



COMMISSION ON
TEACHER CREDENTIALING

Ensuring Educator Excellence

**Assignment Monitoring of Certificated
Employees in California by County Offices of
Education 2003-2007,
A Report to the Legislature**

Submitted Pursuant to Education Code §44258.9

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Vision Statement

Ensuring high quality educators for California's diverse students, schools and communities.

Mission Statement

The mission of the Commission on Teacher Credentialing is to ensure integrity and high quality in the preparation, conduct and professional growth of the educators who serve California's public schools. Its work shall reflect both statutory mandates that govern the Commission and research on professional practices.

Assignment Monitoring in California of Certificated Employees by County Offices of Education 2003-2007, A Report to the Legislature

Executive Summary

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

This item is provided in response to Education Code (EC) §44258.9 which requires that the Commission report every four years to the Legislature on the assignment monitoring data for certificated employees submitted by the County Offices of Education. The report includes assignment monitoring data from academic years 2003-2007. As a result of the *Williams* settlement in 2004, this report also incorporates information on data collection for the teachers of English learners for academic years 2004-2007 and additional assignment monitoring data during academic years 2005-2007 in California's lowest performing schools ranked in Deciles 1, 2 and 3 of the 2003 Base Academic Performance Index (API). The electronic version of this report including associated data tables will be available on the Commission's website following Commission approval of the report to the Legislature.

This report is organized by the following headings:

- The 2003-2007 Assignment Monitoring Report
- Teaching Misassignment Data Based on the One-Fourth Assignment Monitoring Report
- Non-Teaching Misassignment Data Based on the One-Fourth Assignment Monitoring Report
- Statistics on Education Code Assignments Outside of the Credential Authorization
- Assignments Based on Other Legal Authority
- County Level Misassignment Data Based on One-Fourth Monitoring, 2003-2007
- Misassignment Data for Schools Ranked in Deciles 1, 2 and 3 (2003 Base API) for the 2005-2007 Report Years
- Information on English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3 (2003 Base API) for the 2004-2007 Report Years
- Future Reports – Modifications to the Assignment Monitoring Report
- Summary

August 2008

In summary, the cumulative report information from county superintendents indicates 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 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. In addition, *Williams* 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. Therefore, 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. Additional information on the *Williams* settlement and the history of assignment monitoring in California is provided in Appendix 1.

Each academic year, the initial misassignments identified by the County Offices of Education during their assignment monitoring are reported to the school district superintendent for correction. The district superintendent has thirty days from the date of official notification by the county to resolve these misassignments. The county reports any misassignments that were not corrected by the district to the Commission to follow-up on the correction of the misassignment with the employing school district.

The 2003-2007 Assignment Monitoring Report

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 based on the reports of the county superintendents. The following is an analysis of the assignment data submitted to the Commission over the four-year cycle of county monitoring activities from September 2003 through June 2007.

In addition to the one-fourth district monitoring, as a result of the *Williams v. State of California* settlement, starting in school year 2004-2005, county superintendents are required to annually collect data on the teachers in classrooms with a population of 20% or more English learner students in all schools ranked in deciles 1, 2 and 3 in the 2003 Base Academic Performance Index (API). County superintendents also began to annually monitor the assignments of all certificated employees in the decile 1, 2, and 3 schools in the 2005-2006 school year. This report summarizes all of the data collected on the decile 1, 2, and 3 schools' assignments.

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

Misassignment

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

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, 2003 is the base year used for assignment monitoring activities.

Deciles

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

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 A* 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 A 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. 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. English learner misassignments increased by more than 88 percent from the previous report cycle (1999-2003). The significant rise in numbers for this report cycle is a result of the more rigorous monitoring conducted by the county offices of education.

Table A: 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 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)

