



COMMISSION ON  
TEACHER CREDENTIALING  

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*Ensuring Educator Excellence*

**Assignment Monitoring of Certificated Employees in  
California by County Offices of Education 2007-2011,  
A Report to the Legislature**

Submitted Pursuant to Education Code §44258.9

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

September 2012

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Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811-4213  
(916) 322-0048 (Fax)

# Commission on Teacher Credentialing



1900 Capitol Avenue  
Sacramento, CA 95811

(916) 445-0184

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## Vision Statement

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

## Mission Statement

To inspire, educate and protect the students of California.

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# **Assignment Monitoring in California of Certificated Employees by County Offices of Education 2007-2011, A Report to the Legislature**

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## **Executive Summary**

Examining assignment monitoring data in California is essential for policy makers as they analyze how current statutes and policies impact the assignment of certificated employees in California. This report provides data collected by the Commission on Teacher Credentialing (Commission) from the County Offices of Education and addresses several items regarding the assignment of teachers and other certificated staff in California public schools.

This item is provided in response to Education Code (EC) §44258.9 which requires that the Commission report biennially to the Legislature on the assignment monitoring data for certificated employees submitted by the County Offices of Education. The report includes assignment monitoring data for all certificated public school employees (excluding charter schools) in California from academic years 2007-2011. This report also incorporates information on annual data collection for the teachers of English learners and certificated assignment monitoring data during the academic years between 2009-2011 in California's lowest performing schools ranked in Deciles 1, 2 and 3 of the base Academic Performance Index (API) excluding charter schools.

County superintendents of schools must submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews conducted in that year. Approximately one-quarter of the certificated staff in the school districts within each county are annually reviewed. At the end of each four-year cycle the certificated staff assignments for all districts in California will have been monitored excluding charter schools. While all county offices follow the same four year monitoring cycle, each county determines their own monitoring schedule for their districts and certificated staff with the overall goal of monitoring approximately one-fourth of all certificated staff in their county each year. The current four-year report cycle includes the academic years from 2007-2008 through 2010-2011.

As a result of legislation related to the *Williams vs. State of California* settlement, county superintendents are required to annually monitor all certificated assignments and collect specific data on teachers of English learners for all schools ranked in the lowest three deciles of California's base Academic Performance Index (API) with the exception of charter schools. For all other public schools ranked in the state's lowest three deciles, assignment data is collected annually for classrooms identified at these school sites with an English learner student population of 20% or more. The assignments or all certificated staff at these school sites are also annual monitored. This report summarizes all of the data and assignment information collected for schools ranked in deciles 1, 2, and 3 during the academic years of 2009-2010 (2006 base

API) and 2010-2011 (2009 base API). As mandated in statute, the base API year is updated every three years ensuring that the same set of schools is monitored annually for a total of three years. The base API year changed to 2009 for the 2010-2011 academic year so the list of schools ranked in the lowest three deciles of the state were updated for monitoring.

Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in Appendix 1. A general explanation of authorizations and certificated assignments in California may be accessed in the June 2012 Commission Agenda Item 5B (<http://www.ctc.ca.gov/commission/agendas/2012-06/2012-06-5B.pdf>).

This report is organized into two parts within the following headings and subheadings:

- I. The Assignment Monitoring Report for All Certificated Staff in California, 2007-2011
  - A. Teaching and Non-Teaching Misassignment Data, 2007-2011
  - B. Statistics on Education Code Assignment Options for Teaching Outside of Credential Authorizations, 2007-2011
  - C. Teacher Vacancy Data, 2007-2011
  - D. Summary of One-Fourth Assignment Monitoring Data, 2007-2011
- II. The Assignment Monitoring Report for Certificated Staff in California Schools Ranked in Deciles 1, 2 and 3 for 2009-2010 (2006 base API) and 2010-2011 (2009 base API)
  - A. Teaching and Non-Teaching Misassignment Data in Decile 1, 2 and 3 Schools, 2009-2011
  - B. English Learner Data Collection for Decile 1, 2 and 3 Schools, 2009-2011
  - C. Statistics on Education Code Assignment Options for Teaching Outside of Credential Authorizations in Decile 1, 2 and 3 Schools, 2009-2011
  - D. Teacher Vacancy Data in Decile 1, 2 and 3 Schools, 2009-2011
  - E. Summary of Assignment Monitoring Data for Schools Ranked in Deciles 1, 2 and 3, 2009-2011

In brief, the cumulative report information on all certificated staff in California from county superintendents indicates that between September 2007 and June 2011, 9.5% of certificated employees in the state were initially placed in an assignment for which they did not hold an appropriate credential or authorization. This percentage equates to a total of 32,075 certificated employees identified in unauthorized assignments in California public schools. While this figure represents over a 43% increase from the 22,352 initial misassignments identified during the last full report cycle (2003-2007), there are contributing factors outlined within the report for consideration.

The cumulative data reported by county superintendents indicates that during the 2009-2010 academic year, 19% of certificated employees in schools ranked in the three lowest deciles (2006 base API), were in a position for which they did not hold an appropriate credential or authorization. This percentage equates to a total of 16,450 certificated employees identified in unauthorized assignments in California's lowest performing public schools. In the following academic year (2010-2011) this figure reduced to 12,218 initial misassignments or 13% of certificated employees reviewed.

## **I. The Assignment Monitoring Report for All Certificated Employees in California, 2007-2011**

Education Code (EC) §44258.9 directs county superintendents of schools to submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews conducted in that year. One-quarter of the school districts within each county are annually reviewed. At the end of a four-year cycle, the certificated staff assignments for all districts in California will have been monitored. The Education Code also requires the Commission to submit a report to the Legislature concerning assignments and misassignments of California certificated employees based on the data submitted by the county superintendents. The following is an analysis of the statewide aggregated assignment data submitted to the Commission over the four-year cycle of county monitoring activities from September 2007 through June 2011.

In addition to the one-fourth district monitoring, county superintendents are required to annually collect data on teachers in classrooms with a population of 20% or more English learner students in all schools ranked in deciles 1, 2 and 3 of the base Academic Performance Index (API). County superintendents also annually monitor the assignments of all certificated employees in these school sites. This report summarizes all of the data collected for schools in the state's lowest three decile rankings for 2009-2010 (2006 Base API) and 2010-2011 (2009 Base API) in Section II.

### *Charter Schools*

While charter schools are public schools, they are exempt from many laws governing school districts including assignment monitoring under EC §44258.9. Furthermore, charter schools were provided the option of participating in the provisions of the *Williams* lawsuit settlement. In August 2004, legislation was enacted to implement a settlement agreement in the case of *Eliezer Williams, et al. v. State of California, et al. (Williams)*, a class action suit pertaining to instructional materials, safe and decent school facilities, and qualified teachers. As a key part of the *Williams* settlement, some specific funding was appropriated to help many of the affected public schools address their deficiencies, as well as to conduct monitoring activities. Initially, all non-charter schools in deciles 1 through 3 on the 2003 base API were automatically subject to the *Williams* settlement provisions, including increased monitoring; however, charter schools were given the option of participating. Only a few charter schools volunteered to participate in the *Williams* settlement at that time. Currently, none of the 154 charter schools ranked in deciles 1 through 3 (2009 base API) elect to opt in to the additional annual monitoring and English learner data collection required under the provisions of the *Williams* settlement.

For charter schools, the authority to verify that an educator holds an appropriate credential and/or authorization for their assignment falls under the chartering authority. EC §47605(1) states that teachers in charter schools are required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. This section also states that it is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

Currently, this flexibility is not extended to countywide benefit charter schools approved under EC §47605.6. EC §47605(1) also requires that charter schools maintain records regarding teacher

credentialing certificates, permits, or other documents equivalent to that which teachers in other public schools are required to hold. These documents are subject to periodic inspection by the charter authorizing authority. Periodic inspection is not further defined in statute or regulation.

Definitions of common terms used throughout this report 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 the law. A teacher may be placed in more than one unauthorized assignment; therefore, it is possible that one teacher may have more than one misassignment. An example is provided below for additional clarification.

