
5B

Information

Credentialing and Certificated Assignments Committee

Authorizations and Certificated Assignments in California

Executive Summary: This agenda item explains the statutory role of the Commission in the development of authorizations and permissible teaching assignments including a brief historical overview of these topics. An introduction to the Commission's statutory role in assignment monitoring activities conducted by county offices is also provided.

Recommended Action: For information only

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Strategic Plan Goal: 5

Engage in evaluation, assessment and research studies that inform the Commission's work

- ◆ Regularly evaluate the effectiveness of Commission programs and policies
- ◆ Use data collection and analysis to report on and improve the Commission's work

Authorizations and Certificated Assignments in California

Introduction

This agenda item explains the statutory role of the Commission in the development of authorizations and permissible teaching assignments including a brief historical overview of these topics. An introduction to the Commission's statutory role in assignment monitoring activities conducted by county offices is also provided. Finally, this agenda item offers an introduction on the impact of the current authorization structure on emerging curriculum, instructional models and programs.

Background

The Commission has an established statutory role in the development of authorizations. According to the language specified in EC §44225, the Commission shall determine the scope and authorization of credentials, ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders.

Each credential, certificate, permit, or waiver issued by the Commission authorizes an individual to teach or serve in the public schools of California. Education Code (EC) §44203(d) defines "Authorization" as the designation that appears on a credential, certificate, or permit that identifies the subjects and circumstances (settings, grade levels) in which the holder of the document may teach, or the services the holder may render. The authorization statement, as noted on the document, provides the specifics for each authorization. Examples of some of the more common current authorization statements issued by the Commission are provided in Appendix B.

In accordance with EC §44251.2, once a credential, permit, certificate, or other document is issued by the Commission it remains in force in accordance with the laws and regulations under which it was issued, and is exempt from new laws and regulations. The holder retains the full scope of the original authorization as specified under the laws and regulations it was issued under and additional requirements may not be added later as a condition of retaining the document and authorization. At the same time as new training and authorizations become available, the holder of a document issued under prior regulations and statutes is not automatically provided with a new authorization unless it also reflects the scope of their prior preparation or they elect to complete the additional preparation required to earn that additional authorization.

The provision included in EC §44251.2 does not entitle individuals to new authorizations that may be included on the same type of document issued under different regulations or statute. Two common examples would be the English learner authorization and the Added Authorization in Special Education in Autism Spectrum Disorders.

In both examples, the state experienced a significant increase over a relatively short period of time in these student populations that required additional instructional services and specialized

knowledge of the student population. The elective preparation pathways previously available to serve these populations eventually did not meet the demands of the increasing student populations. The Commission took action to embed both English learner and Autism content throughout multiple program pathways to ensure a sufficient future supply of prepared educators. However, in the interim there are immediate services needed for large and growing student populations and a large number of teachers prepared in programs prior to appropriate content being embedded within their program. If these educators need to earn an additional authorization then additional coursework related to serving these populations of students is required to expand their authorization.

Basic Assignment Principles

The first consideration should always be the students who will be served by the individual filling the teaching and non-teaching assignments. For teaching positions, the Commission guides the local level to first determine exactly what the curriculum or content is for the class, decide what type of credential authorizes the teaching of that curriculum, and then find a teacher who has that credential. In most cases, there will be a credential with a subject that clearly covers the curriculum of each class. Several factors may cloud the issue. These include the graduation credit given for a class, requirements related to funding, and compliance with the Federal No Child Left Behind (NCLB) Act.

Employing a person who holds the appropriate credential assures the employing agency that the teacher, counselor, administrator, librarian, nurse, or other certificated employee has met the standards established for that position by the state through legislation (*Education Code*) and regulation (*California Code of Regulations, Title 5*). School site administrators, as well as district and county administrators, have the responsibility under EC §44258.9(b) to have evidence of the document(s) each individual holds in order to make a legal and appropriate assignment. If an employing agency assigns an individual using a local assignment option, documentation of the specific local option which authorizes the assignment (*Education Code, Title 5, etc*) should be referenced in the employing agency's files.

If an employing agency is unable to assign a teacher or other certificated employee with the appropriate credential or authorization, there are additional options the employing agency may consider. Some employing agencies have policies which may specify preferred credentials and may prohibit the use of some of the options. In addition, specific funding and NCLB requirements may limit the use of some options. Employers should know their policies and consider all factors prior to assigning an individual to a position using one of the options.

Common Authorization Terms Used In Credentialing

“Self-Contained Setting” refers to a classroom setting whereby all or most subjects are taught by one instructor to the same group of students throughout the day; usually found in elementary grade level classrooms.

“Departmentalized Setting” refers to a class in which one instructor teaches a specific subject matter area. The instructor will teach the subject matter to several different groups of students throughout the day. This is the classroom organization usually found in the middle, junior, or high school settings but may also be found at the elementary level particularly in classes such as art, physical education, and music.

“Misassignment” is defined in EC §33126(b)(5)(B) and Title 5 Regulations §80339(f) as 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.

A glossary of other common terms used in this item is included in *Appendix A* for reference.

Overview of Common Elementary, Middle, and High School Assignments

Elementary Schools

Most elementary schools, regardless of the grade level configuration (K-6, K-4, K-8, etc.), are organized around the self-contained classroom where all, or most, subjects are taught to a group of students by a single teacher. Currently, the Multiple Subject Teaching Credential is the document initially issued by the Commission for this purpose though prior General and Standard Elementary Credentials were previously issued for this purpose (*see Credential Types in Appendix A - Glossary*). According to EC §44258.15, all of these credentials also authorize the teacher to team teach or regroup pupils across classrooms.

Team teaching settings occur at the same grade level. The actual regulations for the Multiple Subject Teaching Credential authorization and the formal definition for team teaching settings is provided in Title 5 section 80003(b). In this context, Team teaching is defined as two self-contained teachers of the same grade level exchanging students for the purpose of instruction in specific subjects. For example, one teacher may provide language arts instruction to both classes while the other teaches science to both classes. In this manner, the teacher’s subject area expertise becomes the important factor. In this example both teachers are self-contained classroom teachers who may exchange their class of students for a portion of each day. In this manner, they may choose to collaborate with another teacher in a team teaching assignment in order to provide instruction in their area of expertise or strength.

Regrouping of students is defined as the practice of two or more teachers combining students across classes for specific instructional purposes. These self-contained teachers may choose to regroup students in a particular subject area in order to better differentiate instruction based on a student’s readiness level, interests, and preferred mode of learning. This option provides the potential for different grade levels and more than two teachers.

Many elementary schools also have programs that take students from the self-contained classroom and place them in departmentalized classes for a period of time or assign the teacher of a specific subject to come into the self-contained classroom to teach their subject while the self-contained teacher is unavailable, such as during the regular teacher’s prep period. The individual who teaches departmentalized music, art, math, science, physical education, world languages, computers or any other specific subject to several different groups of students during the day must have an authorization to teach that subject in a departmentalized setting regardless of the grade level of the curriculum.

Middle and Junior High Schools

Middle and junior high schools provide a transition from the elementary school's self-contained classroom model to the departmentalized programs offered at the high school level. As a result, they incorporate some features that are not generally present at either of the other levels and have some authorizations that apply only to them. Middle schools are defined as schools that most frequently include grades six through eight but may have any combination of grades five through eight. Junior high schools may also include grade nine.

If the school's program has the curriculum arranged so that one teacher provides instruction in most subjects to the same group of students all day, it is a self-contained classroom and the teacher must have a credential that authorizes that service. Self-contained settings at these grade levels are particularly found in schools with a K-8 configuration or in necessary small schools where even multiple grade levels may be combined due to low student enrollment numbers.

More commonly at these grade levels, the teacher will provide departmentalized instruction in one or more subjects to several different groups of students throughout the day. The teacher needs to hold a credential or authorization to teach that specific departmentalized subject area or be otherwise legally authorized on the basis of statute or regulation.

