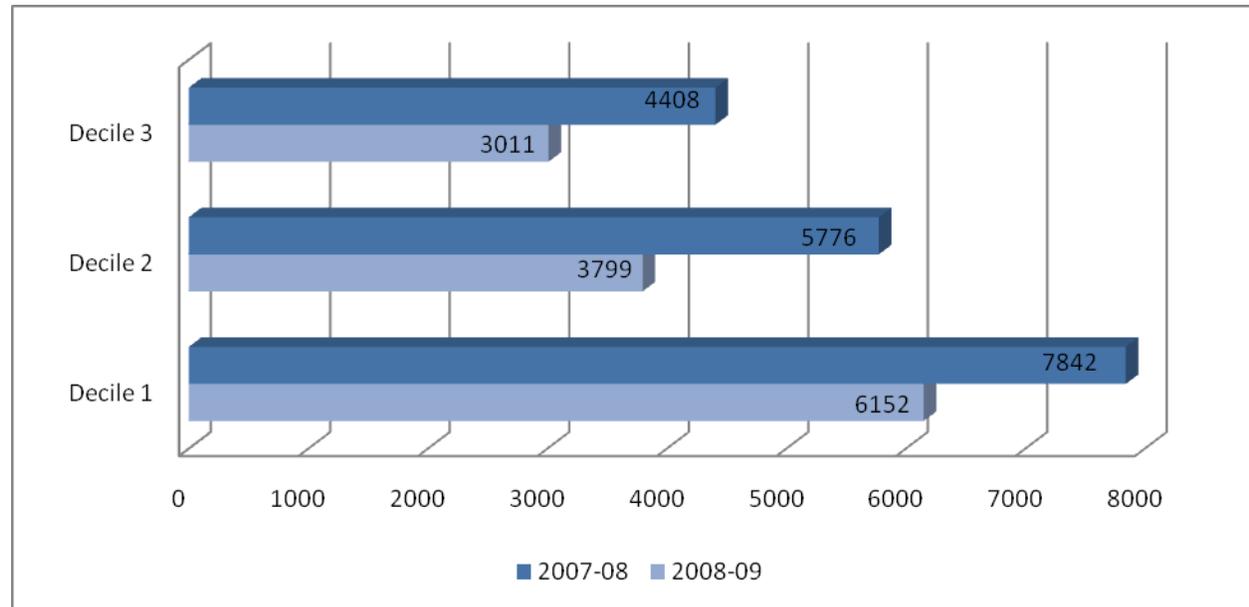


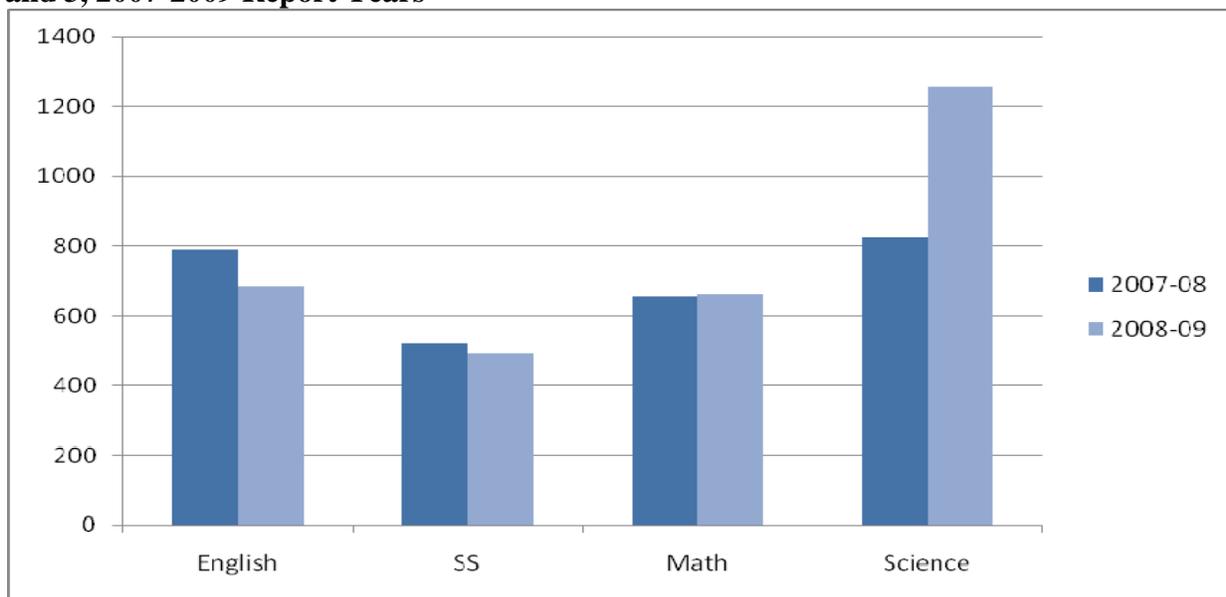
Table C examines the misassignments reported in four ‘core’ subject areas (English, social science, math and science) for each decile by report year. There was an overall decrease in English and Social Science misassignments between the two academic years; however, the subject area of science experienced a significant increase in misassignments.