A teacher at a high school may hold a credential for teaching departmentalized Biological Sciences with no authorization for teaching English learners. During a five period day he or she is assigned 3 periods of Biology, 1 period of Health, and 1 period of Chemistry. All five classes have one or more students requiring English learner instructional services. This individual has a total of 3 unauthorized assignments (misassignments). The count would be one misassignment in Health, one in Chemistry, and one in Specially Designed Academic Instruction in English (SDAIE) for the instruction of the English learner students. The count would not include multiple instances of the same misassignment. The five periods requiring a SDAIE authorization count as one misassignment that requires only one authorization to resolve all unauthorized assignments in this area. The other two misassignments in Health and Chemistry are counted separately as they each require a separate authorization in order to correct both misassignments.

#### *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. California schools are ranked into deciles based on their score on the API.

#### *Deciles*

California schools are ranked in deciles 1 (lowest) through 10 (highest) based on the API. For purposes of monitoring the decile 1, 2 and 3 schools including the data collection for teachers of English learners the base API year is updated every three years ensuring that the same sets of schools are monitored annually for a three years. The base API year changed from 2006 for the 2009-2010 academic year to 2009 for the 2010-2011 academic year; therefore, the list of schools ranked in the lowest three deciles of the state subject to monitoring and data collection were updated accordingly. 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 purpose of exemption from the annual monitoring.

**A. Teaching and Non-Teaching Misassignment Data, 2007-2011**

From September 2007 through June 2010, the assignments of more than 289,746 elementary and secondary teachers and 49,406 non-teaching assignments were reviewed for an overall total of 339,152, certificated staff. *Table A* compares the total number of certificated staff monitored during the last four monitoring cycles against the total number of misassignments identified during the last four report cycles.

*Table A* below shows that of the total certificated personnel monitored in the four-year period, 32,075 were identified as misassigned. This total equates to 9.5% misassignments for the state which is higher than the 6.3% reported in the 2003-2007 cycle and much higher than the 2.5% reported in the 1999-2003 cycle. Contributing factors include a continued focus during monitoring on the assignments of teachers of English learners, middle school reorganizations including the introduction of block scheduling, significant public school lay-offs and bumping that result in changes to master schedules at the secondary level, and additional focus and training for monitoring special education assignments.

**Table A: Comparison of Total Staff Monitored Relative to Misassignments, 1995-2011**

	1995-1999	1999-2003	2003-2007	2007-2011	Change Between 2003-2007 and 2007-2011
<b>Total Certificated Staff Monitored</b>	250,000	363,000	353,368	339,152	<b>-4.02%</b>
<b>Total Certificated Misassignments</b>	7,447	9,112	22,352*	32,075*	<b>43.50%</b>
<b>Percent of Certificated Staff Misassigned</b>	2.98%	2.51%	6.33%	9.46%	

\* Change in method of reviewing English learner assignments in 2004 through 2005 may have resulted in the higher percentage of reported misassignments found in the 2003-2007 and 2007-2011 report cycles

*Figure 1* on the following page represents the distribution of misassignments by school level for the 2007-2011 report cycle. Traditionally, the largest numbers of misassignments are found at the middle and high school levels. This remains the case for the 2007-2011 review with 15,128 or 47% of the total misassignments at the high school level and 10,022 or 31% at the middle school level, for a combined total of 78% of all misassignments occurring at the secondary level. Elementary school level misassignments represent 19% (6,051) of the total with Adult Education identified for the additional 3% (874) in the 2007-2011 report cycle. These results are comparable to the 2003-2007 report cycle that found 46% of the total misassignments occurred at the high school level and 30% at the middle school level, for a total of 76% at the secondary level.

**Figure 1: Percentage of Misassignments by School Level, 2007-2011 (Total: 32,075)**

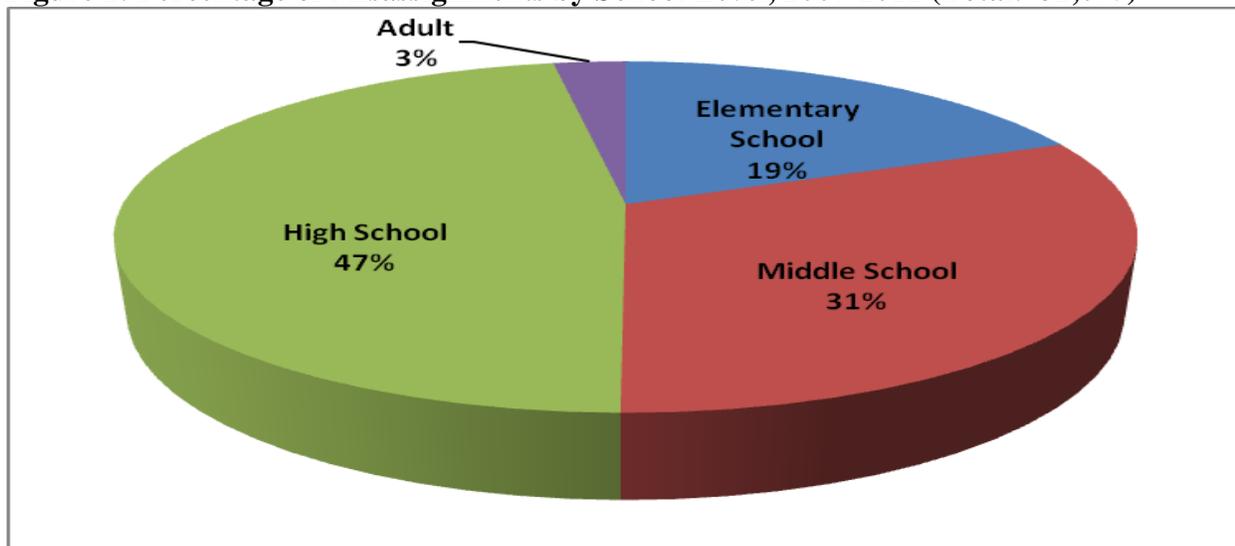
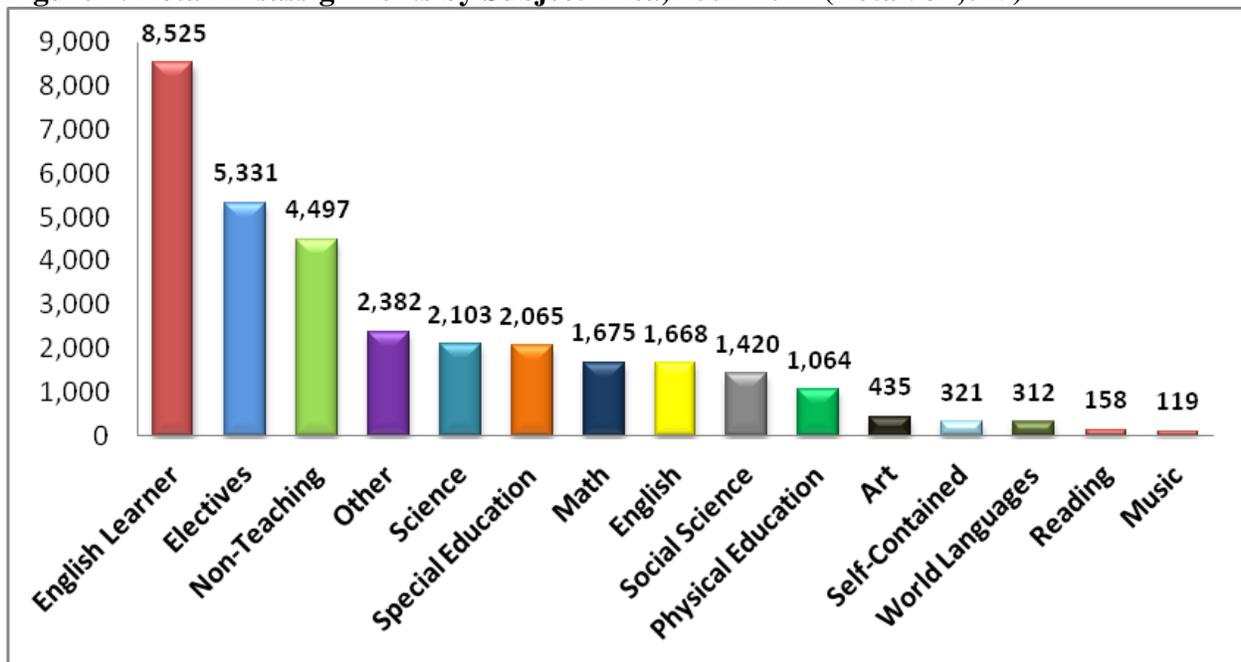


Figure 2 on the following page provides the total number of misassignments by subject area for the 2007-2011 report cycle. The misassignments in the English Learner area account for the highest total at 8,525 (27%) of all misassignments identified. The subject category “English Learner” is comprised of English Language Development (ELD), Specially Designed Academic Instruction in English (SDAIE), and self-contained and departmentalized bilingual assignments that all authorize different types of instruction for students that are identified as English learners. English learner misassignments did decrease by almost 28% from the 11,807 (53%) reported in the 2003-2007 report.