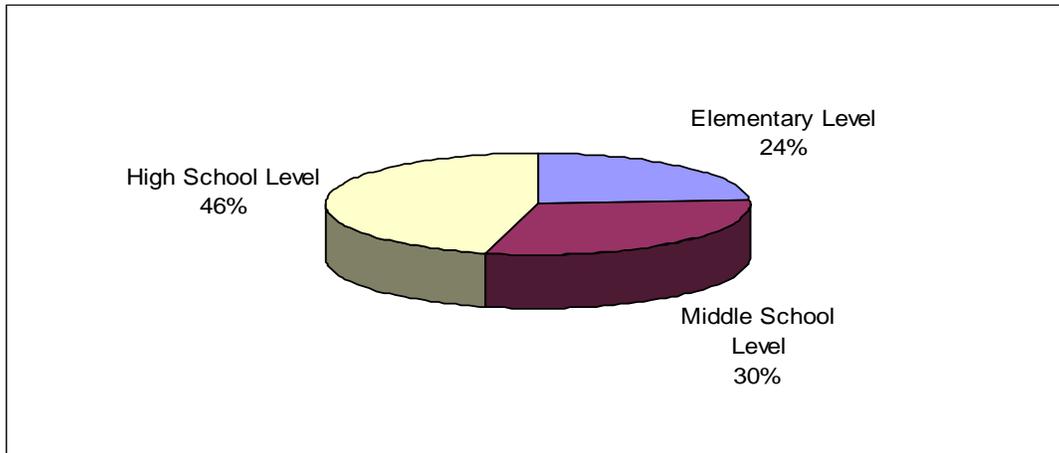
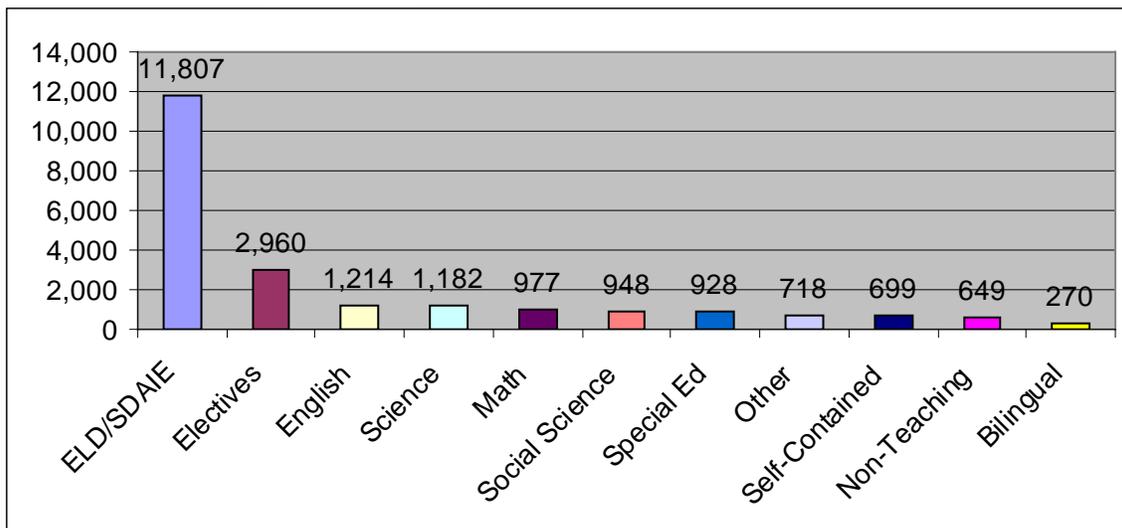


Figure 2 provides the total number of misassignments by subject area for the 2003-2007 report cycle. The misassignments in the ELD/SDAIE area when combined with the area of Bilingual authorizations account for more than half (54%) of all misassignments identified. The subject category “ELD/SDAIE” is comprised of English Language Development (ELD) and Specially Designed Academic Instruction in English (SDAIE) which authorize instruction for students that are identified as English learners. ELD/SDAIE constitutes 11,807 (52.8%) of the total misassignments, an increase of 88% from the 1,458 (16%) reported in the 1999-03 report which identified this subject category as ESL (English as a Second Language). The majority of this increase is attributed to a new focus on identifying the credential status of teachers of English learners as a result of the *Williams* settlement.

Figure 2: Total Misassignments by Subject Area, 2003-2007 (Total: 22,352)



The second most frequent percentage of misassignments (13.2%) was in the subject area of “Electives” which includes subjects such as foreign language, physical education, art, music, computers, health, home economics, industrial arts, agriculture and teen skills. The percentage of

“Elective” misassignments represents a decrease from the findings in the 1999-2003 report where this subject category constituted 24.5% of the total misassignments. The rate of misassignments in the core academic subject areas range from a high of 6% for English to a low of 3% for Self-Contained classrooms (primarily found at the elementary level). The subject of “Other” includes classes such as non-traditional, adult education, career technical (vocational) education and ROTC.

As *Figure 2* illustrates, the subject category “ELD/SDAIE” had by far the largest number of misassignments reported. To further investigate the appropriateness of assignments that affect English Learner students, the number of misassignments in the subject area of bilingual education was added to the number in ELD/SDAIE. Bilingual education certification is an additional option for providing instructional services to English learners and authorizes instruction in the student’s primary language as well as in English. *Figure 2* reported a total of 270 “bilingual” misassignments. When all three types of English learner misassignments are examined together, a combined total of 12,077 or 54% of all misassignments is indicated.

Table A.1 provides some perspective on the number and percent of ELD/SDAIE misassignments by comparing the data reported in 1999-2003 to that reported above. As shown in *Table A.1*, the number of ELD misassignments relative to the total number of misassignments increased from 16% to 53% between the two reporting periods.

The majority of this increase can be attributed to the focus on monitoring the assignments of teachers of English Learners and identifying the teachers who lack the appropriate English learner authorization resulting from the *Williams* settlement. As a result of this in-depth monitoring, the Commission has seen a sharp increase in the number of applications requesting an English learner authorization as more teachers pursue the training necessary for appropriate certification.

Table A.1. Percentage of ELD/SDAIE Misassignments, 1999-2003 and 2003-2007

Year	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%)
Changes	-9,632	13,240	10,349

A final analysis of misassignments that impact English learner students is shown in *Figure 3* which shows that the majority of English learner misassignments occur at the secondary level.