Some middle schools are staffed by teachers that hold a credential or authorization for departmentalized instruction in one or more subject areas. However, it is also common for middle schools to be staffed by holders of credentials that authorize self-contained instruction but serve in what is referred to as a *core setting*. EC §44258.1 defines a 'core' setting as one in which a teacher is assigned on the basis of a credential that authorizes service in a self-contained classroom (Multiple Subject or Standard Elementary Teaching Credentials) to teach two or more subjects to the same group of students. The language of §44258.1 reads:

The holder of a credential authorizing instruction in a self-contained classroom may teach in any of grades 5 to 8, inclusive, in a middle school, provided that he or she teaches two or more subjects for two or more periods per day to the same group of pupils, and, in addition, may teach any of the subjects he or she already is teaching to a separate group of pupils at the same grade level as those pupils he or she already is teaching for an additional period or periods, provided that the additional period or periods do not exceed one-half of the teacher's total assignment.

The other feature of this section of code is the 'hanging' fifth period. Most teachers have two, two-period cores for four periods a day. Since January 1992, a teacher may teach in a departmentalized class any of the subjects he or she is teaching in a core assignment as long as it is at the same grade level of the core and the departmentalized subjects do not constitute more than half of the teacher's total assignment. It is important to note that EC §44258.1 does not state which subjects may be taught in a core setting and whether the subjects are academic or elective, therefore, any two or more subjects may be 'cored'. In addition, the classes do not have to be consecutive periods of the day. However, the students must remain the same.

A core setting may also be taught by someone with a credential that authorizes the teaching of both subjects in a departmentalized setting. For example, the holder of a Single Subject Teaching Credential in Social Science with a supplementary or subject matter authorization in Introductory English is authorized to teach a core of social studies and English. Conversely, a Multiple

Subject Teacher may hold supplementary or subject matter authorization(s) in broad departmentalized subject areas such as science and serve in only departmentalized classrooms in the middle school. Therefore, in many middle schools it is possible to have staff holding either the Multiple or Single Subject Teaching Credential.

High Schools

Most high schools have departmentalized classes and need to assign teachers who hold an appropriate credential or authorization for teaching the subject area of the class. In most cases, the Single Subject Teaching Credential is the document still initially issued by the Commission for this purpose though prior General and Standard Secondary Credentials were also previously issued for this purpose (*see Credential Types in Appendix A - Glossary*).

EC §44257 provides the Single Subject Teaching Credential Subjects that the Commission shall issue. The current statutory subject areas include the following broad subject areas:

- Agriculture
- Art
- Business
- English
- Foreign Language
- Health Science
- Home Economics
- Industrial and Technology Education
- Mathematics
- Music
- Physical Education
- Science
- Social Science

In addition, the Commission may issue a specified concentration in a particular subject area based on depth of preparation such as specific science content in the following areas:

- Science: Biological Science
- Science: Chemistry
- Science: Geosciences
- Science: Physics
- Specialized Sciences (specified areas)
- Foundational-Level General Science

This section of statute also provides that subjects that are commonly taught in departmentalized classes in California public schools shall be subsumed under the credential categories noted above. The California Code of Regulations, Title 5 §80005(a) clarifies the authorization for the specific statutory single subject areas in order to allow an individual to be assigned to teach a variety of common departmentalized classes that fall within the broader single subject areas (*see Appendix C - Subjects within the Broad Single Subject Areas*).

Supplementary and Subject Matter Authorizations

As noted in the previous section, both Multiple and Single Subject Teaching Credential holders may also earn additional supplementary or subject matter authorizations that authorize providing departmentalized instruction with certain limitations. Individuals must complete 20 semester units (or 10 upper-division semester units) of non-remedial coursework in the subject including specified content areas or a bachelor's degree or higher with a major in the subject from a regionally accredited college or university.

An Introductory Supplementary Authorization added to a Single Subject Teaching Credential is issued in broad single subject areas such as Music and Social Science and authorize teaching the

broad subject matter content within a statutory single subject area typically included in curriculum guidelines and textbooks for study in grades 9 and below, although the students in the class may be in grades 10-12. A Specific Supplementary Authorization added to a Single Subject Teaching Credential authorizes teaching a narrow specific subject such as Psychology or Journalism at any grade level including K-12, preschool and adults.

In contrast, broad Supplementary Authorizations in one of the statutory single subject areas added to a Multiple Subject Teaching Credential authorize the holder to teach departmentalized classes related to the supplementary authorization issued only to students in grades 9 and below and the Specific Supplementary Authorization is not available as an option.

Holders of valid Multiple Subject or Single Subject Teaching Credentials may add Supplementary and Subject Matter Authorizations to an existing credential by verifying completion of additional coursework or a degree major in the subject(s) to be named on the credential. It is important to note, the requirements for the Supplementary Authorization do not meet the “highly qualified teacher” guidelines for the NCLB Act of 2001 for core academic subject areas.

In 2005, additions to Title 5 regulations now allow the Commission to issue introductory and specific Subject Matter Authorizations as another option and in order to be in compliance with the Federal NCLB Act. Individuals must complete 32 semester units of non-remedial coursework in the subject, including minimum units in specified content areas or a bachelor’s degree or higher with a major in the subject from a regionally accredited college or university.

Introductory Subject Matter Authorizations authorize the holder to teach the broad subject matter content typically included in curriculum guidelines and textbooks approved for study in grades 9 and below. This allows an employer to assign a teacher with an introductory Subject Matter Authorization to teach a class in which the curriculum is for grades 9 and below but the students in the class may be in grades K-12. Specific Subject Matter Authorizations authorize the holder to teach the specific subject in preschool, grades K-12, and classes organized primarily for adults. Both the Supplementary and Subject Matter Authorizations are available to holders of self-contained and departmentalized general education teaching credentials.

Local Teaching Assignment Options

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 to determine if this is the best option available, the affected teacher and the governing board. Most options require board resolutions and teacher consent to the assignment but may be renewed annually. Through *assignment monitoring*, 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 in 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, or nine upper division or graduate semester units, in the subject to be taught.

Most assignments made under these Education Code (EC) sections are in the middle or high schools. Occasionally, EC §44256(b) is used to allow teachers with Multiple Subject or Standard Elementary Teaching 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 specialized subjects such as art, music, physical education, world languages or science.

While the Commission has authority to collect information for the purpose of analysis and reporting to the Legislature as discussed in Assignment Monitoring later in the item, 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.

Table A on the following page displays the number of assignments by subject area made under the local assignment options provided for in the Education Code for the last full reporting cycle covering 2003-2007. During the monitoring period from 2003-2007, there was a total of 14,139 assignments made under these Education Code sections which represents an increase from the 11,696 reported in the previous four-year cycle.

Table A: Total Assignments by Education Code Option by Subject Area, 2003-2007

| Subject Area | §44263 | §44256(b) | §44258.7* | §44258.3 | §44258.2 | Subject Area Totals | Percent of Total |
|-----------------------------|---------------|------------------|------------------|-----------------|-----------------|----------------------------|-------------------------|
| Social Science | 1,168 | 618 | 11 | 212 | 555 | 2,564 | 18% |
| English | 510 | 870 | 27 | 324 | 545 | 2,276 | 16% |
| Science | 957 | 689 | 5 | 299 | 352 | 2,302 | 16% |
| Math | 517 | 848 | 10 | 346 | 314 | 2,035 | 15% |
| Electives | 102 | 48 | 760 | 646 | 30 | 1,586 | 11% |
| Physical Education | 148 | 206 | 351 | 354 | 97 | 1,156 | 8% |
| Industrial Technical | 89 | 118 | 365 | 205 | 40 | 817 | 6% |
| Foreign Language | 222 | 63 | 99 | 94 | 37 | 515 | 4% |
| Health | 128 | 13 | 70 | 86 | 42 | 339 | 2% |
| Art | 58 | 92 | 101 | 78 | 23 | 352 | 2.5% |
| Music | 39 | 50 | 53 | 44 | 11 | 197 | 1.5% |
| Totals | 3,938 | 3,615 | 1,852 | 2,688 | 2,046 | 14,139 | 100% |

**Elective subjects are defined as other than English, mathematics, science, or social science. There is a difference between a class in which the students receive graduation credit in English, mathematics, science, or social science and one that is considered an elective within one of these subject areas. For example, if the students in a drama, speech, or journalism class are not receiving English graduation credit, then the class may be taught by an individual authorized by the Committee on Assignments.*

Notably, 65% of teachers on Education Code assignment options were in the four ‘core’ academic subject areas of English, social science, math and science. Social science had the largest percentage of assignments under these Education Code options at 18% of the total. English and science tied with 16% followed closely by Math at 15%.