The second highest identification of misassignments was in the subject area of “Electives” which includes a wide variety of subjects such as computers, health, home economics, industrial arts, video production, agriculture, and study skills. The almost 17% (5,331) of “Elective” misassignments identified represents an increase from the findings in the 2003-2007 report where this subject category constituted only 13.2% of the total misassignments. Elective misassignments are followed closely by “Non-Teaching” misassignments at 4,497 (14%). Non-Teaching misassignments are provided in detail in Figure 7 and include areas such as administrative services, pupil personnel services, speech therapy, teacher librarians, school nurses, staff developers, and coordinators of educational programs. The subject of “Other” accounted for 2,382 (7%) of the total misassignments. The broad category of “Other” includes assignments in non-traditional education settings, adult education, career technical education (CTE), ROTC, child development, and substitute teaching.

The rate of misassignments in the various academic areas specifically noted ranges from a high of 5% for Math to a low of less than 1% for Music. While individually each of these areas accounted for 5% or less of the total misassignments, when combined these areas total 11,340 or 35% of the total misassignments.

**Figure 2: Total Misassignments by Subject Area, 2007-2011 (Total: 32,075)**



The unauthorized assignments of teachers of English learners still accounted for the most significant amount of misassignments reported in 2007-2011. During the last four year cycle, the 2004 *Williams* settlement created additional emphasis on the review of English learner assignments resulting in better identification of teachers that lacked the authorization to provide instructional services to English learners. The unauthorized assignment of teachers for English learner students witnessed more than an 88% increase during the 2003-2007 monitoring cycle from the previous report cycle in 1999-2003. The significant rise in numbers for the last report cycle was a result of the more rigorous monitoring of these assignments by the county offices of education. The majority of the still significant English learner misassignment numbers reported in the current cycle occurred primarily during the first two years of the four-year cycle. The districts subject to monitoring during the first two years would have had their last monitoring during the 2003-2004 and 2004-2005 academic years prior to full implementation of the additional monitoring required as a result of the *Williams Settlement*.

*Table B* on the following page provides some perspective on the number and percent of English learner misassignments by comparing the data reported in 1999-2003 through 2007-2011. As shown in *Table B*, the number of English learner misassignments relative to the total number of misassignments decreased from 53% to 27% between the last two reporting periods. The continued identification of English learner misassignments is significant as these teachers had not completed the necessary preparation that results in an appropriate authorization for an assignment that includes providing instruction to English learner students that require specific instructional services in order to succeed in their school's regular instructional programs.

Individuals that hold a teaching credential without an English learner authorization may also legally serve on an Emergency CLAD or Bilingual Authorization Permit while working to complete the additional preparation and/or requirements to earn an appropriate authorization. This option provides flexibility to employers and an opportunity for experienced teachers and

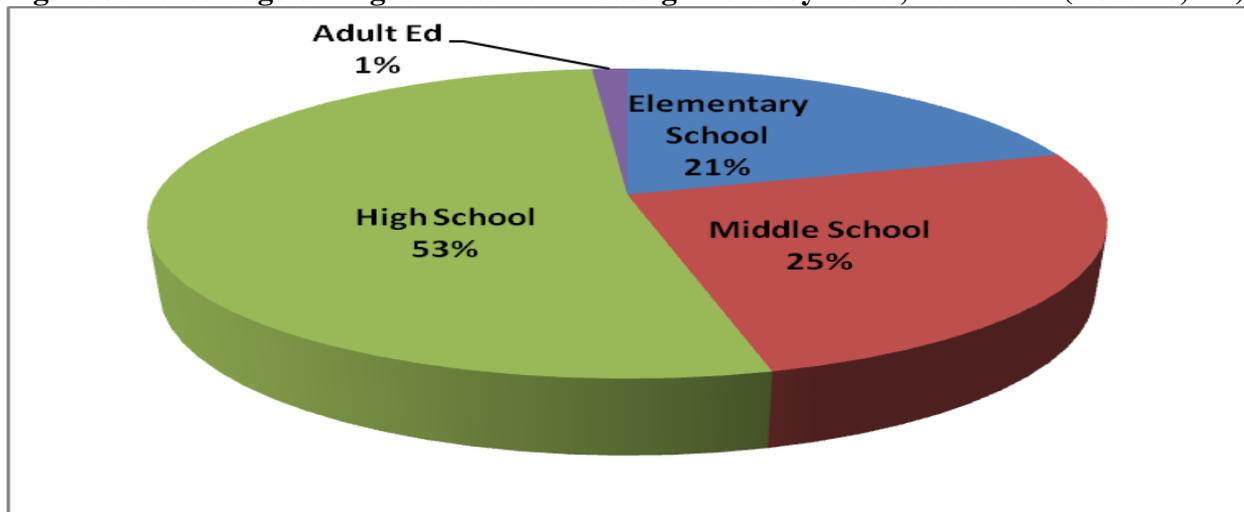
those from outside of California to begin or continue employment while on a structured preparation pathway toward earning the necessary authorization.

**Table B. Percentage of English Learner Misassignments, 1999-2003 through 2007-2011**

Monitoring Cycle	Total Number of Assignments Monitored	Total Number and Percent of Misassignments Identified	Number and Percent of ELD/SDAIE of all Misassignments
1999-2003	363,000	9,112 (2.51%)	1,458 (16%)
2003-2007	353,368	22,352 (6.33%)	11,807 (53%)
2007-2011	339,152	32,075 (9.46%)	8,525 (27%)
<b>Change Between 2003-2007 and 2007-2011</b>	<b>-4.02%</b>	43.50%	<b>-27.80%</b>

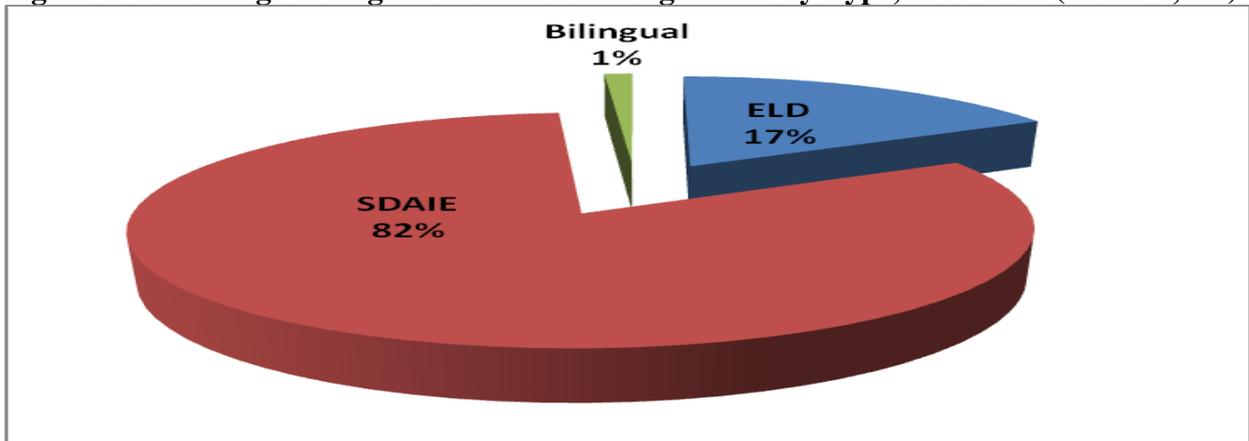
The majority of the impact created by the misassignment of teachers of English learner students is consistently noted at the secondary level. *Figure 3* below illustrates that the majority of English learner misassignments occur at the secondary level particularly at the high school where more than half of all of these types of misassignments occur. In examining the percentage breakdown of these misassignments by level, the fact that the 8,525 total misassignments represent the *number of teachers* of English learner students without appropriate authorization rather than the *total classrooms* impacted is an important point for consideration. At the elementary level the number of teachers and classrooms with students requiring English learner instructional services is normally a one to one match; however, the same is not commonly the case at the secondary level. For example, a teacher at the high school level may teach one to five, or even six, departmentalized classes with students that require English learner instructional services. Only one misassignment is noted for each teacher even if they teach a full schedule of classes with students requiring English learner instructional services.