Figure 3: Percentage of English Learner Misassignments by Grade Level, 2003-2007

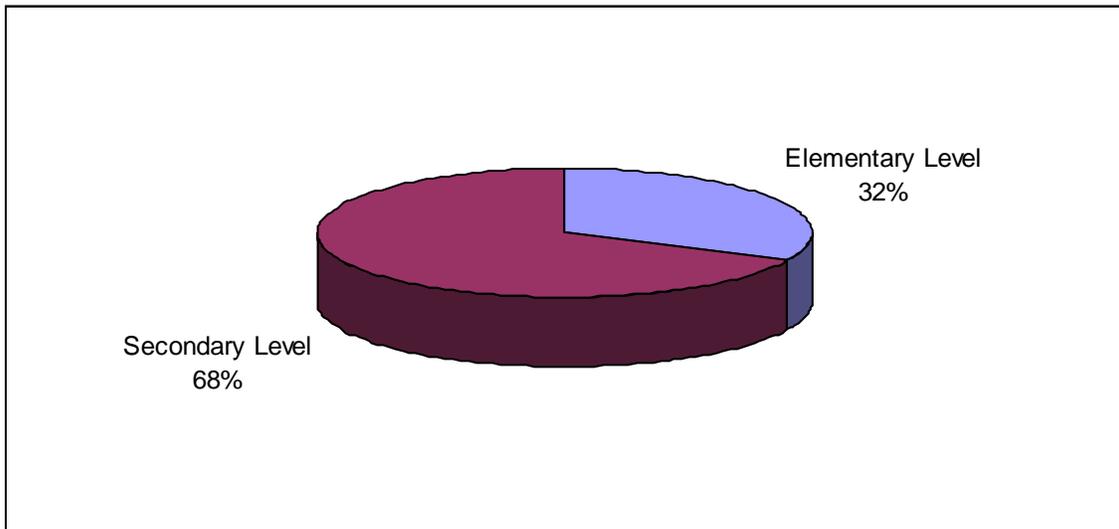
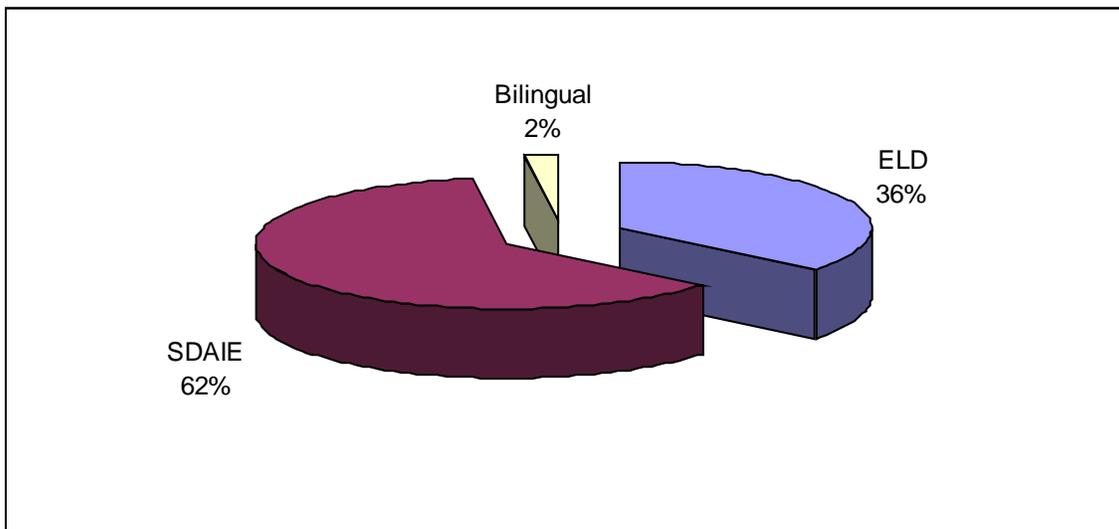


Figure 4 examines the breakdown between the three different English learner authorization misassignments: SDAIE, ELD, and Bilingual instruction. Out of the total 12,077 English learner misassignments, the majority (7,492 or 62%) are found in the area of SDAIE with ELD comprising 36% or 4,315 of the overall total. In contrast, the 1999-2003 report showed a total of only 1,540 English learner misassignments.

Figure 4: Percentage of English Learner Misassignments by Authorization Type, 2003-2007



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, 2003-2007 (Total: 2,960)