Recruitment and Assignment Priorities

If a suitable fully prepared teacher is not available, then a hiring/placement priority is established in EC §44225.7. The local employing agencies in California must make reasonable efforts to recruit a “fully prepared” and authorized teacher for an assignment.

There are several options to authorize additional assignments for the fully prepared educator including but not limited to documents and authorizations issued by the Commission such as Supplementary and Subject Matter Authorizations, Added Authorizations in Special Education, and Limited Assignment Permits. Others include the local assignment options available in statute and regulations discussed in the previous section.

If a fully credentialed teacher is not available, the next option noted in the priority is an individual serving on a university or district intern credential. If the local employing agency is unable to recruit an intern their next goal would be a candidate scheduled to complete their credential program within six months. This individual could legally serve on a teaching permit such as the Short-Term Staff Permit (STSP) or Provisional Internship Permit (PIP) or a Variable Term Waiver issued by the Commission depending on their qualifications.

The PIP and STSP were created in 2005 in response to the phasing out of Long-Term Emergency Permits. Individuals not enrolled in a teacher preparation program but serving on one of these teaching permits would be the next option for employers in the priority provided in this section of statute. These documents are restricted to service with the employing agency. All individuals earning a PIP and STSP must hold a baccalaureate degree or higher from a regionally accredited college or university and satisfy the basic skills requirement. In addition, applicants must hold a degree major or 18 semester units in the subject area for a Single Subject, a degree major in liberal studies or 40 semester units across four specified subject areas for a Multiple Subject, and either of those two options or three years of experience working with special education students for an Education Specialist.

The STSP allows an employing agency to fill an acute staffing need when local recruitment efforts have been made but a fully-credentialed teacher cannot be found. An acute staffing need occurs when an employing agency needs to fill a classroom immediately based on an unforeseen need such as enrollment adjustments or unplanned leave by the teacher of record. The employing agency must verify that local recruitment efforts for the permit being requested have been completed and provide justification for the acute staffing need on a certification form signed under penalty of perjury by the appropriate administrator. The STSP is only available at the request of an employing agency and may only be held once by any individual.

The PIP allows an employing agency to fill an immediate staffing need when recruitment efforts are unsuccessful by hiring an individual who has not yet met the subject matter competence requirement needed to enter an intern program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully-credentialed teacher cannot be found. A diligent search must include, but is not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. Copies of all recruitment efforts must be submitted with the application and verified on a certification form signed under penalty of perjury by the appropriate administrator. In addition, school districts must also provide a copy of their governing board agenda item providing public notice of their intent to employ an individual on this permit and identifying the specific assignment and school site. The PIP may be renewed one time if the holder has attempted all the subject matter examinations appropriate to the credential that authorizes the service listed on the permit.

Waivers are the final option for public school employers within the hiring priority. Since July 1994, the Commission on Teacher Credentialing has had the authority to issue waiver documents that have expressly to do with educator preparation and credentialing and with the ability of employers to employ or assign persons who are not appropriately credentialed for their

assignment. All other waivers are under the legal authority of the State Board of Education or the Superintendent of Public Instruction.

The Commission has divided the waiver process into two types of waivers; short-term and variable term. Short-term waivers may be approved at the local level to provide the employing agency with one semester or less to address unanticipated, immediate, short-term organizational needs by assigning only individuals who hold basic teaching credentials to teach outside their credentialed authorizations with the consent of the teacher. They may be issued once to any individual teacher and only once for a given class and cannot be used for a non-teaching assignment. No document is issued by the Commission.

This option is only available for individuals who hold a valid teaching credential based upon completion of a bachelor's degree and teacher preparation program which included student teaching. Employing agencies may grant a Short-Term Waiver without prior approval by the Commission, provided that it is issued one time only for any individual and one time only for a given class. All school districts should report the use of Short-Term Waivers to their county offices of education. The county office of education submits information regarding Short-Term Waivers to the Commission with its annual Assignment Monitoring and Review Report.

Variable Term Waivers give the employer the ability to cover assignments when a fully qualified credentialed employee cannot be found. Employing agencies must complete a diligent search for a suitable credentialed teacher or qualified intern teacher before requesting a credential waiver. Variable Term Waivers allow employers to meet staffing needs while searching for an individual who either holds an appropriate credential or qualifies for one of the available assignment options for the assignment. It also allows the individuals holding waivers to complete their credential requirements while serving in the classroom.

Variable Term Waiver Criteria – Criteria is set by the Commission and include specific requirements for designated high and low incidence credentialing areas including verification of recruitment efforts, evidence of qualifications to teach in the assignment and a commitment to meet the credentialing goals. Waivers are issued or denied based upon the criteria and factors such as an employer's continuing needs; the support the employer will provide to the applicant; or extenuating, extraordinary and unanticipated circumstances.

Waiver Conditions – These are the conditions set by the Commission that the waiver holder must meet in order to qualify for a permit, credential or a subsequent waiver. These conditions are written directly on the Variable Term Waiver document.

Other Assignment Topics

Teaching English Learners

Any teacher assigned to provide English learner instructional services must hold an appropriate English learner authorization. There is no 'date' by which an individual needs to have an authorization to serve in an assignment, including providing services to English learners, other than to have the appropriate authorization *prior* to providing services.

There are several sections of the Education Code that reference requiring an individual to hold certification for the subject(s) they are teaching. These are *EC* §§44001, 44830(a), and 44831. Regarding English learner services specifically, *EC* §44253.1 (provided below) is a reference.

The Legislature finds and declares that almost one million, or one of every five, pupils in California's public schools are of limited English proficiency, and that the number of those pupils is increasing rapidly. In addition, the number of primary languages spoken by California's limited-English-proficient pupils is increasing. The Legislature recognizes that limited-English-proficient pupils have the same right to a quality education as all California pupils. For these pupils to have access to quality education, their special needs must be met by teachers who have essential skills and knowledge related to English language development, specially designed content instruction delivered in English, and content instruction delivered in the pupils' primary languages. It is the intent of the Legislature that the Commission on Teacher Credentialing implement an assessment system to certify those teachers who have the essential skills and knowledge necessary to meet the needs of California's limited-English-proficient pupils.

As a result of legislation enacted in the 1999 Legislative Session, all teacher preparation programs were required, by July 1, 2002, to satisfy standards established by the Commission for the preparation of teachers for all pupils, including English learners. This statute also called for the development of an examination to provide candidates, including out-of-state candidates, with an examination route to fulfilling the requirements for teaching English learners.

Assembly Bill (AB) 1059 (Chap. 711, Stats. 1999) which became effective January 1, 2000, also prohibited the Commission beginning July 1, 2003 from issuing a teaching credential to a California prepared candidate unless the applicant satisfies the standards and requirements established by the bill or has an authorization to provide services to English language learners.

In addition, the Commission took action in June 2006 to embed an English learner authorization in the preparation program for the Education Specialist Instruction Credential in all specialty areas. All candidates recommended for the preliminary/Level I Education Specialist Instruction Credential on or after July 1, 2007 must complete the English learner content to earn the preliminary/Level I credential.