**Figure 3: Percentage of English Learner Misassignments by Level, 2007-2011 (Total: 8,525)**



The review for an appropriate English learner authorization is Kindergarten through grade 12. However, there are specific courses offered within the Adult education program titled, English as a Second Language (ESL) that require the individual to hold an appropriate credential and authorization. The misassignments identified at the adult level may be relation to the ESL classes that are more commonly referred to as English Language Development (ELD) in the K-12 school system. *Figure 4* below examines the breakdown between the three different types of English learner authorization misassignments: SDAIE, ELD, and Bilingual instruction. Out of the total 8,509 English learner misassignments, the majority (82%) are found in the area of SDAIE with ELD comprising 17% of the overall total.

**Figure 4: Percentage of English Learner Misassignments by Type, 2007-2011 (Total: 8,525)**



As noted previously in *Figure 2*, the category “Electives” had the second largest number of misassignments. This category comprises many different subjects. *Figure 5* provides a breakdown of the total misassignments for the four-year report cycle in each of the subject areas contained within “Electives.”

**Figure 5: Misassignments by Elective Areas, 2007-2011 (Total: 5,331)**

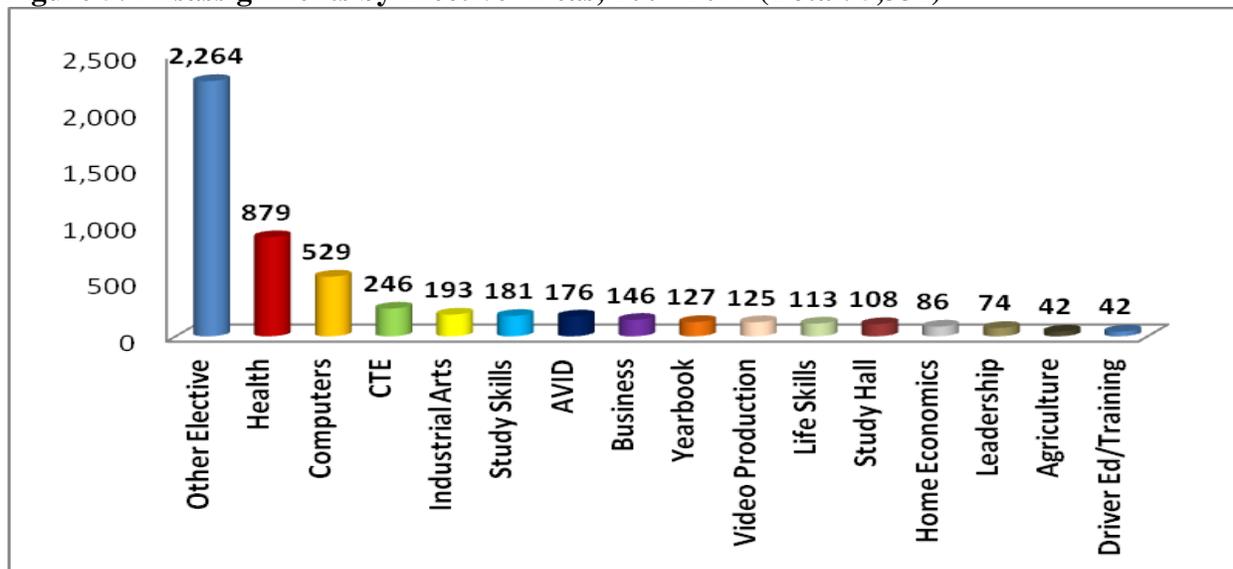
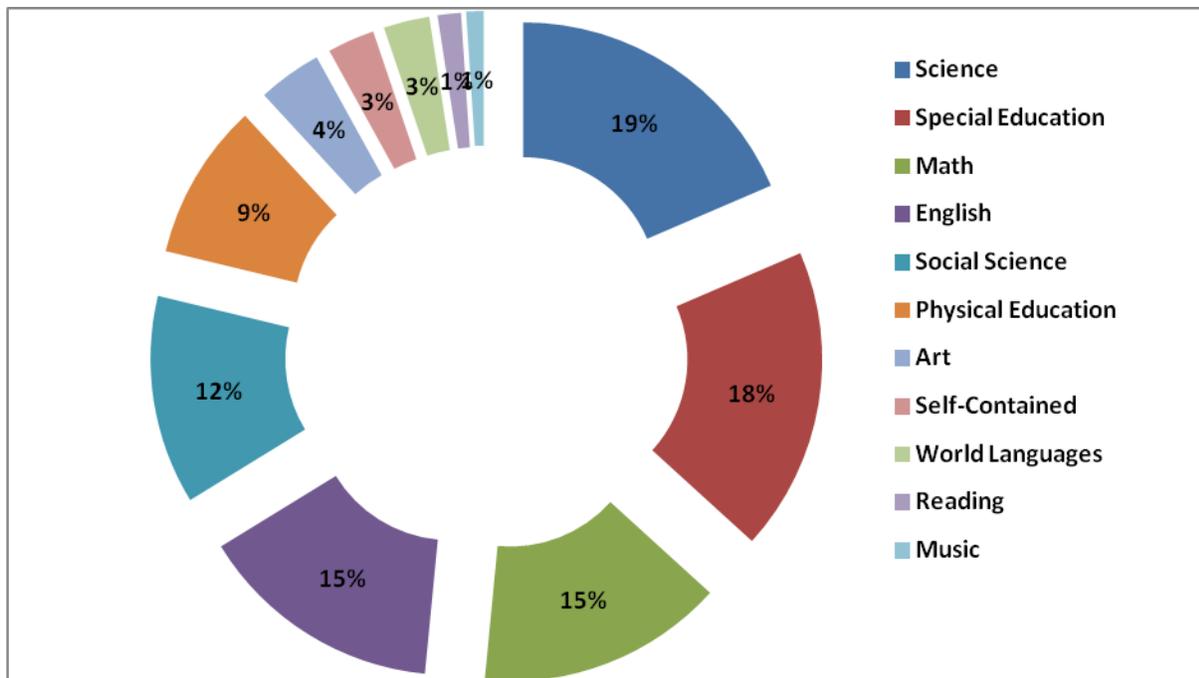


Figure 6 below provides the percentage of misassignments broken out by the most common academic areas in relation to the combined totals for these areas. While individually each of these areas accounted for 5% or less of the total misassignments, when combined these areas total 11,340 or 35% of the total misassignments. These areas generally require the teacher to meet the “highly qualified teacher” requirements for the federal No Child Left Behind (NCLB) Act of 2001 in core academic subject areas with the exception of physical education. Physical education was included with the other subjects based on both the total number identified but also since it is a mandated course of instruction in both elementary and secondary education as well as a part of the state high school graduation requirements. Science is the highest at 19%, followed closely by Special Education at 18% and then a tie between Math and English each at 15%. Well over 50% of unauthorized science assignments were in the areas of introductory, general, or integrated science primarily at the middle school level. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments. As this monitoring cycle includes 2007-2011, it is anticipated that the issuance of these new authorizations will result in a reduction in the number of science misassignments.

As noted, the misassignments within these areas account for 35% of all misassignments, an increase from the 2003-2007 report total of 27% of all misassignments identified during the previous report cycle. The subject areas of Science and English had the highest percentage during the previous report cycle tied at 20% each.