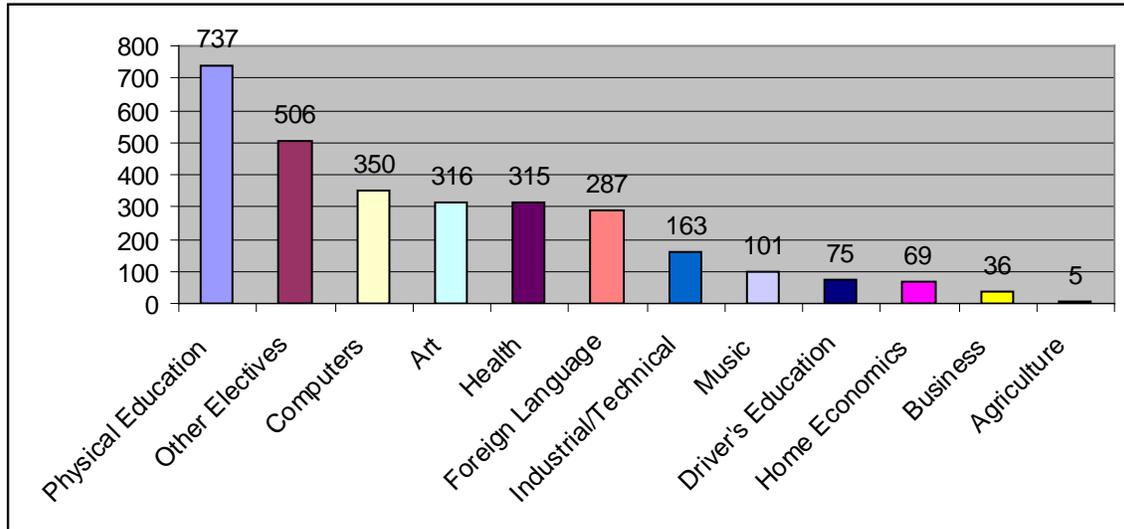
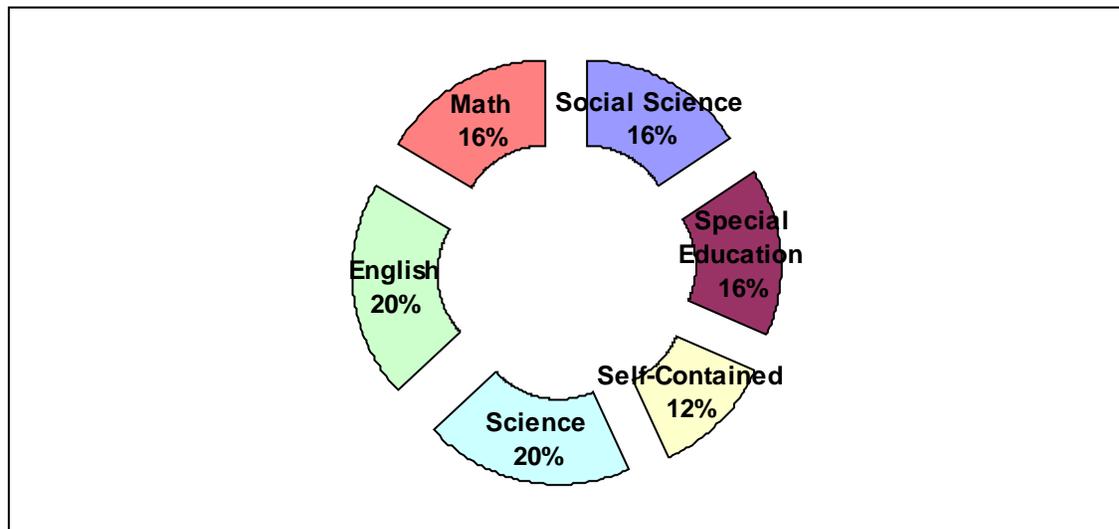


Figure 6 compares the total misassignments for the 2003-2007 cycle in the major academic areas only. English and Science shared the highest percentage at 20%, followed by a three-way tie between Social Science, Math and Special Education each at 16%. The misassignments within the major academic areas account for 27% of all misassignments, a slight increase from the 1999-2003 report total. The subject area of English had the highest percentage during previous cycle at 23%.

Figure 6: Percentage of Misassignments in Academic Areas, 2003-2007 (Total: 5,948)

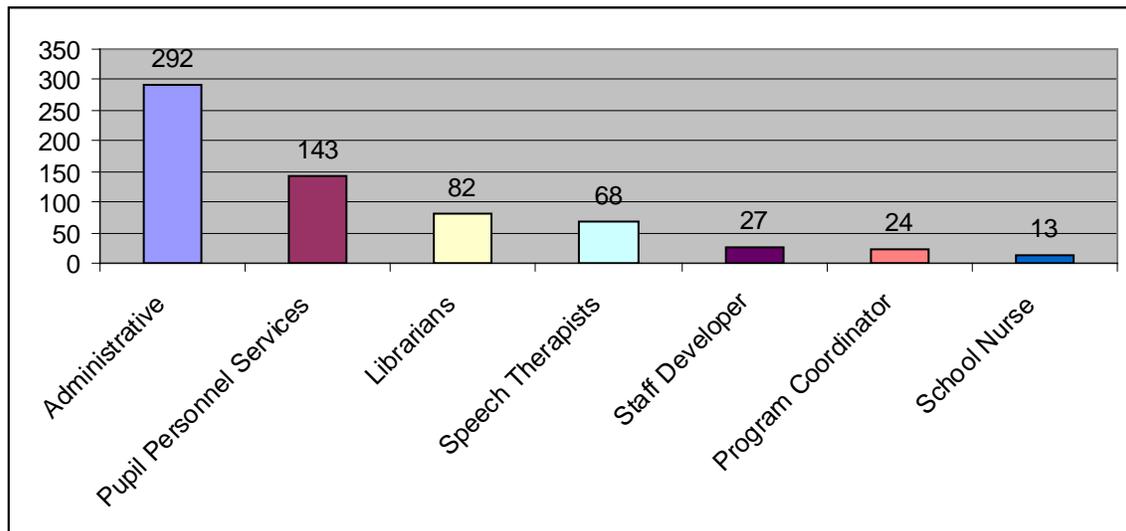


Non-Teaching Misassignment Data Based on One-Fourth Assignment Monitoring Report

More than 51,968 non-teaching assignments (administrators, counselors, librarians, and others) were reviewed during the 2003-2007 monitoring cycle. Of those assignments, 649 individuals (1.2%) were reported as misassigned. In comparison, the 1999-2003 data shows that 486 (0.9%) of more than 49,000 non-teaching assignments reviewed were misassigned, indicating a slight increase in both the overall total and the percentage of non-teaching staff found to be misassigned. A significant rise in the misassignment in the area of Pupil Personnel Services (PPS) which includes counselor, psychologist, social worker and child welfare and attendance along with the addition of two new non-teaching categories of staff developer and program coordinator account for the majority of the increase. The total PPS misassignments in the 1999-2003 report totaled 10 as compared to 143 during the current cycle, a 93% increase.