Senate Bill (SB) 1209 (Chap. 517, Stats. 2006), added an option to allow teachers prepared out-of-state who hold a valid out-of-state credential that authorizes instruction of English learners to earn an English learner authorization. This includes holders of Education Specialist Instruction Credentials as well as Multiple and Single Subject Teaching Credentials. If the out-of-state teacher does not hold an authorization for instruction of English learners on their out-of-state credential, they must now earn an English learner authorization prior to the issuance of their clear or Level II credential.

The new Career Technical Education program standards also now include training for Specially Designed Academic Instruction Delivered in English (SDAIE) as a requirement to earn the clear credential. As of August 31, 2010 no candidates were able to enroll under the prior program

standards and all candidates must complete the prior program standards or transition to the new program standards by August 31, 2013.

Individuals that hold a teaching credential without an English learner authorization may serve on Emergency CLAD or Bilingual Authorization Permits while they work on completing the additional requirements to earn an English learner or bilingual authorization.

Some local employing agencies have created policies requiring all teachers to obtain an English learner authorization. Local governing boards set hiring and retention policies to assure appropriate educational programs based on the needs of the student population. If an employing agency requires their teachers hold an English learner authorization even though they are not providing any English learner instructional services, they may do so as an employment requirement for the position. The Commission does not have purview over employment issues. This employment decision to ensure equal access to all educational programs was recently upheld in a state appeals court ruling in 2009 and may be accessed in the following link: <http://caselaw.lp.findlaw.com/data2/californiastatecases/c058815.pdf>.

Special Education

Each public agency must provide special education and related services to a student with a disability in accordance with an Individualized Education Program (IEP), Individualized Family Service Program (IFSP), and/or Individualized Transition Plan (ITP). The result of this practice is that students with different disability areas may be served in the same special class as defined in Title 34 of the Code of Federal Regulations. A teacher must hold a special education credential with a specialty area or Added Authorization in Special Education (AASE) that encompasses each of the disability categories for students they serve as set forth in the IEP, IFSP, or ITP. More detailed information on special education assignments including information specific to Autism and multi-tiered intervention models for general and special education students will be presented in a future agenda item.

Career Technical Education and Linked Learning

If a class is designated as a trade, technical, or vocational class, it may only be taught by an individual holding a Designated Subjects Vocational Education or Career Technical Education (CTE) Teaching Credential in an appropriate subject area or industry sector with one specific exception. Title 5 §80004(c) states that holders of Single Subject Teaching Credentials in specific single subject areas (agriculture, business, home economics, industrial arts, and industrial and technology education) are authorized to teach trade, technical, and vocational classes. The intent would be that such classes are staffed by individuals with occupational experience. However, for these types of assignments employing agencies must also be aware of requirements related to credentials and experience related to funded courses as well as NCLB compliance. More detailed information on career technical education assignments including information specific to Linked Learning, California Partnership Academies, and Integrated Curriculum will be presented in a future agenda item.

Overview of Assignment Monitoring

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.

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. Additionally, EC §44258.9(g) provides statutory authority for the Commission to develop reasonable sanctions pertaining to the performance of unauthorized professional services. These sanctions are outlined in Title 5 §§80339-80339.6 and provided in *Appendix E* for reference. As referenced in Title 5 §80339.4, the Commission has issued a letter of non-compliance to districts that have not corrected misassignments within the statutory timeline.

Williams v. State of California (Williams) was filed as a class action lawsuit 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 that amended EC §44258.9 and required additional levels of annual monitoring and data collection.

Key Provisions

County offices of education are required to monitor certificated assignments, collect English learner data, and annually report the results to the Commission. The Commission is required to complete this monitoring for the seven single district counties in California:

- Alpine
- Amador
- Del Norte
- Mariposa
- Plumas
- San Francisco
- Sierra

Below are additional details for the types of monitoring that must be completed by the county offices of education. In addition, explanations of three common terms used in this item are 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.

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.

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, 2009 is the current base year used for assignment monitoring activities.

Assignment monitoring is mandated by 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. These reports also incorporate 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 currently the 2009 Base Academic Performance Index (API). 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.

One-Fourth Assignment Monitoring

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 be available in September 2012 and will be reported in full at that time.

Williams Settlement

The *Williams* settlement in 2004 created a renewed 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. As a result, county superintendents are also required to annually collect data in all schools ranked in deciles 1, 2 and 3 in currently the 2009 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. These reports also summarize all of the data and assignment information collected for the decile 1, 2, and 3 schools.

For Decile 1, 2, and 3 schools in the 2009 Base API, county superintendents and the Commission are responsible for:

- 1) Submitting annual reports regarding teachers who lack the proper authorization to teach English learners and are providing services to a class with 20% or more English learners; and
- 2) Reviewing and reporting on all assignments and vacancies on either:
 - (a) an annual basis, if the school is not under review through a state or federal intervention program or if the school is under state or federal review but determined by the county based on past experience or other available information to be likely to have problems with teacher misassignments and teacher vacancies; *or*
 - (b) the regular four-year cycle, if the school is under state or federal review *or* is found to have no misassignments or vacancies for two consecutive years as determined by the county office. (*Title 5 §17101 defines which schools are considered "under review" for purposes of implementation of the Williams v. State of California settlement.*)

If a decile 1, 2, and 3 school (2009 API) had no misassignments or vacancies for two consecutive years, it may return to the regular four-year cycle as determined by the county. This is regardless if the school continues to be a decile 1, 2, and 3 school in the 2006 API. Decile 1, 2, and 3 schools that are likely to have problems with teacher misassignments and teacher vacancies must be annually monitored at the discretion of the county office, even if they have been found to have no misassignments or vacancies for two consecutive years.

For all other schools and school districts, county superintendents and the Commission are responsible for reviewing all assignments and reporting misassignments and vacancies on either an annual basis if the school or school district is likely to have problems with teacher misassignments and teacher vacancies, or as part of the regular four-year cycle. Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in the *Assignment Monitoring Report 2007-2009* noted in the *Reference* section of *Appendix F*.

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

‘Teacher vacancy’ is a data item collected by the county offices of education beginning with the 2007-2008 academic year. EC§33126(b)(5)(A) (provided below) and Title 5 §4600, which falls under the CDE, defines ‘Teacher Vacancy’ as certificated positions for which a singled 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.

For purposes of this paragraph, “vacant teacher position” means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

In 1989, the Commission established a comprehensive database of assignment information compiled from the annual report submitted by the counties. 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 of the base Academic Performance Index (API).

Statistical Summary Results from the 2003 – 2007 Assignment Monitoring Report

The cumulative report information from county superintendents indicated that between September 2003 and June 2007, 6.3 percent of certificated employees were in a position for which they did not hold an appropriate credential or authorization. A total of 22,352 certificated employees were initially found to be placed in unauthorized assignments. While this figure is more than double the 9,112 initial misassignments identified in the last report cycle (1999-2003), the increase appears to be the result of additional scrutiny rather than an increase in actual misassignments. The added emphasis in reviewing assignments for the teachers of English learners is a result of the *Williams* settlement in 2004. The unauthorized assignments of these teachers of English learners account for more than half of the total misassignments reported and

this category of misassignments increased by more than 88 percent from the previous report cycle (1999-2003).

The *Williams Settlement* required additional monitoring as well as additional data collection for classrooms with 20 percent or more English learners which led to an overall increase in the number of misassignments identified by the county offices. The significant rise in numbers for this report cycle as a result of the more rigorous monitoring conducted by the county offices is viewed as a positive outcome of the *Williams* settlement.

Teacher Misassignment Data Based on the One-Fourth Assignment Monitoring Report

From September 2003 through June 2007, the assignments of more than 301,400 elementary and secondary teachers and 51,968 non-teaching assignments were reviewed for an overall total of 353,368 certificated staff. *Table B* below compares the total number of certificated staff monitored during the last four monitoring cycles against the total number of misassignments initially identified during the last four report cycles.

Table B below shows that of the total certificated personnel monitored in the four-year period, 22,352 were initially identified as misassigned. This total equates to 6.3% misassignments for the state which is more than double the percent (2.5%) reported in the 1999-2003 cycle. The unauthorized assignments of teachers of English learners accounted for more than half of the total misassignments reported in 2003-2007.