Table C: ‘Core’ Subject Area Misassignment Data for Schools in Deciles 1, 2 and 3, 2007-2009 Report Years

2007-08	D1	D2	D3	Total	2008-09	D1	D2	D3	Total	% change between 2007-08 and 2008-09
English	297	304	189	790	English	254	262	171	687	-13.0%
Social Science	226	167	127	520	Social Science	207	152	134	493	-5.2%
Math	255	266	134	655	Math	277	192	193	662	1.1%
Science	325	282	219	826	Science	574	407	274	1,255	51.9%
Total	1,103	1,019	669	2,791	Total	1,312	1,013	772	3,097	11.0%

Figure 2 depicts the increase that occurred between the 2007-2008 and 2008-2009 report years in the subject category of science. In a review of all data, this increase is primarily within the general and introductory science courses at the middle school level and of the total science misassignments represented 49% in 2007-2008 and 65% in 2008-2009. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments.

Figure 2: ‘Core’ Subject Area Misassignment Combined Data for Schools in Deciles 1, 2 and 3, 2007-2009 Report Years



The other area of statistical significance in this report cycle includes the misassignment of teachers for English learner students. English learner students must be taught by certificated teachers with the appropriate training and preparation to meet their linguistic and academic needs based on local level assessments. The Commission issues a variety of English learner authorizations based on the preparation and training of the teacher. There are three primary types of English learner service delivery models identified in this report: English Language Development (ELD); Specially Designed Academic Instruction in English (SDAIE); and Instruction in the Primary Language (Bilingual Instruction).

The previous report cycle included English learner misassignment data from the first assignment monitoring review of the Decile 1, 2 and 3 school assignments in 2005-2006 (2003 Base API). The first year of the review revealed 44,414 total English learner misassignments with a dramatic drop in the following monitoring year to 7,563. While the schools monitored during this report cycle are largely the same, there were some changes as the base API year changed from 2003 to 2006. The review for the 2007-2008 monitoring year revealed a total of 8,835 English learner misassignments with the new 2006 Base API schools; however, the second year of monitoring the same school sites again resulted in an overall decrease in the total to 6,466. The exception in this downward trend was bilingual misassignments which increased from a total of 54 identified in 2007-2008 to a total of 85 in 2008-2009. The lack of SDAIE authorizations represented 93% of the total English learner misassignments in both school years which is consistent with previous report years.