Figure 7 provides all misassignments in the non-teaching certificated assignment areas for the 2003-2007 report cycle. As was the case in the previous report, the majority of misassignments for non-teaching staff are in administrative assignments at 292 (45%).

Figure 7: Misassignments in Non-Teaching Certificated Areas, 2003-2007 (Total: 649)



Statistics on Education Code Assignments Outside of the Credential Authorization

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

- **§44256(b)** allows the elementary credentialed teacher to teach subjects in departmentalized classes grades 8 and below if the teacher has completed twelve semester units, or six upper division or graduate semester units, in the subject area to be taught.

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

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

While the Commission has authority to collect information for the purpose of analysis and reporting to the Legislature, it does not have authority to conduct a qualitative review of the assignments made in local school districts using Education Code provisions. For example, the Commission does not have data such as subject content area or curriculum/methods 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 B displays the number of assignments by subject area made under the local assignment option provided for in the Education Code for the 2003-2007 reporting cycle. 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 cycle.

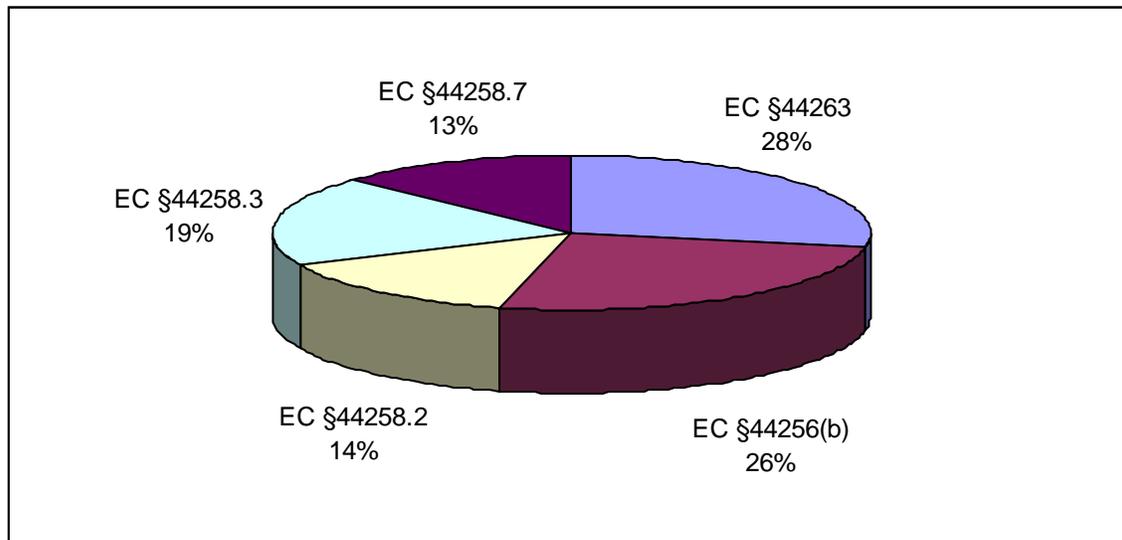
Table B: Total Assignments by Education Code Option by Subject Area, 2003-2007

Subject Area	§44263	§44256(b)	§44258.7	§44258.3	§44258.2	Subject Area Totals
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

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%.

Figure 8 displays the percentage of teachers assigned under the provisions of each of these most commonly used Education Code options as tabulated in Table B.

Figure 8: Percentage of Assignments Authorized by Common Education Code Options, 2003-2007 (Total: 14,139)



EC §44263 proved to be the most used assignment option for employers in the academic years from 2003-2007 with Education Code §44256(b) the second most used option during this same period at 26%. The Committee on Assignments (EC §44258.7) was the least used option during this period at 13%.

As depicted in Table B, most of the assignments made under this option were in elective subjects such as art, photography, agriculture, and teen skills which is in accordance with the original intent of this option. The option allows teachers with “special skills” to teach in the special skill 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 the statute which limits the use of these subject areas only if the class does not receive graduation credit in the specific subject area.

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 based on the provisions of statute or regulations not already reported otherwise in the data. Several options in the Education Code provide local assignment flexibility based on specific criteria in order to establish alternate routes for assigning individuals to provide both teaching and non-teaching services in California public schools.

Regulation changes in 2003 added two new sections to Title 5 to allow individuals with teaching credentials to serve as program coordinators and staff developers. The 2003-2007 monitoring cycle represents the first four years of complete data for these two options.

For the 2003-2007 reporting cycle, the most used “Other Legal Authority” assignment option reported is Title 5 §80020.4.1 for the staffing of program coordinator (non-teaching) assignments with 2,186. Title 5 §80020.4 includes an assignment option for staff developers that was reported for 374 assignments.

The other significant number of assignments (1,942) 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. The only other option used in any significant numbers included Title 5 §80020 for a total of 382 assignments of teachers to specific types of elective classes such as study skills, leadership, conflict management and life skills.

One significant shortage area recently under review by the Commission involves the assignment of speech therapists. Since 1999, EC §44831 has provided options to assign an individual who met established criteria, but did not hold an appropriate credential or authorization issued by the Commission. It is important to note that only 20 assignments were made using this alternative option in this four-year reporting cycle.