Table B: A Comparison of Total Staff Monitored Relative to Misassignment, 1992-2007

| | 1992-1995 | 1995-1999 | 1999-2003 | 2003-2007 | Change Between 1999-2003 and 2003-2007 |
|---|-----------|-----------|-----------|-----------|--|
| Total Certificated Staff Monitored | 235,000 | 250,000 | 363,000 | 353,368 | -2.65% |
| Total Certificated Misassignments | 5,939 | 7,447 | 9,112 | 22,352 | 145.30% * |
| Percentage of Certificated Staff Misassigned | 2.53% | 2.98% | 2.51% | 6.33% | |

* Change in method of reviewing English learner assignments may have resulted in the higher percentage of reported misassignments found in the 2003-2007 cycle

Figure 1 on the following page represents the distribution of teaching misassignments by school level for the 2003-2007 report cycle. Traditionally, the largest numbers of misassignments are found at the middle and high school levels. This remained the case in the 2003-2007 review with 10,251 or 46% of the total misassignments at the high school level and 6,691 or 30% at the middle school level, for a combined total of 76% at the secondary level. Elementary school level misassignments represent 24% (5,410) of the total in the 2003-2007 report cycle. These results are comparable to the 1999-2003 report cycle that found 38% of the total misassignments occurred at the high school level and 42% at the middle school level, for a total of 80% at the secondary level and 20% at the elementary level.

Figure 1: Percentage of Misassignments by School Level, 2003-2007 (Total: 22,352)

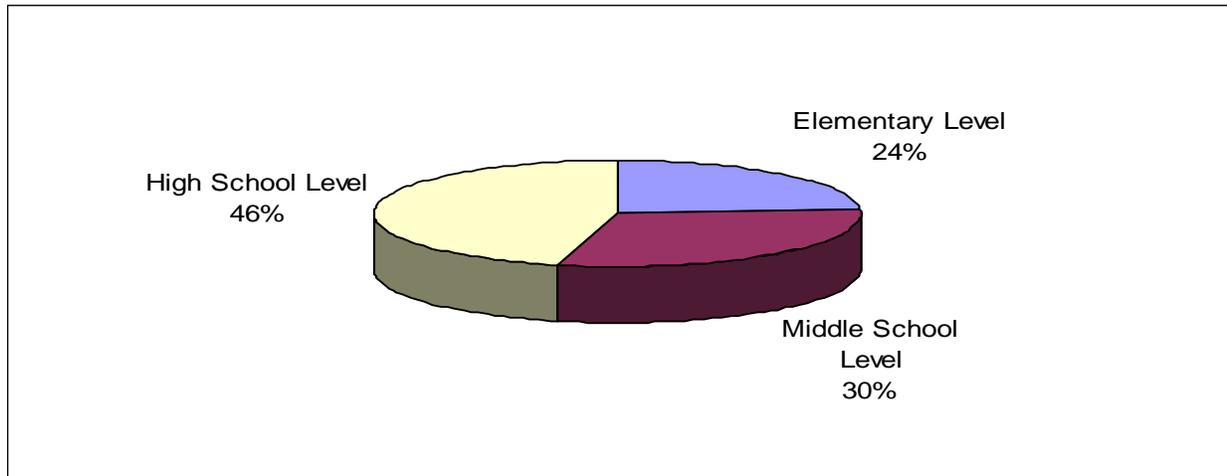


Table C below details the total certificated staff monitored in schools ranked in the lower three deciles of California between the 2005-2006 school year when this level of monitoring began through the most recent school year in this report cycle, 2008-2009.

Table C: 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.

Assignment Monitoring Funds

The Commission is responsible for the distribution of allotments to county offices of education that undertake annual assignment monitoring activities. The current total of allotments is \$308,000. Of the fifty-eight California counties, seven are single-district counties which are monitored directly by the Commission; therefore, they are not eligible to receive a portion of these funds. Each of the remaining counties receives a minimal fixed amount of \$1,000 and then the remaining funds are distributed based upon their ratio to total certificated staff in the fifty-one counties. In short, a county that has certificated staff equaling 1% of the total certificated staff in the fifty one counties will receive 1% of the remaining funds. A total of \$51,000 will be

spent to cover the fixed amount, leaving \$257,000 to be dispersed based upon ratio of certificated staff.

Given that the Commission controls the distribution of these funds, and given that related regulations allow the agency to request information and data as specified in Education Code section 44258.9 be provided by counties as a condition for receiving the funds, the assignment monitoring report must be completed and received by the Commission prior to the check being disbursed to the county.

Future Agenda Items Related to Assignment and Authorization

Assignment Monitoring of Certificated Employees in California by County Offices of Education 2007-2011, a Report to the Legislature, September 2012

Special Education Authorizations and Assignments in California, 2012

Career Technical Education and Linked Learning Assignments in California, 2012

Appendix A

Glossary

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| Authorizations | Each credential, certificate, permit, or waiver authorizes an individual to serve in a subject or subject area(s) in a setting at a grade level listed on the document. The authorization statement, printed on the document since 1989, provides the specifics for the authorization. |
| Charter School | A charter school is a public school that may provide instruction in grades K-12. The schools are usually sponsored by an existing public school district or county office of education. Charter schools are exempt from most laws governing school districts that include assignment monitoring per EC §44258.9. Appropriate assignment falls under the chartering authority. |
| Commission on Teacher Credentialing | The Commission on Teacher Credentialing (Commission) is the autonomous state standards board for the state of California. One of the Commission’s responsibilities is to ensure appropriate assignment of teaching and non-teaching certificated staff. |
| Committee on Assignments EC §44258.7(c)(d) | The Committee on Assignments is a local committee established with the approval of the superintendent and the president/chair of the district governing board. It is made up of an equal number of teachers and school administrators, to approve assignments of full-time teachers with special skills and preparation to teach an elective subject outside of their credential authorization. English, mathematics, science or social science are not considered electives when using this option. The Committee may not authorize a service assignment such as counseling, library, or administration. |
| Credential Types <i>SB 2042</i> <i>Ryan</i> | There are four types of teaching and services documents. The term ‘SB 2042 Credential’ refers to multiple and single subject teaching credentials issued under Senate Bill 2042 (Chap. 623, Stats. 1999) statute, including amendments and additions, beginning in 2003. The term ‘Ryan Credential’ is used for teaching and services documents that are issued under the provisions of the Teacher Preparation and Licensing Law of 1970 (Ryan Act), its subsequent amendments and additions, including the Bergeson Act of 1988, and other laws and regulations currently in effect. These documents and those under the SB 2042 provisions are the only type that may be issued to first-time applicants. |