**Figure 6: Percentage of Misassignments in Academic Areas, 2007-2011 (Total: 11,340)**



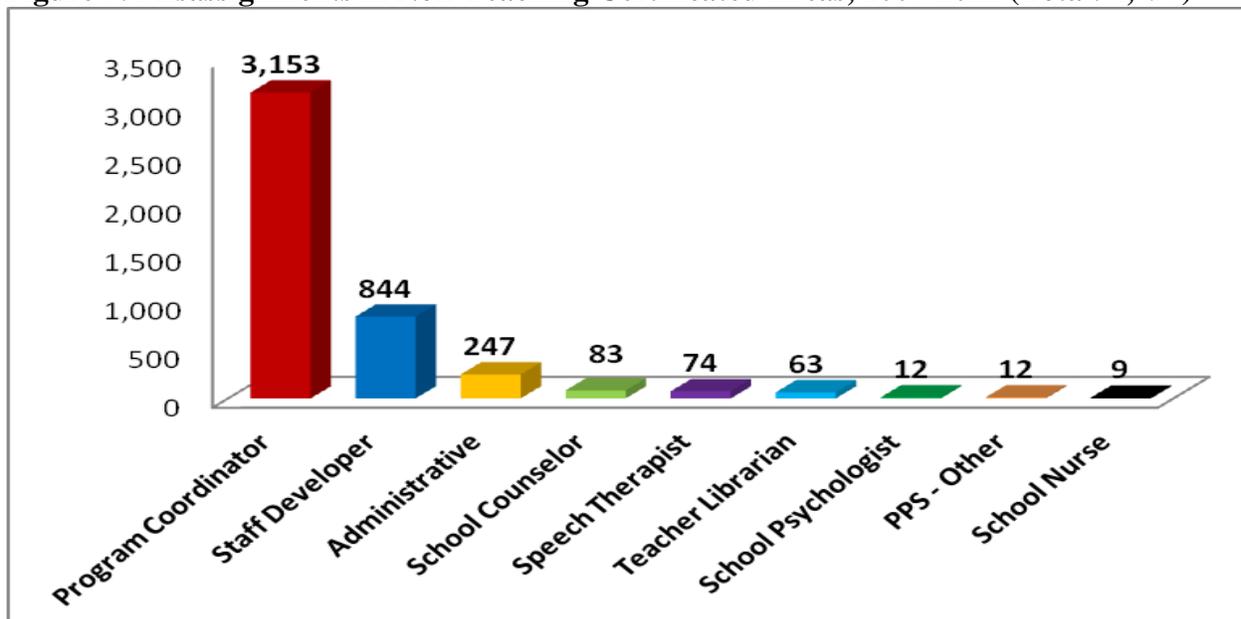
*Non-Teaching Misassignment Data*

More than 49,405 non-teaching assignments (administrators, school counselors, librarians, and others) were reviewed during the 2007-2011 monitoring cycle. Of those non-teaching certificated

assignments reviewed, 4,497 individuals (9%) were reported as misassigned. In comparison, the 2003-2007 data provides that 649 (1%) of more than 51,968 non-teaching assignments reviewed were unauthorized, indicating a significant increase in both the overall total and the percentage of non-teaching staff found to be misassigned. The majority of the increase is attributed to misassignments identified in two of the newer non-teaching reporting categories added during the last cycle – program coordinator and staff developer. When combined these two areas account for 89% of the non-teaching misassignments identified. Local assignment options along with specific criteria for teachers serving in these non-teaching assignments were approved by the Commission and added to regulations in 2000. There appears to be an increase in the number of teachers serving in special assignments in these non-teaching roles. The data suggests that the majority of these misassignments were corrected once the districts verified that the teacher met the requirements for the appropriate local assignment option in regulations and then notified the county of the legal basis used for authorizing the assignment. Future technical assistance webcasts and workshops on assignments will focus on providing additional information on these local assignment options for the districts.

Figure 7 provides all misassignments by type in the “Non-teaching” certificated assignment areas for the 2007-2011 report cycle.

**Figure 7: Misassignments in Non-Teaching Certificated Areas, 2007-2011 (Total: 4,497)**



**B. Statistics on Education Code Assignment Options for Teaching Outside of Credential Authorizations, 2007-2011**

California has many provisions within the Education Code that provide avenues for the assignment of certificated employees outside their basic credential authorization. These Education Code options allow local school districts the flexibility to assign teachers to provide instruction in subjects other than those already authorized by the credential(s) they hold. In most cases, teaching assignments made under these options require the agreement of the school site administrator, the affected teacher and the governing board. As required by statute, the

Commission collects information on the most frequently used options. The provisions of these options are summarized below:

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

Almost all assignments made under these Education Code sections are in the middle or high schools. Occasionally, EC §44256(b) is used to allow teachers with Multiple Subject or Standard Elementary Credentials to teach specialized subjects in a departmental setting in elementary schools. This generally occurs in school districts that provide elementary teachers with release time for planning. The school may have a "release time" teacher that provides departmentalized instruction for subjects such as art, music, physical education, world languages, computer education, or science.

While the Commission has authority to collect information for the purpose of analysis and reporting to the Legislature, it does not have authority to conduct a qualitative review of the assignments made in local school districts using Education Code provisions. For example, the Commission does not have data such as subject content area or curriculum/methods on the type of classes taken at a college or university or the grades received for the courses used to accumulate the 18 or 9 units required under §44263 or the 12 or 6 units required under §§44256(b) or 44258.2.

*Table C* 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 2007-2011 reporting cycle. During this monitoring cycle, there were a total of 10,176 assignments made under these Education Code sections which represents a decrease from the 14,139 reported in the previous cycle.

**Table C: Total Assignments by Education Code Option by Subject Area, 2007-2011**

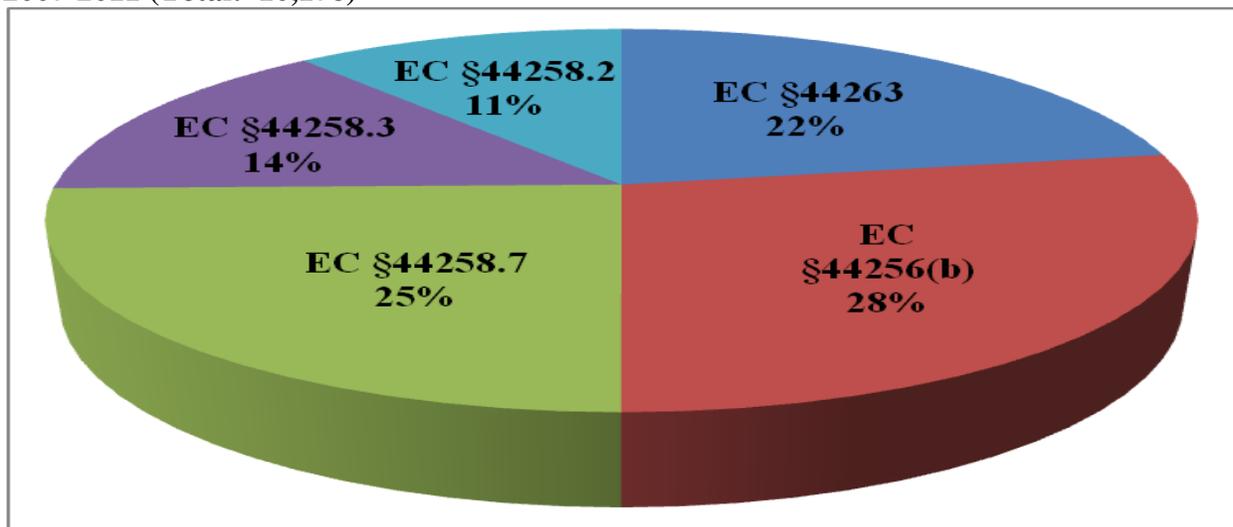
Subject Area	§44263	§44256(b)	§44258.7	§44258.3	§44258.2	Subject Area Totals
<b>English</b>	354	712	110	182	243	1,601 (16%)
<b>Science</b>	468	491	16	281	210	1,466 (14%)
<b>Math</b>	337	677	26	278	131	1,449 (14%)
<b>Electives</b>	117	29	1,004	147	33	1,330 (13%)
<b>Social Science</b>	389	452	20	171	211	1,243 (12%)
<b>Physical Education</b>	175	142	440	102	67	926 (9%)
<b>Industrial/ Technical</b>	82	107	448	91	46	774 (8%)
<b>World Languages</b>	158	54	84	44	35	375 (4%)
<b>Health</b>	85	17	122	60	108	392 (4%)
<b>Art</b>	69	72	164	32	19	356 (3%)
<b>Music</b>	20	28	51	15	5	119 (1%)
<b>Reading</b>	19	35	27	43	21	145 (1%)
<b>Totals</b>	2,273	2,816	2,512	1,446	1,129	10,176

Notably, 56% of teachers on Education Code assignment options were in the four academic subject areas of English, social science, math and science. English had the largest percentage of assignments under these Education Code options at 16% of the total. Math and science tied with 14% followed by Social Science at 12%.