County Level Misassignment Data Based on One-Fourth Monitoring, 2003-2007

Table C provides a breakdown of the initial misassignments identified by the county offices based on the one-fourth monitoring conducted each year from September 2003 through June 2007. The responsibility for appropriately assigning certificated staff rests with the district offices as monitored by the county. There was a total of 22,352 misassignments across the state which represents 6.3% of all certificated staff monitored by the county offices. As indicated in the table, a total of eleven counties exceeded the statewide average for misassignments. County level misassignment data has not been in previously reports so comparisons based on prior report cycles are not possible. In addition, the county level data for the seven single districts monitored by the Commission has not been previously included in the Legislative report or in the current report. Future assignment reports, however, will include this additional data.

Table C: Cumulative County Level Misassignment Data, 2003-2007

County Office of Education	Total Misassignments	Total Certificated Staff	Percentage of Certificated Staff in a Misassignment
Alameda	335	11,673	2.87%
Butte	30	2,222	1.35%
Calaveras	2	496	0.40%
Colusa	5	328	1.52%
Contra Costa	286	9,194	3.11%
El Dorado	2	1,706	0.12%
Fresno	121	11,326	1.07%
Glenn	0	444	0.00%
Humboldt	0	1,087	0.00%
Imperial	39	2039	1.91%
Inyo	9	262	3.44%
Kern	78	9,643	0.81%
Kings	0	1,595	0.00%

County Office of Education	Total Misassignments	Total Certified Staff	Percentage of Certified Staff in a Misassignment
Lake	10	814	1.23%
Lassen	10	273	3.66%
Los Angeles	8,651	100,515	8.61%
Madera	30	1,857	1.62%
Marin	6	1,916	0.31%
Mendocino	12	1,068	1.12%
Merced	50	3,266	1.53%
Modoc	15	171	8.77%
Mono	0	159	0.00%
Monterey	145	3,973	3.65%
Napa	74	1,313	5.64%
Nevada	0	663	0.00%
Orange	458	26,319	1.74%
Placer	300	3,678	8.16%
Riverside	649	20,261	3.20%
Sacramento	2,002	13,537	14.79%
San Benito	29	950	3.05%
San Bernardino	977	21,661	4.51%
San Diego	3,267	27,691	11.80%
San Joaquin	510	7,442	6.85%
San Luis Obispo	95	2,219	4.28%
San Mateo	184	4,706	3.91%
Santa Barbara	46	3,803	1.21%
Santa Clara	1,737	14,958	11.61%
Santa Cruz	42	2,681	1.57%
Shasta	163	2,069	7.88%
Siskiyou	0	523	0.00%
Solano	75	4,010	1.87%
Sonoma	762	4,226	18.03%
Stanislaus	441	7,065	6.24%
Sutter	5	963	0.52%
Tehama	68	721	9.43%
Trinity	0	221	0.00%
Tulare	231	5,226	4.42%
Tuolumne	0	486	0.00%
Ventura	342	7,550	4.53%
Yolo	59	1,829	3.23%
Yuba	0	658	0.00%

**Misassignment Data for Schools Ranked in Deciles 1, 2 and 3 (2003 Base API)
for the 2005–2007 Report Years *(Revised September 27, 2012)***

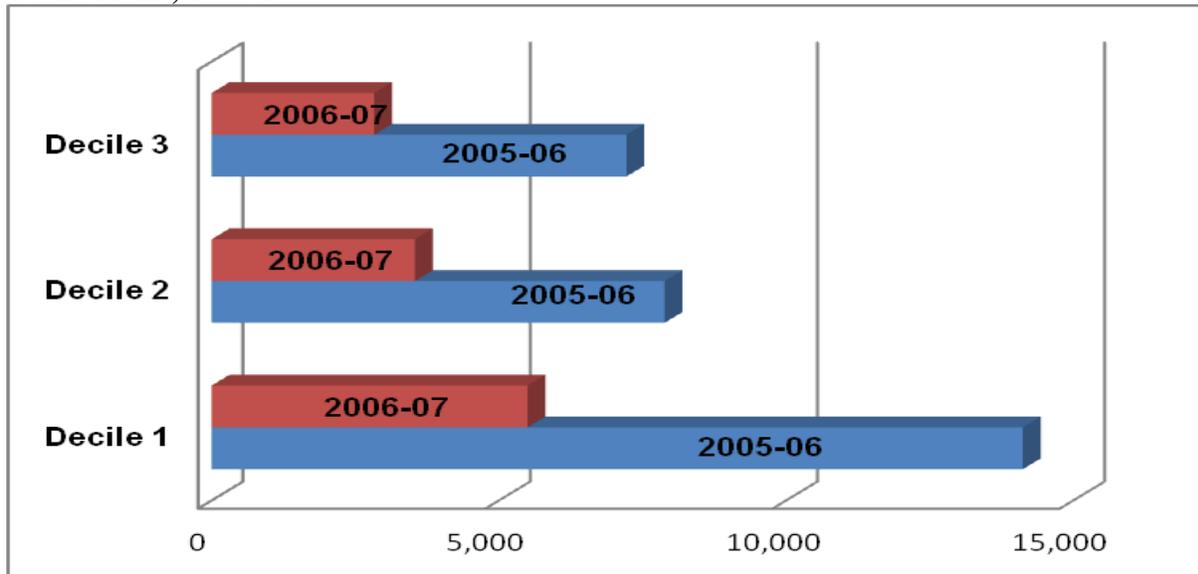
In the 2005-2006 academic year, the assignments of more than 100,868 certificated staff members were reviewed in schools ranked in the bottom three deciles of the 2003 Base API. The 2,114 school sites monitored were comprised of 712 decile 1 schools, 708 decile 2 schools and 694 decile 3 schools across 45 counties. The number of schools remained constant for the 2006-2007 school year but the number of certificated staff increased to a total of 101,315. Of the certificated personnel monitored, 29,230 were initially identified as misassigned in the first year of 2005-2006. After the first year, that number improved dramatically dropping to 11,867 for the 2006-2007 school year, a 59.4% decrease in the overall misassignment total.