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| <p>Credential Types</p> <p><i>Standard</i></p> <p><i>General</i></p> | <p>Standard Credentials were originally issued under the provisions of law (Fisher Act) that immediately preceded the Ryan Act. These credentials are no longer issued on an initial basis but renewals are issued to holders who qualify. The provisions of law that authorized the original issuance of Standard Credentials were in force from 1961 through 1970.</p> <p>General Credentials were originally issued under the provisions of law prior to 1961. These credentials are no longer issued on an initial basis but renewals are issued to holders who qualify.</p> |
| <p>Credential Waivers</p> <p><i>Short-Term</i></p> <p><i>Variable Term</i></p> | <p>Since July 1, 1994, the responsibility to waive credentials and credential requirements shifted to CTC under the authority of EC §44225(m). There are two types of waivers: Variable Term and Short-Term. For information and guidelines, employers may contact the CTC’s Waiver Unit at waivers@ctc.ca.gov.</p> <p>Short-term waivers may be approved at the local level to provide the employing agency with one semester or less to address unanticipated, immediate, short-term organizational needs by assigning only individuals who hold basic teaching credentials to teach outside their credentialed authorizations with the consent of the teacher. They may be issued once to any individual teacher and only once for a given class and cannot be used for a non-teaching assignment. A copy of the short-term waiver should be forwarded to the county office of education.</p> <p>Variable Term Waivers provide the employing agency up to one year or for a period set by CTC to: 1) allow individuals additional time to complete a credential requirement; 2) facilitate assignment in school programs addressing issues of educational reform; 3) allow geographically isolated regions with severely limited ability to develop personnel time to hire personnel; or 4) obtain waivers for situations when all other efforts to find appropriately credentialed teachers have been exhausted.</p> |
| <p>Declaration of Need</p> | <p>The Declaration of Need (DON) is an annual form submitted to CTC from employing agencies. This form contains the estimated number of emergency permit and limited assignment permit teachers that will be employed during the school year. The DON is not needed when applying for a teaching permit.</p> |
| <p>Departmentalized Class</p> | <p>A departmentalized class is a class in which one instructor teaches a specific subject matter area. The instructor will teach the subject matter to several different groups of students. This is the classroom organization usually found in the middle, junior, or high school settings but may also be found at the elementary level in classes such as art, physical education, and music.</p> |
| <p>Dependent Credential</p> | <p>A dependent credential is a credential that may only be issued if the individual holds another specific type of credential. Library Services or</p> |

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| | Reading Specialist Credentials are examples of dependent credentials. |
| Education Code | <i>The California Education Code</i> lists the statutes that are passed by the State Legislature and signed into law by the Governor. References are cited as ‘EC §’. |
| Emergency Permits | Emergency permits in the area of resource specialist; teacher librarian; Bilingual Authorization and Crosscultural, Language, and Academic Development (CLAD) are issued at the request of an employing agency when no credentialed person is available for a position or when those available do not meet the specified employment criteria established for the position. Teaching permits in the area of multiple subject, single subject, and special education are also issued. See definition for <i>Teaching Permits</i> for more information. |
| Employing Agency | An employing agency is a California public school district; county office of education; non-public; nonsectarian school or agency; state or federal agency; charter school; or private school of equivalent status. |
| English Learner (ELs) | English learners (ELs) are students who, on the basis of the state-approved California English-Language Development Test (CELDT), have been determined to lack the clearly defined English language skills of listening comprehension, speaking, reading, and writing necessary to succeed in the school’s regular instructional programs. Designating a student as an EL doesn’t define how the student will receive EL services. The local level employing agency determines the services provided. |
| Intern Credentials | CTC has two intern credentials currently initially issued. |
| <i>District</i> | District Intern programs require the intern to satisfy specific requirements and complete a program that is developed and implemented by a school district or county office of education in accordance with a Professional Development Plan. The intern is assisted and guided through the approved training period. |
| <i>University</i> | University Intern Programs are a cooperative effort between a school district and an institution of higher education. The university intern must satisfy specific requirements. The intern program must be approved by CTC prior to enrolling students and may not be available in all school districts. |
| Local Assignment Option | Provisions within the Education Code and Title 5 regulations provide legal avenues for the assignment of certificated employees outside their basic credential document authorization. These options allow local employing agencies the flexibility to assign individuals to teach subjects or provide services other than those authorized by the credential held. In most cases, assignments made under these options require the agreement of the school site administrators and the governing board. |

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| | Consent of the individual is also required. Most of the options are for teaching assignments and only a few are for services positions. |
| Middle School | A middle school may be any school that has grades five through eight. This is generally an elementary, middle, or junior high school. |
| No Child Left Behind <i>High Objective Uniform State Standard of Evaluation (HOUSSE)</i> | <p>The No Child Left Behind Act of 2001 (NCLB) reauthorized the Elementary and Secondary Education Act (ESEA) of 1965. The federal law requires states to develop assessments linked to teacher quality. To align with NCLB, California’s State Board of Education established that teachers of NCLB core academic subjects must have: 1) a bachelor’s degree; 2) a state credential or an intern credential for no more than three years; and 3) demonstrate core academic subject matter competence.</p> <p>California has developed a system for teachers to meet NCLB subject matter compliance entitled ‘High Objective Uniform State Standard of Evaluation’. Approval for subject matter competence by using the HOUSSE is not equivalent to an authorization to serve. An individual must also hold a credential or authorization appropriate to the assignment.</p> |
| Non-Public, Nonsectarian School/Agency | A non-public, nonsectarian school or agency is a private school or agency granted non-public school or agency status by the California Department of Education (CDE) as defined in EC sections 56365 and 56366. |
| Official Record of Documents | <p>Amendments to California Code of Regulations Title 5 §80001(e) adopted in November 2007 clarify that the Commission’s online lookup is the official record for documents. Effective September 1, 2008, The Commission no longer prints and mails documents. The official record of credentials, permits, and certificates is the online lookup on the Commission’s website.</p> <p>The Commission has provided an online display of detailed document information mirroring public information contained on the previously printed document, including document number, authorizations, issuance date, and expiration date. The holder of the document, colleges, universities and employing agencies may also lookup additional information via a secure website using a social security number and date of birth. While document holders may obtain a printable version, these printed documents are not considered the official record of the Commission document.</p> |
| Prerequisite Credential | A prerequisite credential is the document that an applicant must hold (or must qualify and apply for) in order to earn a ‘dependent’ credential. Many specialist and services credentials such as the reading specialist require prerequisite credentials. The statutes or regulations for each dependent credential specify which credential(s) may serve as prerequisites. |

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| Self-Contained Classroom | A self-contained classroom setting is one whereby all subjects are taught by an instructor to a group of students and are usually found at the elementary level. |
| Subject Matter Authorizations <i>Specific</i> <i>Introductory</i> | <p>Subject matter authorizations were established in 2005 in response to NCLB and are issued as specific or introductory subjects. Both authorizations require the credentialed multiple subject, single subject, standard elementary, standard secondary, and some special secondary teachers to have either a degree major; a specific number of units in the subject; or a subject directly related to the subject area requested. Subjects are limited to NCLB core academic subject areas.</p> <p>A specific authorization authorizes the holder to teach the specific subject in grades preschool, K-12, and classes organized primarily for adults.</p> <p>An introductory authorization authorizes the holder to teach the subject matter content typically included in curriculum guidelines and textbooks approved for study in grades 9 and below; but the students may be in grades preschool, K-12, and classes organized primarily for adults.</p> |
| Supplementary Authorizations <i>Specific</i> <i>Introductory</i> <i>Broad</i> | <p>Supplementary authorizations (established in 1979 for single subject and in 1982 for multiple subject) are issued as specific or introductory subjects. The teacher is required to have either a degree major or a specific number of units in the subject or a subject directly related to the subject to be listed.</p> <p>Specific authorizations may be added to single subject, standard secondary and some special secondary teaching credentials and authorize the holder to teach the specific subject in grades preschool, K-12, and classes organized primarily for adults.</p> <p>Introductory authorizations may be added to single subject, standard secondary, and some special secondary teaching credentials and authorize the holder to teach the subject matter content typically included in curriculum guidelines and textbooks approved for study in grades 9 and below; but the students may be in grades preschool, K-12, and in classes organized primarily for adults.</p> <p>Broad supplementary authorizations added to multiple subject and standard elementary teaching credentials authorize the holder to teach departmentalized classes related to the supplementary authorization listed on their credential only in grades 9 and below.</p> |
| Teacher Consent | Many local assignment options require teacher consent because the individual is being assigned outside the subject area of their credential. The type of consent is not delineated in statute and the method used to acquire consent is a local level decision. |