*Figure 8* on the following page displays the percentage of teachers assigned under the provisions of each of these most commonly used Education Code (EC) options as tabulated in *Table C*. Notably, EC §44256(b) which is only able to be used in departmentalized classrooms in grades 8 and below was the most commonly used option and accounted for 28% of the assignments made under these options. *Table C* indicates that this option was primarily used for courses in English, Math, Science and Social Science. EC §44258.7 (c) and (d) available only for elective classes represented 25% of the total. This option became much more widely used since the last reporting cycle when it was the least common option at only 13%. As previously noted, most of the assignments made under this option were in elective subjects and non-core areas like physical education which is in accordance with the original intent of this option. The option allows teachers with “special skills” to teach in the “elective” area as long as the assignment is approved by the local Committee on Assignments. The small number of assignments noted for this option under the ‘core’ subject areas of math, science, English, and social science can be attributed to the definition of electives in this statute which limits the use for these subject areas to classes that

receive only elective credit toward meeting graduation requirements. So, a course in journalism might fall within the broad area of English but could be included for this option if the course is only offered as an elective rather than for English credit. EC §44263 designed for any departmentalized subject area at any grade level and normally the most commonly used option dropped to third during this report cycle and accounted for 22% of the total options used.

**Figure 8: Percentage of Assignments Authorized by Common Education Code Options, 2007-2011 (Total: 10,176)**



*Assignments Based on “Other Legal Authority”*

The online reporting system for the assignment monitoring report includes a category entitled “Other Legal Authority Not Noted Elsewhere in this Report.” When reporting under this category, county offices provide data on all certificated assignments locally and legally assigned outside of their authorized area on the basis of provisions in statute or regulations not already reported otherwise within the data. Several options in the Education Code provide local assignment flexibility based on specific criteria for broadly assigning individuals to provide both teaching and non-teaching services outside of the authorization they hold in California public schools.

Regulation changes in 2003 added two new sections to Title 5 to allow individuals with teaching credentials to serve in non-teaching assignments as program coordinators and staff developers.

For the 2007-2011 reporting cycle, the most used “Other Legal Authority” assignment options reported are Title 5 §80020.4.1 for the staffing of program coordinator (non-teaching) assignments combined with Title 5 §80020.4 for staff developers totaled 2,408 teachers serving under these two assignment options.

The other significant option used in significant numbers included Title 5 §80005 (b) for a total of 2,771 assignments of teachers to specific types of elective classes such as study skills, leadership, conflict management and life skills. The only other significant number of assignments (1,188) was made under EC §44258.7(b) for assigning a credentialed teacher as a competitive sports coach for one period of physical education each day.

One significant shortage area recently under review by the Commission involves the assignment of teachers serving students identified as needing services in the area of Autism Spectrum Disorders. It is important to note that 858 teachers were legally assigned using this temporary alternative option available in statute during this four-year reporting cycle. An additional 621 unauthorized assignments were identified in the area of Autism Spectrum Disorders during the same monitoring cycle.

### **C. Teacher Vacancy Data, 2007-2011**

Teacher vacancies are an annual data item newly reported by the county offices of education beginning with the 2007-2008 academic year. EC§33126(b)(5)(A)(B) and Title 5 of the California Code of Regulations §4600 defines ‘Teacher Vacancy’ as certificated positions for which a single designated employee has not been assigned within the first twenty working days after the first day of class for students for the entire year or if it is a one-semester course, then for the entire semester.

*Table D* below provides the aggregate statewide teacher vacancy data reported by the county offices for the academic years between 2007 and 2011. While a fairly significant amount of teacher vacancies (1,693) were identified and reported for the first reporting year in 2007-2008, the following years indicates a significant decline. A review of the vacancy data submitted during this four-year monitoring cycle appears to show some reporting inconsistencies. Commission staff will provide county offices with additional technical assistance and focus on this new area of data collection and reporting in the future in order to ensure more uniform reporting of this data. In addition, how this data is collected within the Assignment Monitoring Databases will be reviewed for future enhancements.

**Table D: Teacher Vacancy Data Relative to the Total Full-Time Equivalent (FTE) Teachers, 2007-2011**

<b>Report Year</b>	<b>Total Teacher Vacancies</b>	<b>Total Teacher FTE</b>	<b>Vacancy Percent</b>
<b>2007-2008</b>	1,693	300,594	0.56%
<b>2008-2009</b>	606	298,911	0.20%
<b>2009-2010</b>	456	291,011	0.16%
<b>2010-2011</b>	386	268,470	0.14%

### **D. Summary of One-Fourth Assignment Monitoring Data, 2007-2011**

In reviewing the assignments for over 339,152 certificated employees for the four-year cycle from 2007-2011, more than 9.5% (32,075) were found to be placed in unauthorized assignments as reported by the county superintendents. The total number of reported misassignments increased by more than 43% from the previous report cycle. More than 78% of these misassignments occurred at the secondary level with 27% attributed to English learner misassignments. The *Williams* settlement created a new focus in the review of English learner assignments resulting in better identification of teachers that lacked the authorization to provide instructional services to English learners. While the total number of misassignments increased the number of English learner misassignments did decline by almost 28% from the previous

four-year cycle. A large majority of these misassignments were identified during the first two years of districts monitored in the four-year report cycle. These districts were previously reviewed in 2003 and 2004 prior to the impact of the more focused monitoring that resulted from the 2004 *Williams Settlement*.

During the 2007-2011 monitoring cycle, 10,176 teachers were broadly assigned outside of their authorization on their credential on the basis of one of the five most common local assignment options in the Education Code. A significant majority of these teachers were assigned in one of the four academic subject areas of English, math, science or social science.

## **II. The Assignment Monitoring Report for Certificated Staff in California Schools Ranked in Deciles 1, 2 and 3 for 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

As a result of the *Williams v. State of California* settlement, county superintendents are also required to annually collect data in all schools ranked in deciles 1, 2 and 3 in the base Academic Performance Index (API) for classrooms with a population of 20% or more English learner students. County superintendents must also annually monitor the assignments of all certificated employees in these decile 1, 2, and 3 schools, excluding charter schools. Section II of the report summarizes all of the data and assignment monitoring information collected for the schools ranked in deciles 1 through 3 for the academic years of 2009-2010 (2006 base API) and 2010-2011 (2009 base API).

Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in Appendix 1. A general explanation of authorizations and certificated assignments in California may be accessed in the June 2012 Commission Agenda Item 5B (<http://www.ctc.ca.gov/commission/agendas/2012-06/2012-06-5B.pdf>). The following is a summary and analysis of the annual assignment data for schools ranked in the lowest three deciles as reported to the Commission by county offices of education for the 2009-2010 and 2010-2011 academic years.

### **A. Teaching and Non-Teaching Misassignment Data in Decile 1, 2 and 3 Schools, 2009-2011**

In the 2009-2010 academic year, the assignments of more than 85,873 certificated staff members were reviewed in schools ranked in the bottom three deciles of the 2006 base API. Of the certificated personnel monitored, 16,450 (19%) were initially identified as misassigned in 2009-2010. The 2,198 school sites monitored during the 2009-2010 academic year were comprised of 729 decile 1 schools, 732 decile 2 schools and 737 decile 3 schools across 47 counties. Some counties either did not have any decile 1, 2 or 3 schools or only had charter schools in the lower three deciles which are not subject to monitoring by the county superintendents under EC §44258.9. The number of schools monitored decreased for the 2010-2011 academic year as a result of a change in the base API year resulting in changes in some of the school sites monitored. In addition, further reductions in school sites were the result of school closures and annual monitoring exemptions for schools based on two consecutive years without misassignments. In the 2010-2011 academic year, the assignments of more than 92,267

certificated staff members were reviewed in schools ranked in the lowest three deciles of the 2009 base API. Of the certificated personnel monitored, 12,218 (13%) were initially identified as misassigned in 2010-2011. The 2,124 school sites monitored during the 2010-2011 academic year were comprised of 684 decile 1 schools, 717 decile 2 schools and 723 decile 3 schools across 48 counties. Some counties either did not have any decile 1, 2 or 3 schools or only had charter schools in the lower three deciles.