Figure 9 and *Table D* compare the total number of misassignments by year and decile ranking for all certificated staff initially identified as misassigned from September 2005 through June 2007.

Table D: Decile 1, 2 and 3 Certificated Staff Initially Identified as Misassigned, 2005-2007

	2005-2006	2006-2007	% Decrease from 2005-2006 to 2006-2007
Decile 1	14,124	5,498	-61.07%
Decile 2	7,885	3,540	-55.10%
Decile 3	7,221	2,829	-60.82%
Totals	29,230	11,867	-59.40%

Figure 9: Certificated Staff Initially Identified as Misassigned by Academic Year and Decile Rank, 2005-2007



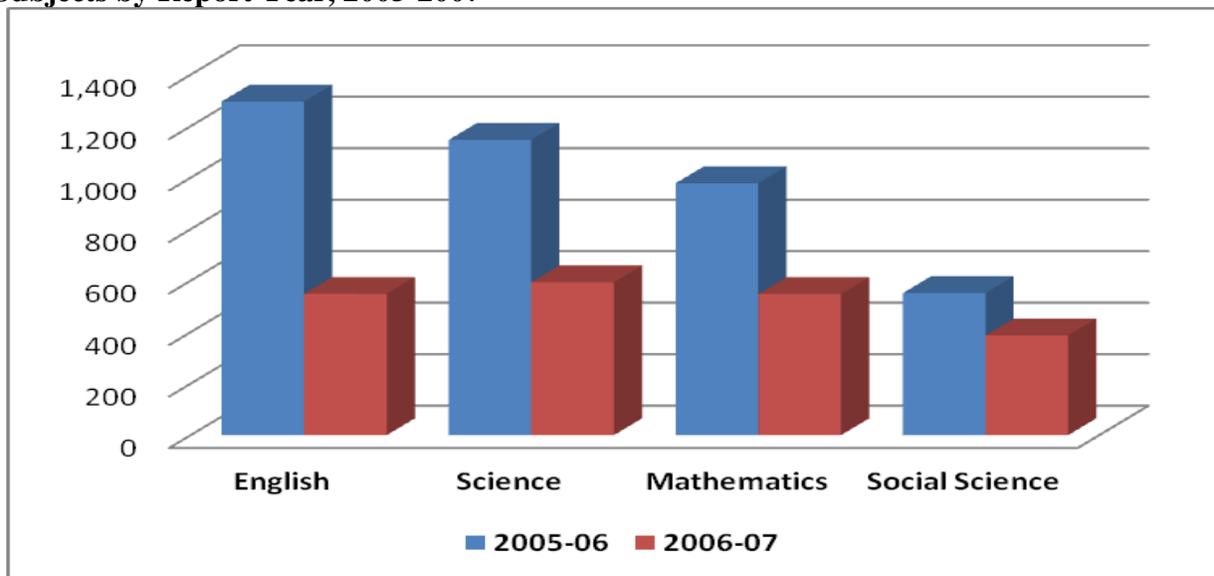
As illustrated by *Figure 9*, all three decile ranks substantially decreased their overall number of misassignments from report year one (2005-06) to report year two (2006-07) by 55 – 61%. The same school sites were monitored during these two report years.

Table E and Figure 10 examine the misassignments reported in the four ‘core’ subject areas of English, social science, math and science for each decile by report year. All deciles decreased the total number of misassignments in the four core subject areas by 30 - 58%.

Table E: Four ‘Core’ Subject Area Misassignment Data for Schools in Deciles 1, 2 and 3, 2005-2007 Report Years

School Year 2005-2006					
	Decile 1	Decile 2	Decile 3	Subject Totals	
English	765	303	228	1,296	
Social Science	256	164	132	552	
Math	559	242	178	979	
Science	591	294	262	1,147	
Totals	2,171	1,003	800	3,974	
School Year 2006-2007					
	Decile 1	Decile 2	Decile 3	Subject Totals	Decrease from 2005-2006
English	294	147	108	549	-57.64%
Social Science	216	96	75	387	-29.89%
Math	313	141	94	548	-44.02%
Science	331	178	85	594	-48.21%
Totals	1,154	562	362	2,078	-47.71%

Figure 10: Combined Decile 1, 2 and 3 School Misassignments in Four Major Academic Subjects by Report Year, 2005-2007



The total number of English learner misassignments in the deciles 1, 2 and 3 schools in 2005-2006 was 22,207 a decrease of 66% to 7,563 in the 2006-2007 school year. A significant finding in this category is that the SDAIE authorization represented between 90-91% of the total English learner misassignments in both school years.