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| <p>Teaching Permits</p> <p><i>Provisional Internship (PIP)</i></p> <p><i>Short-Term Staff (STSP)</i></p> | <p>CTC took action in December 2003 to discontinue the issuance of multiple subject, single subject and education specialist emergency permits and to replace them with two types of teaching permits.</p> <p>The PIP is available when the employing agency knows that there will be a teacher vacancy yet is unable to recruit a suitable candidate. The PIP is restricted to the employing agency and may be issued in two one-year increments if the individual meets the renewal requirements. Only two PIP documents of any kind may be issued to an individual. The permit will not be issued to an individual who was issued five emergency permits.</p> <p>The STSP may be requested by an employing agency when there is an acute staffing need. The STSP is restricted to the employing agency requesting the permit and is issued for one year. The permit will not be issued to an individual who was issued five emergency permits.</p> |
| <p>Title 5 Regulations</p> | <p>The sections of the <i>California Code of Regulations, Title 5</i>, concerning education are established by state educational agencies, including CTC, and are intended to implement the statutes enacted by the State Legislature. References are cited as ‘T5 §’.</p> |

Appendix B

Authorization Statements Currently Issued by the Commission*

| Document/ Authorization Title | Authorization Statement |
|--|---|
| Multiple Subject Teaching Credential | This credential authorizes the holder to teach all subjects in a self-contained class and, as a self-contained classroom teacher, to team teach or to regroup students across classrooms, in grades twelve and below, including preschool, and in classes organized primarily for adults. In addition, this credential authorizes the holder to teach core classes consisting of two or more subjects to the same group of students in grades five through eight, and to teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core for less than fifty percent of his or her work day. |
| Single Subject Teaching Credential | This document authorizes the holder to teach the subject area(s) listed in grades twelve and below, including preschool, and in classes organized primarily for adults. |
| English Learner Authorization | The following instructional services may be provided to English learners: (1) instruction for English language development in grades twelve and below, including preschool, and in classes organized primarily for adults. If the prerequisite credential or permit is a designated subjects adult education teaching credential, a child development instructional permit, or a child development supervision permit, English language development instruction is limited to the programs authorized by that credential or permit; (2) specially designed content instruction delivered in English in the subjects, programs and at the grade levels authorized by the prerequisite credential or permit. This English learner authorization also covers classes authorized by other valid, non-emergency credentials or permits held, as specified in Education Code Section 44253.3. |
| Introductory Subject Matter Authorization | This credential authorizes the holder to teach only the subject matter content typically included for the introductory subject or subjects listed, in curriculum guidelines and textbooks approved for study in grades 9 and below to students in preschool, kindergarten, grades 1-12, or in classes organized primarily for adults. |

| Document/ Authorization Title | Authorization Statement |
|---|--|
| Education Specialist Instruction Credential in Mild-Moderate | This authorizes the holder to conduct Educational Assessments related to students' access to the academic core curriculum and progress towards meeting instructional academic goals, provide instruction, and Special Education Support to individuals with a primary disability of specific learning disabilities, mild/moderate mental retardation, other health impairment, and emotional disturbance, in kindergarten, grades 1-12 through age 22, and classes organized primarily for adults in services across the continuum of program options available. |
| Added Authorization in Special Education (AASE) in Autism Spectrum Disorders | The autism spectrum disorders added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of autism across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential. |
| Designated Subjects Career Technical Education Teaching Credential | This credential authorizes the holder to teach in the subject or subjects listed in grades twelve and below and in classes organized primarily for adults, in career technical instruction courses. |
| Administrative Services Credential | This credential authorizes the holder to provide the following services in grades twelve and below, including preschool, and in classes organized primarily for adults: develop, coordinate, and assess instructional programs; evaluate certificated and classified personnel; provide students discipline, including but not limited to suspension and expulsion; provide certificated and classified employees discipline, including but not limited to suspension, dismissal, and reinstatement; supervise certificated and classified personnel; manage school site, district, or county level fiscal services; recruit, employ, and assign certificated and classified personnel; and develop, coordinate, and supervise student support services including but not limited to extracurricular activities, pupil personnel services, health services, library services, and technology support services. |

**Common authorization statements currently issued by the Commission are included. This Appendix is not intended to provide a comprehensive list of all authorization statements issued by the Commission.*

Appendix C

Subjects within the Broad Single Subject Areas

Title 5 §80005(a) clarifies the authorization for the subject areas for service in departmentalized classes to allow an individual to be assigned to teach classes that fall within the broad single subject areas. Some subjects are listed under more than one subject such as photography which may be found under both art and industrial and technology education and child development which is listed under both health and home economics. The employing agency must make the decision which broad single subject area the content of the class falls under for subjects listed under more one subject.

The regulation also allows flexibility at the local level. An employing agency may determine that an individual may teach a class directly related in content to one of the broad subject areas if the subject is not already listed under another subject area. There is no flexibility if the class already appears on the list.

| Subject Area | Subjects that Fall Within Single Subject Area |
|-------------------------------------|---|
| Agriculture | Agricultural management, agricultural mechanics, agricultural science, animal science, forestry, horticulture, landscaping, and plant science |
| Art | Art appreciation, art history, arts and crafts, art theory, calligraphy, cartooning, ceramics, commercial art, costume design, crafts, design, drawing, humanities, illustration, interior decoration, jewelry, leathermaking, painting, photography, sculpture, stagecraft, and yearbook |
| Business | Accounting, business communications, business English, business mathematics, business management, business marketing, computer concepts and applications, consumer education, data processing, economics, general office occupations, keyboarding, marketing, shorthand, typewriting, and word processing |
| English | Composition, creative writing, debate, drama, forensics, grammar, humanities, journalism, language arts, language structure, literature, poetry, public speaking, speech, theater arts, and yearbook |
| Health | Child development, family life, human sexuality, nutrition, sexually transmitted disease education, and substance abuse |
| Home Economics | Child development, clothing, consumer education, family life, foods, family economics, housing, human development, interior design, nutrition, parenting, and textiles |
| Industrial and Technology Education | Automotive mechanics, carpentry, computer technology, construction, drafting, electricity, electronics, industrial crafts, industrial design, metals, millwork, photography, plastics, radio and television, technical science/power mechanics, welding, and woods |
| Languages Other Than English | Courses in culture, grammar, composition, language structure, and literature of the language listed on the document |

| Subject Area | Subjects that Fall Within Single Subject Area |
|-----------------------------|---|
| Mathematics | Basic or general mathematics, algebra, calculus, computer science, consumer mathematics, geometry, mathematical analysis, statistics and probability, and trigonometry |
| Music | Instrumental music, music appreciation, music theory, and vocal music |
| Physical Education | Aquatics, dance, fundamental and creative movement, gymnastics, interscholastic sports, motor development or learning, physical conditioning, sports, and weightlifting |
| Science: Biological Science | Anatomy, biology, botany, ecology, environmental science, evolution, genetics, physiology, and zoology |
| Science: Chemistry | Chemical reactions, qualitative analysis, quantitative analysis, and structure and stability |
| Science: Geosciences | Astronomy, cosmology, earth science, forestry, geology, meteorology, oceanography, and paleontology |
| Science: Physics | Energy, mechanics, and thermodynamics |
| Social Science | American government, anthropology, contemporary issues, current events, cultural studies, economics, ethnic studies, geography, government, history, humanities, international government, law, politics, psychology, sociology, United States history, and world history |

Appendix D

Statutory Authority for Assignment Monitoring

Education Code §44258.9.

- (a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).
 - (b) (1) Each county superintendent of schools shall monitor and review school district certificated employee assignment practices in accordance with the following:
 - (A) Annually monitor and review schools and school districts that are likely to have problems with teacher misassignments and teacher vacancies, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126, based on past experience or other available information.
 - (B) Annually monitor and review schools ranked in deciles 1 to 3, inclusive, of the base Academic Performance Index, as specified in paragraph (2) of subdivision (c) of Section 1240, if those schools are not currently under review through a state or federal intervention program. If a review completed pursuant to this subparagraph finds that a school has no teacher misassignments or teacher vacancies for two consecutive years, the next review of that school may be conducted according to the cycle specified in subparagraph (C), unless the school meets the criteria of subparagraph (A).
 - (C) All other schools on a four-year cycle.
 - (2) Each county superintendent of schools shall investigate school and district efforts to ensure that a credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.
 - (3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity.
- (c) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing and the department summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:
- (1) The numbers of teachers assigned and types of assignments made by the governing board of a school district under the authority of Sections 44256, 44258.2, and 44263.
 - (2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of departures from the implementation plans presented to the county superintendent by school districts.