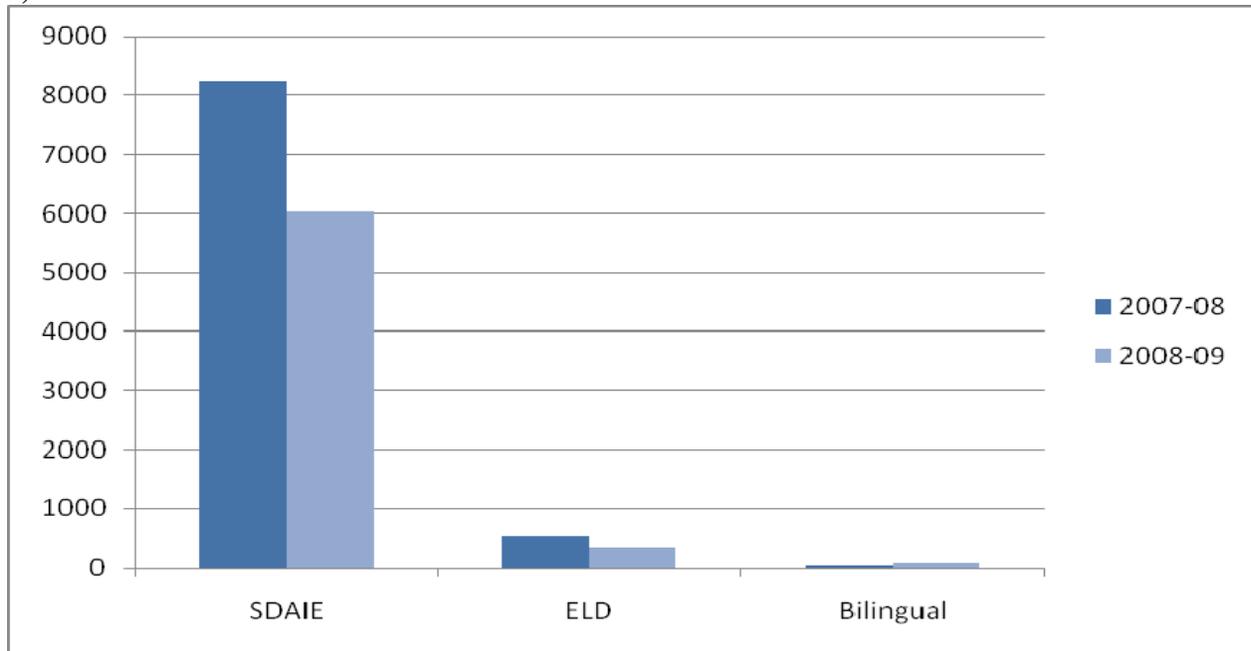
Table D: English Learner Misassignments by Decile and Report Year, 2007-2009

2007-08	D1	D2	D3	Total	2008-09	D1	D2	D3	Total	% change between 2007-08 and 2008-09
SDAIE	3950	2353	1941	8244	SDAIE	3142	1645	1246	6033	-26.8%
ELD	176	179	182	537	ELD	147	98	103	348	-35.2%
Bilingual	26	19	9	54	Bilingual	43	27	15	85	57.4%
Total	4152	2551	2132	8835	Total	3332	1770	1364	6466	-26.8%

Table D above provides the total number of English learner misassignments in the deciles 1, 2 and 3 schools (2006 Base API) in the 2007-2008 and 2008-2009 academic years. The subject categories of “ELD”, SDAIE” and “Bilingual” represent the largest number of misassignments reported in both the 2007-2008 and 2008-2009 monitoring years. When all three types of

English learner misassignments are examined together, English learner misassignments accounted for almost 50% of the total misassignments in each monitoring year. While the overall total of English learner misassignments in schools ranked in deciles 1, 2 and 3 has decreased from the last report cycle two years ago, they continue to account for the majority of identified misassignments. As illustrated in Figure 3, unauthorized SDAIE assignments account for the highest English learner misassignment totals at 6,033, a decrease of 26.8% from 8,244 in the 2007-2008 academic year.