The base API Year changes every three years; therefore, some of the school sites reviewed for this monitoring changed depending on their decile ranking during the API year designated for that monitoring year. The base API Year changed from 2006 to 2009 between the 2009-2010 and 2010-2011 academic years. Direct comparison of data should be reviewed with caution between these two reporting years when the schools subject to monitoring change to some extent with the shift in base API year. Also, there was a reduction in the number of misassignments identified between 2009-2010 and 2010-2011 that might partially be attributed to a reduction of schools ranked in decile 1 that were subject to review in 2010-2011. Schools ranked in decile 1 have a historically much higher rate of misassignments normally accounting for more than 50% of the total misassignments identified among the three deciles. In addition, many schools remained the same between the two monitoring cycles and those that had two or more years without a misassignment or vacancy are exempt from annual assignment monitoring. These school sites return to their normal one-fourth monitoring cycle with the rest of their district but continue to be subject to additional data collection related to teachers of English learners.

*Table E* details the total certificated staff monitored in schools ranked in the lower three deciles of California between the 2007-2008 through 2010-2011.

**Table E: A Comparison of Total Staff Monitored Relative to Misassignment in Schools Ranked in Decile 1, 2 and 3, 2007-2011**

	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10*</b>	<b>2010-11*</b>
<b>Base API Year for Monitoring</b>	2006	2006	2006	2009
<b>Total Certificated Staff Monitored</b>	99,503	93,891	85,873	92,267
<b>Total Certificated Misassignments</b>	18,026	12,962	16,450	12,218
<b>Percent of Certificated Staff Misassigned</b>	18%	14%	19%	13%

\* *The base API Year changes every three years; therefore, some of the school sites reviewed for this monitoring changed depending on their decile ranking during the API year designated for that monitoring year. The base API Year changed from 2006 to 2009 between the 2009-2010 and 2010-2011 academic years. Direct comparison of data should be reviewed with caution between the two reporting years when the schools subject to monitoring change with the shift in base API year.*

Table F compares the total number of misassignments by year and decile ranking for all certificated staff initially identified as misassigned from September 2009 through June 2011. As provided in the data of Table F, all three decile ranks decreased their overall number of misassignments from report year one (2009-10) to report year two (2010-11) ranging from a 7% decrease for schools ranked in Decile 2 to a 38% decrease in schools ranked in Decile 1.

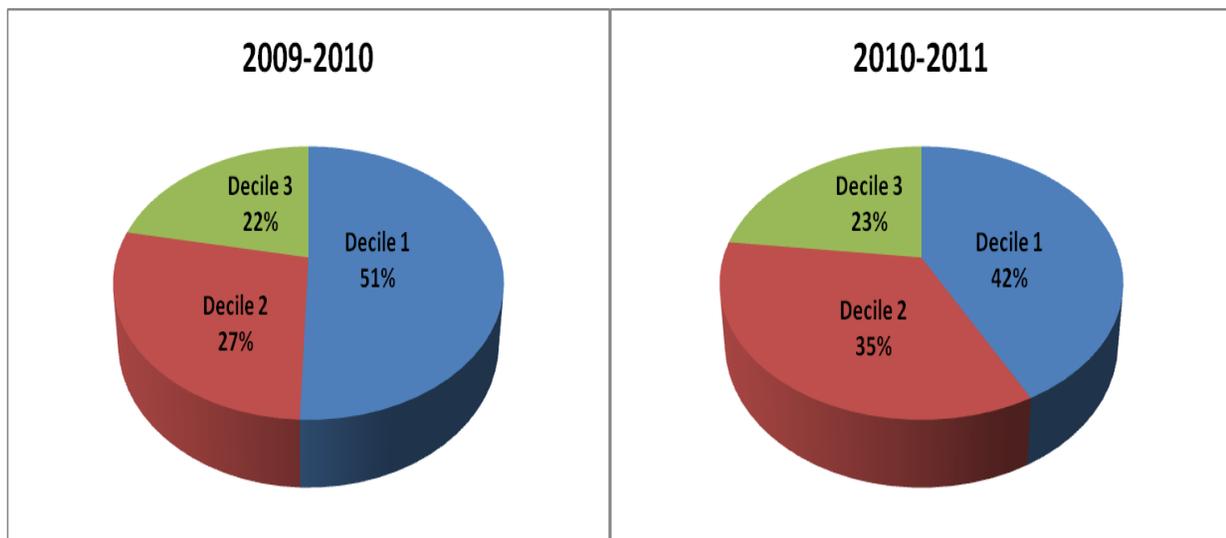
**Table F: Decile 1, 2 and 3 Certificated Staff Initially Identified as Misassigned, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

	2009-2010*	2010-2011*	Change Between 2009-2010 and 2010-2011
<b>Decile 1</b>	8,321	5,180	-37.75%
<b>Decile 2</b>	4,536	4,214	-7.10%
<b>Decile 3</b>	3,593	2,824	-21.40%
<b>Totals</b>	16,450	12,218	-25.73%

\*The base API Year changes every three years; therefore, some of the school sites reviewed for this monitoring changed depending on their decile ranking during the API year designated for that monitoring year. The base API Year changed from 2006 to 2009 between the 2009-2010 and 2010-2011 academic years. Direct comparison of data should be reviewed with caution between the two reporting years when the schools subject to monitoring change with the shift in base API year.

Figure 9 provides a comparison of the percentage of misassignments by decile rank for each year of monitoring. Historically, data collection for schools ranked in the lowest three deciles in the state have consistently followed a pattern of the highest percentage of misassignments at the school sites ranked in decile 1. Figure 9 illustrates that in both reporting years schools ranked in Decile 1 accounted for a notably higher percentage of the overall total. During the 2009-10 report year schools ranked in decile 1 encompassed more than half of the total misassignments identified.

**Figure 9: Percentage of Misassignments by Decile Rank, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**



*Table G* examines the misassignments reported in four core academic subject areas (English, math, science, and social science) for each decile by report year. The cohort of schools examined between the two report years do change to some extent based on the API year examined so direct comparisons should be reviewed with caution. However, there was an overall increase of over 7% in the total misassignments in these content areas between the two years. The subject area of English experienced the largest increase at 16%. While there was an overall increase in the number of Science misassignments by over 9% between the two academic years, examining the breakdown of this content area in more detail reveals a 15% decrease between the two years in the area of general science generally offered at the middle school level as opposed to the specific science areas also included in this category such as physics, biology, and chemistry. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments. This monitoring cycle includes 2009-2011, and the new authorization option had the anticipated result in significantly reducing the number of science misassignments both between these two monitoring years but also from the previous cycles. Science reached a total of 1,255 misassignments in the lowest decile schools during the 2008-2009 report year making the current 2010-2011 result of 823 a significant reduction when examined over a broader timeframe.

**Table G: Subject Area Misassignment Data for Schools in Deciles 1, 2 and 3, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

<b>2009-10</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>Total</b>	<b>2010-11</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>Total</b>	<b>Change between 2009-10 and 2010-11</b>
<b>English</b>	268	226	147	641	<b>English</b>	307	246	193	746	<b>16.38%</b>
<b>Math</b>	343	194	174	711	<b>Math</b>	337	267	153	757	<b>6.47%</b>
<b>Science</b>	332	218	202	752	<b>Science</b>	315	292	216	823	<b>9.4%</b>
<b>Social Science</b>	237	127	118	482	<b>Social Science</b>	155	156	154	465	<b>-3.53%</b>
<b>Total</b>	1,180	765	641	2,586	<b>Total</b>	1,114	961	716	2,791	<b>7.93%</b>

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

The previous report cycle included English learner misassignment data from the assignment monitoring review of the Decile 1, 2 and 3 school assignments in 2007-2008 (2006 base API). The 2007-2008 report year included 8,835 total English learner misassignments with a significant drop to 6,466 misassignments in the following monitoring year of 2008-2009. The lack of appropriate authorization for SDAIE represented 93% of the total English learner misassignments in both school years which is consistent with previous report years. While the schools monitored during this report cycle are partially the same, there were some changes as the base API year changed from 2006 to 2009 for the 2010-2011 report year. The continued decline in the number of teachers without appropriate preparation or authorization serving in these assignments is a positive outcome of the more rigorous annual monitoring and the additional focus on these assignments. Between 2008-2009 and 2009-2010 the total number of these misassignments dropped by 50% and then between 2009-2010 and 2010-2011 the number was once again reduced by over another 50%.