- (3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.
 - (4) (A) Information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the base Academic Performance Index, as specified in paragraph (2) of subdivision (c) of Section 1240, to ensure that, at a minimum, in any class in these schools in which 20 percent or more pupils are English learners, the assigned teacher possesses a certificate issued pursuant to Section 44253.3 or 44253.4, or has completed training pursuant to Section 44253.10, or is otherwise authorized by statute.
 - (B) This paragraph shall not relieve a school district from compliance with state and federal law regarding teachers of English learners or be construed to alter the definition of “misassignment” in subparagraph (B) of paragraph (5) of subdivision (b) of Section 33126.
 - (5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.
- (d) The Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments that shall be based, in part, on the annual reports of the county superintendents of schools.
- (e) (1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credential holders. Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.
- (2) Commencing July 1, 1989, a certificated person who is required by an administrative superior to accept an assignment for which he or she has no legal authorization, after exhausting existing local remedies, shall notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools, within 15 working days, shall advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who files a written notification with the county superintendent of schools shall be exempt from Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.
- (3) The county superintendent of schools shall notify, through the office of the school district superintendent, a certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period,

to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

- (4) The county superintendent of schools shall notify the superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 days of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period, to the county superintendent of schools the extraordinary circumstances that make this correction impossible.
- (f) An applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.
- (g) The Superintendent shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (c) to the Legislature. The Legislature may hold, within a reasonable period after receipt of the summary, public hearings on pupil access to teachers and to related statutory provisions. The Legislature also may assign one or more of the standing committees or a joint committee, to determine the following:
 - (1) The effectiveness of the reviews required pursuant to this section.
 - (2) The extent, if any, of vacancies and misassignments, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126.
 - (3) The need, if any, to assist schools ranked in deciles 1 to 3, inclusive, of the base Academic Performance Index, as defined in paragraph (2) of subdivision (c) of Section 1240, to eliminate vacancies and misassignments.

Appendix E

Sanctions

Title 5 California Code of Regulations

Sections 80339 Through 80339.6 Pertaining to Unauthorized Certificated Employee Assignments and Section 80335 Pertaining to Performance of Unauthorized Professional Service

Section 80339. Definitions.

The following definitions pertain to Sections 80339.1 through 80339.6.

- (a) "Commission" is the Commission on Teacher Credentialing.
- (b) "Committee" is the Committee on Authorized Assignments.
- (c) "County superintendent" means the county superintendent of schools.
- (d) "School superintendent" means the superintendent of the local school district.
- (e) "Staff" refers to the staff of the Commission on Teacher Credentialing.
- (f) "Misassignment" refers to the assignment of a certificated person to a position not authorized by the credential or certificate or permit or by regulations or pertinent sections of the Education Code.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.1. Membership of the Committee on Authorized Assignments.

The Committee shall be established by the Commission and shall consist of five (5) members appointed by the Commission. Membership shall include two (2) practicing school teachers, one (1) practicing school service representative other than a school administrator, one (1) practicing school administrator or one (1) practicing certificated human resources administrator, and one (1) school board member. All members shall have experience in the area of legally permissible assignment authorizations. Members shall be appointed to serve two (2) year terms and may be reappointed.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.2. Materials to be Forwarded by the County Superintendent.

Notices required to be sent to the Commission under the terms of Education Code section 44258.9(g)(3) shall include all of the following:

- (a) All writings which form the basis on which a determination of misassignment was made;
- (b) Copies of all communications sent to the school superintendent informing him or her of the specific individuals in misassignments, and identifying the administrators immediately responsible for the misassignment;
- (c) All written responses submitted by the school district or school administrator in response to communication described in Education Code section 44258.9(g)(3);
- (d) All writings informing the certificated employee that he or she is serving in an unauthorized position. The county superintendent must advise the employee of the misassignment and of the professional obligation of the individual to seek an authorized position. Copies of any written response by the employee shall also be provided to the Commission;

- (e) Information regarding the steps taken to identify for the Commission the administrator(s) responsible for the misassignment;
- (f) All other materials which mitigate or aggravate the possible penalties or which supplement the information presented.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.3. Staff Review and Determination.

Staff shall review the materials and information provided by the county superintendent. If staff determines that the assignment is authorized, this information shall be communicated, in writing, to the county superintendent and the school superintendent. If staff determines that the assignment is unauthorized, the school superintendent and the governing board of the local school district shall be notified in writing of the staff determination of misassignment and advised of the possible penalties if the misassignment is not corrected. As a part of the notification, staff shall offer the school superintendent the opportunity to enter into a written Compliance Agreement, setting forth the remedial steps agreed to be taken in order to correct the misassignment(s) and establishing a deadline for meeting all of the terms of the agreement.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.4. Referral to the Committee on Authorized Assignments and Issuance of Letter of Non-Compliance.

Failure to correct a misassignment following the procedures set forth in section 80339.3 shall result in the referral of the matter by staff to the Committee at the next meeting of the Committee as long as it is more than 30 days from staff notification. Commission files on the alleged misassignment shall be provided to the Committee and the Committee shall review the information contained in the record and determine if a misassignment occurred. If it decides that a misassignment has occurred, the Committee shall cause a letter of non-compliance to be issued to the local governing board of the subject school district. This letter shall set forth the nature of the misassignment and be signed by the Executive Director of the Commission and the members of the Committee. This letter shall be read at the first public meeting following its receipt by the presiding officer of the local governing board, and he or she shall so certify to the Commission in writing that this has been accomplished.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.5. Referral to the Committee of Credentials.

If a misassignment has not been corrected within 30 days after the letter of non-compliance has been issued, the Committee shall review the matter again in order to determine whether more severe sanctions are appropriate. It shall, in appropriate cases, identify the individuals it determines to be responsible for the misassignment. It shall then report its findings in writing to the Committee of Credentials for further investigation and consideration of adverse action against the credentials of responsible certificated persons pursuant to Title 5, California Code of Regulations section 80335 and other statutes and regulations applicable to the jurisdiction and operation of the Committee of Credentials.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80339.6. Rights of Certificated Persons.

When a certificated person files a written notice pursuant to Education Code section 44258.9(g)(2), that person may request the Committee to review any determination and decision by the county superintendent that an assignment is legally authorized. When a certificated person employed in a county-operated school files a written notice pursuant to Education Code section 44258.9(g)(2), that person may also request the Committee to review any determination and decision by the county superintendent that the assignment is legally authorized. In these cases, the county superintendent, the administrators immediately responsible for the misassignment, and the local governing board of the subject county will be treated in the same manner as those comparable individuals and bodies at the district level are treated in Title 5, California Code of Regulations sections 80339.2 through 80339.6.

When a certificated person who has been notified pursuant to Title 5, California Code of Regulations section 80339.2 that he or she is in an unauthorized assignment submits to the county superintendent of schools written verification of his or her effort to obtain an authorized assignment, he or she shall not be subject to penalties under Title 5, California Code of Regulations section 80339.5. Such verification may include, but need not be limited to, copies of written requests to the immediate administrator or supervisor, the district department for personnel matters, and the school superintendent.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Section 80335. Performance of Unauthorized Professional Services.

A certificated person shall not, after July 1, 1989:

- (a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the county superintendent of schools in writing of the incorrect assignment, and the county superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9(g)(2) and (3).
- (b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.
- (c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.
- (d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.
- (e) Effective October 20, 1993, no adverse action described in Title 5, California Code of Regulations, section 80331(a) shall be imposed for violation of this section prior to review

and attempted disposition pursuant to Title 5, California Code of Regulations, sections 80339 through 80339.6.

Note: Authority cited: Sections 44225 and 44258.9(g), Education Code. Reference: Section 44258.9(g), Education Code.

Appendix F

References

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