Figure 3: English Learner Misassignments Combined Data for Schools in Deciles 1, 2 and 3, 2007-2009



English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API) for the 2007-2009 Report Years

Additional data collection for classrooms with 20 percent or more English learner students was a new requirement for the 2004-2005 academic year. For schools ranked in deciles 1, 2 and 3, counties were 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 percent or more;
3. Total number of classrooms with an identified English learner student population of 20 percent 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 percent or more with a teacher who does not hold an English learner authorization.

Table E below contains the data collected as a result of this additional monitoring, including the totals from combining all three decile ranks. Table E also demonstrates that while the 2008-2009 academic year witnessed an increase in the number of classrooms with 20% or more English learner students in these schools, there was not a corresponding increase in the number of classrooms without an appropriately authorized teacher for English learners. The total number of these classrooms that were assigned a teacher without an appropriate English learner authorization dropped from 4,495 to 2,544 between the 2007-2008 and 2008-2009 academic years.

Table E: Data for Classrooms with 20 Percent or more English Learner Students in Decile 1, 2 and 3 Schools, 2007-2009

		Decile 1	Decile 2	Decile 3	Totals
2007-2008	Classes with 20% or more EL students	49,348	47,356	42,125	138,829
	Classes with 20% or more EL students with teacher holding EL authorization	47,077	45,989	41,268	134,334
	Classes with 20% or more EL students without teacher holding EL authorization	2,271	1,367	857	4,495
2008-2009	Classes with 20% or more EL students	52,857	47,610	43,371	143,838
	Classes with 20% or more EL students with teacher holding EL authorization	51,633	46,793	42,868	141,294
	Classes with 20% or more EL students without teacher holding EL authorization	1,224	817	503	2,544

Statistics on Education Code Assignments Outside of the Credential Authorization

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.

Almost all assignments made under these Education Code sections are in the middle or high schools. Occasionally, EC §44256(b) is used to allow teachers with Multiple Subject or Standard Elementary Credentials to teach specialized subjects in a departmental setting 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" teacher for subjects such as art, music, physical education, or science.

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

Table F: Education Code Assignment Options by Decile and Report Year, 2007-2009

Education Code	Year	Decile 1	Decile 2	Decile 3	Totals
	§44263	2007-08	210	223	260
	2008-09	107	153	186	446
Education Code	Year	Decile 1	Decile 2	Decile 3	Totals
	§44256(b)	2007-08	184	214	227
	2008-09	203	170	206	579
Education Code	Year	Decile 1	Decile 2	Decile 3	Totals
	§44258.2	2007-08	100	67	48
	2008-09	128	38	57	223
Education Code	Year	Decile 1	Decile 2	Decile 3	Totals
	§44258.3	2007-2008	16	51	42
	2008-09	32	26	43	101
Education Code	Year	Decile 1	Decile 2	Decile 3	Totals
	§44258.7	2007-08	45	92	178
	2008-09	46	77	104	227

Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3 (2006 Base API), 2007-2009