**Table H: English Learner Misassignments by Decile and Report Year, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

2009-10	D1	D2	D3	Total	2010-11	D1	D2	D3	Total	Change between 2009-10 and 2010-11
<b>SDAIE</b>	1,667	723	575	2,965	<b>SDAIE</b>	632	467	275	1,374	-53.66%
<b>ELD</b>	96	28	49	173	<b>ELD</b>	71	60	23	154	-10.98%
<b>Bilingual</b>	34	23	16	73	<b>Bilingual</b>	16	7	24	47	-35.62%
<b>Total</b>	1,797	774	640	3,211	<b>Total</b>	719	534	322	1,575	-50.95%

**B. English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3, 2009-2011**

Additional data collection for classrooms with 20% or more English learner students was a new requirement beginning with the 2004-2005 academic year. For schools ranked in deciles 1, 2 and 3, counties were required to collect the following data:

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

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

*Table I* on the page below contains the data collected as a result of this additional monitoring, including the totals from combining all three decile ranks. *Table I* demonstrates that both the 2009-2010 and 2010-2011 academic years for these schools sites witnessed appropriate staffing in approximately 99% of the classrooms with 20% or more English learner students by a teacher with an appropriate English learner authorization. The total number of these classrooms that were assigned a teacher without an appropriate English learner authorization only witnessed a slight decrease between the reporting years of 2009-2010 and 2010-2011 from 1,588 to 1,563; however, that also includes an increase in the .number of classrooms to be staffed with a 20% or more English learner student population.

**Table I: Data for Classrooms with 20% or more English Learner Students in Decile 1, 2 and 3 Schools, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

		Decile 1	Decile 2	Decile 3	Totals
<b>2009-2010</b>	Classes with 20% or more EL students	42,890	42,828	36,335	122,053
	Classes with 20% or more EL students with teacher holding EL authorization	42,047	42,372	36,045	120,464
	Classes with 20% or more EL students without teacher holding EL authorization	843	456	290	1,589
<b>2010-2011</b>	Classes with 20% or more EL students	44,054	42,310	43,371	129,735
	Classes with 20% or more EL students with teacher holding EL authorization	43,455	41,849	42,868	128,172
	Classes with 20% or more EL students without teacher holding EL authorization	599	461	503	1,563

**C. Statistics on Education Code Assignments Outside of the Credential Authorization, 2009-2011**

California has many provisions within the Education Code that provide avenues for the assignment of certificated employees outside their basic credential authorization. These Education Code options allow local school districts the flexibility to assign teachers to provide instruction in subjects other than those already authorized by the credential(s) they hold. In most cases, teaching assignments made under these options require the agreement of the school site administrator, the affected teacher and the governing board. Through the *Assignment Monitoring and Review Report*, the Commission collects information on the most frequently used options. The provisions of these options are summarized in *Part I* beginning on *page 9* of this report. *Table J* below displays the number of assignments by decile rank and year made under the most common local assignment options provided for in the Education Code for the 2009-2010 (2006 base API) and 2010-2011 (2009 base API) report years. During the 2009-2010 monitoring year, there were a total of 2,293 assignments made under these local assignment options in the Education Code. In contrast during the 2010-2011 monitoring year, there were only a total of 1,357 assignments made under these Education Code sections.

**Table J: Education Code Assignment Options by Decile and Report Year, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

Education Code	Report Year	Deciles 1, 2 and 3 Combined Grand Totals
	§44263	2009-2010
	2010-2011	420
Education Code	Report Year	Deciles 1, 2 and 3 Combined Grand Totals
	§44256(b)	2009-2010
	2010-2011	367
Education Code	Report Year	Deciles 1, 2 and 3 Combined Grand Totals
	§44258.2	2009-2010
	2010-2011	210
Education Code	Report Year	Deciles 1, 2 and 3 Combined Grand Totals
	§44258.3	2009-2010
	2010-2011	98
Education Code	Report Year	Deciles 1, 2 and 3 Combined Grand Totals
	§44258.7	2009-2010
	2010-2011	262

Notably, EC §44256(b) which is only able to be used in departmentalized classrooms in grades 8 and below was the most commonly used option in 2009-2010 and accounted for 36% of the 2,293 assignments made under these options during that reporting year. The more frequent use of this assignment option primarily for middle schools is aligned with the same trend in the overall statewide one-fourth monitoring provided in *Part I* of this report.

**D. Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3, 2009-2011**

‘Teacher vacancy’ is a relatively new data element collected by the county offices of education beginning with the 2007-2008 academic year. EC §33126(b)(5)(A)(B) and Title 5 of the California Code of Regulations §4600 defines ‘Teacher Vacancy’ as certificated positions for which a single designated employee has not been assigned within the first twenty working days after the first day of class for students for the entire year or if it is a one-semester course, then for the entire semester

Table K provides the teacher vacancy data collected by the county offices for the schools ranked in deciles 1, 2 and 3 for the 2009-2010 and 2010-2011 academic years. Teacher vacancy totals experienced a 2.62% increase between the two academic years.

**Table K: Teacher Vacancy Data by Decile and Report Year, 2009-2010 (2006 base API) and 2010-2011 (2009 base API)**

<b>Report Year</b>	<b>Vacancy Totals for Schools Ranked in Deciles 1, 2 and 3</b>
<b>2009-2010</b>	229
<b>2010-2011</b>	235

**E. Summary of Assignment Monitoring Data for Schools Ranked in Deciles 1, 2 and 3, 2009-2011**

The cumulative report information from county superintendents indicates that during the 2009-2010 academic year, 19% of certificated employees in schools ranked in the three lowest deciles (2006 base API), were in a position for which they did not hold an appropriate credential or authorization. This percentage equates to a total of 16,450 certificated employees identified in unauthorized assignments in California’s lowest performing public schools. In the following academic year (2010-2011) this figure reduced to 12,218 initial misassignments or 13% of certificated employees reviewed.

Of note was the overall decrease in Science misassignments of 44% between the two academic years; however, the subject area of English experienced an increase of 16%. In 2008, the Commission proposed regulations for a new Foundational-level General Science authorization specific to the middle school level. In February 2009 these regulations were approved providing an additional authorization option for these types of assignments. This monitoring cycle includes 2009-2011, and the new authorization option had the anticipated result in significantly reducing the number of science misassignments both between these two monitoring years but also from the previous cycles. Science reached a total of 1,255 misassignments in the lowest decile schools during the 2008-2009 report year making the current 2010-2011 result of 422 an even more significant reduction when examined over time.

## **Appendix 1**

### **A History of Assignment Monitoring in California**

#### **Introduction**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purpose of the English learner authorizations, the authorization must match the type of English learner services being provided by the teacher, i.e., English Language Development (ELD), Specially Designed Academic Instruction in English (SDAIE), or bilingual/primary language instruction, to be considered appropriately authorized. For example, a teacher with a Crosscultural Language Academic Development (CLAD) authorization is authorized for ELD

and SDAIE, but is not appropriately authorized to provide bilingual/primary language instruction.

### **Assignment Data**

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

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

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

- 1) The number of teachers assigned and types of assignments made by local district governing boards under the authority of §§44256, 44258.2 and 44263 of the Education Code.
- 2) Information on actions taken by local Committees on Assignment (EC §44258.7), including the number of assignments authorized and subject areas in which committee-authorized teachers are assigned;
- 3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments;
- 4) Information on all assignments for schools in deciles 1, 2, and 3 annually unless the school is under review through a state or federal intervention program;
- 5) Information on additional English learner data collected annually pursuant to the *Williams* settlement including the appropriate English learner certification held by teachers in kindergarten through grade twelve classes in deciles 1, 2, and 3 (2006 API ) schools if the class has 20% or more English learners; and
- 6) After consultation with representatives of county superintendents of schools, other information determined to be needed by the Commission. This includes information on assignments under EC §44258.3 and the number of individuals assigned to serve English learner students.

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