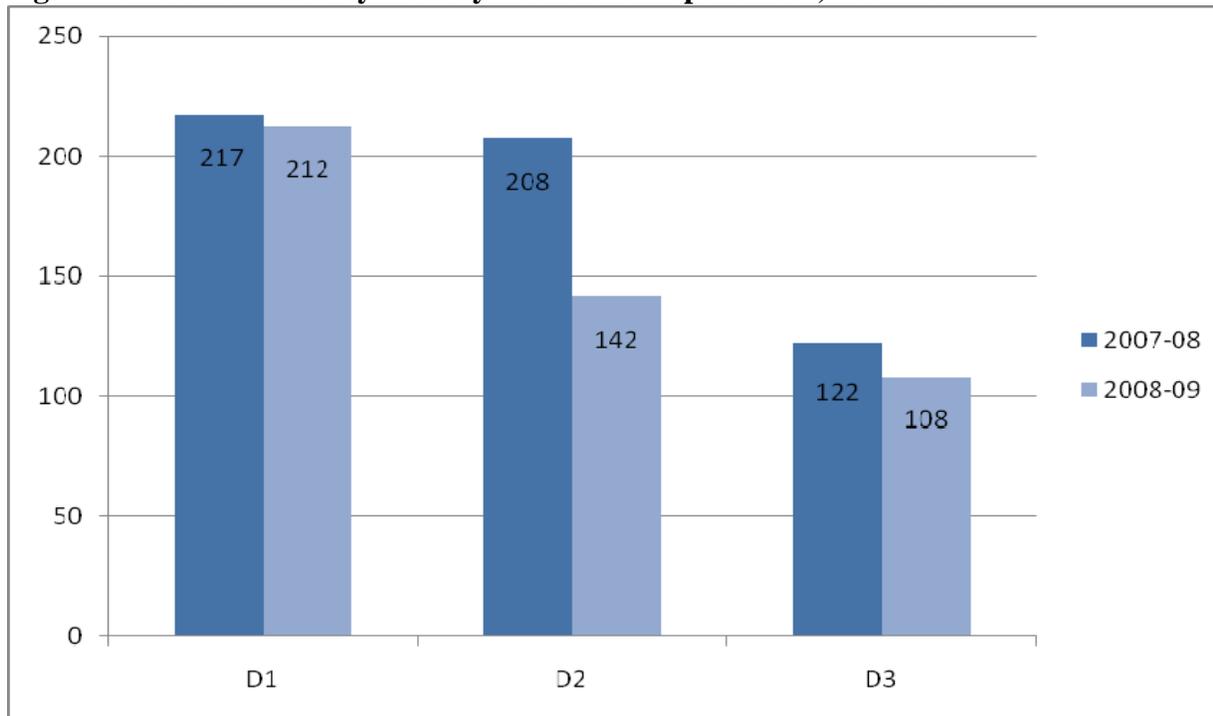
‘Teacher vacancy’ is a new data item collected by the county offices of education beginning with the 2007-2008 academic year. EC§33126(b)(5)(A)(B) and 5 California Code of Regulations §4600 defines ‘Teacher Vacancy’ as certificated positions for which a single designated employee has not been assigned 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 and Figure 4 below provide the teacher vacancy data collected by the county offices for the schools ranked in deciles 1, 2 and 3 for the 2007-2008 and 2008-2009 academic years. Teacher vacancy totals experienced a 16 percent change between the two academic years.

Table G: Teacher Vacancy Data by Decile and Report Year, 2007-2009

Report Year	D1	D2	D3	Totals
2007-08	217	208	122	547
2008-09	212	142	108	462

Figure 4: Teacher Vacancy Data by Decile and Report Year, 2007-2009



Summary

The cumulative report information from county superintendents indicates that during the 2007-2008 academic year, 18 percent of certificated employees in schools ranked in the three lowest deciles (2006 Base API) were in a position for which they did not hold an appropriate credential or authorization. A total of 18,026 certificated employees were initially found to be placed in unauthorized assignments. The following academic year this figure dropped to 12,962 initial misassignments or 14 percent of certificated employees. The misassignment of teachers of English learners represents the largest number of misassignments reported in both the 2007-2008 and 2008-2009 monitoring years accounting for almost 50% of the total misassignments in each monitoring year. While the overall total misassignments did decrease for these lowest decile schools between the 2007-2008 and 2008-2009 monitoring years, there was an overall 11 percent increase in the misassignments in four core subject areas (English, social science, mathematics and science). The primary increase was identified in the category of general and introductory science courses at the middle school level. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments.

Appendix 1

A History of Assignment Monitoring in California

Introduction

The Commission on Teacher Credentialing has been charged with the oversight of the appropriate and legal assignment of certificated personnel. 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 percent 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 percent 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.