Table F: English Learner Misassignments by Decile and Report Year, 2005-2007

School Year 2005-2006					
	Decile 1	Decile 2	Decile 3	Subject Totals	
SDAIE	9,605	5,241	5,256	20,102	
ELD	487	709	449	1,645	
Bilingual	293	122	45	460	
Totals	10,385	6,072	5,750	22,207	
School Year 2006-2007					
	Decile 1	Decile 2	Decile 3	Subject Totals	Decrease from 2005-2006
SDAIE	3,053	1,994	1,745	6,792	-66.21%
ELD	210	271	176	657	-60.06%
Bilingual	78	15	21	114	-75.22%
Totals	3,341	2,280	1,942	7,563	-65.94%

While the total number of misassignments at these school sites decreased dramatically, there was not a corresponding rise in the number of local assignment options based on the Education Code as shown in *Table G* below.

Table G: Education Code Assignment Options by Decile and Report Year, 2005-2007

Education Code §44263	Year	Decile 1	Decile 2	Decile 3	Totals
	2005-06	312	292	229	833
	2006-2007	316	246	184	746
Education Code §44256(b)	Year	Decile 1	Decile 2	Decile 3	Totals
	2005-2006	183	198	197	578
	2006-2007	193	207	193	593
Education Code §44258.2	Year	Decile 1	Decile 2	Decile 3	Totals
	2005-2006	104	56	98	258
	2006-2007	99	75	62	236
Education Code §44258.3	Year	Decile 1	Decile 2	Decile 3	Totals
	2005-2006	24	87	126	237
	2006-2007	34	99	105	238
Education Code §44258.7	Year	Decile 1	Decile 2	Decile 3	Totals
	2005-2006	90	135	229	454
	2006-2007	95	114	183	392

**English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3
(2003 Base API) for the 2004-2007 Report Years**

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

1. Total enrollment for students identified as English learners;
2. Total number of classrooms with an identified English learner student population of 20 percent or more;
3. Total number of classrooms with an identified English learner student population of 20 percent or more with a teacher who holds an English learner authorization; and
4. Total number of classrooms with an identified English learner student population of 20 percent or more with a teacher who does not hold an English learner authorization.

Table H contains the data collected as a result of this additional monitoring, including the totals from combining all three decile ranks.

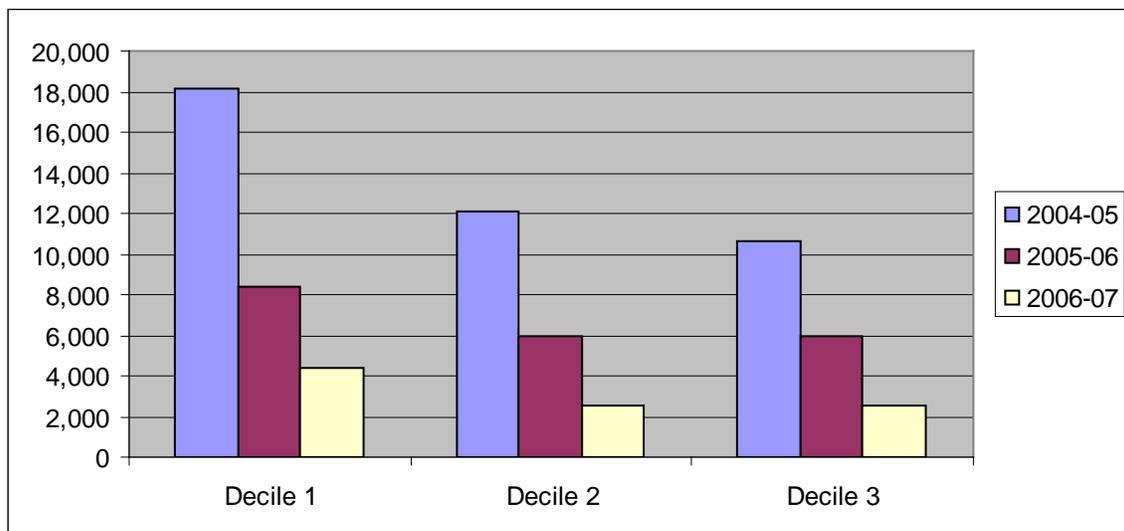
Table H: Data for Classrooms with 20 Percent or more English Learner Students in Decile 1, 2 and 3 Schools, 2004-2007

		2004-2005	2005-2006	2006-2007
Decile 1	English Learner Enrollment	334,296	330,240	303,477
	Classes with 20% or more EL students	56,848	56,783	53,331
	Classes with 20% or more EL students with Teacher holding EL authorization	38,674	48,386	48,907
	Classes with 20% or more EL students without Teacher holding EL authorization	18,174	8,397	4,424
Decile 2	English Learner Enrollment	279,387	284,467	271,544
	Classes with 20% or more EL students	45,361	50,472	48,700
	Classes with 20% or more EL students with Teacher holding EL authorization	33,221	44,533	46,118
	Classes with 20% or more EL students without Teacher holding EL authorization	12,140	5,939	2,582

		2004-2005	2005-2006	2006-2007
Decile 3	English Learner Enrollment	225,853	224,341	217,843
	Classes with 20% or more EL students	39,523	44,050	41,614
	Classes with 20% or more EL students with Teacher holding EL authorization	28,877	38,089	39,077
	Classes with 20% or more EL students without Teacher holding EL authorization	10,646	5,961	2,539
Total English Learner Enrollment		839,536	839,048	792,864
Total Classes with 20% or more EL students		141,732	151,305	143,645
Total Classes with 20% or more EL students with Teacher holding EL authorization		100,772	131,008	134,102
Total Classes with 20% or more EL students without Teacher holding EL authorization		40,960	20,297	9,545

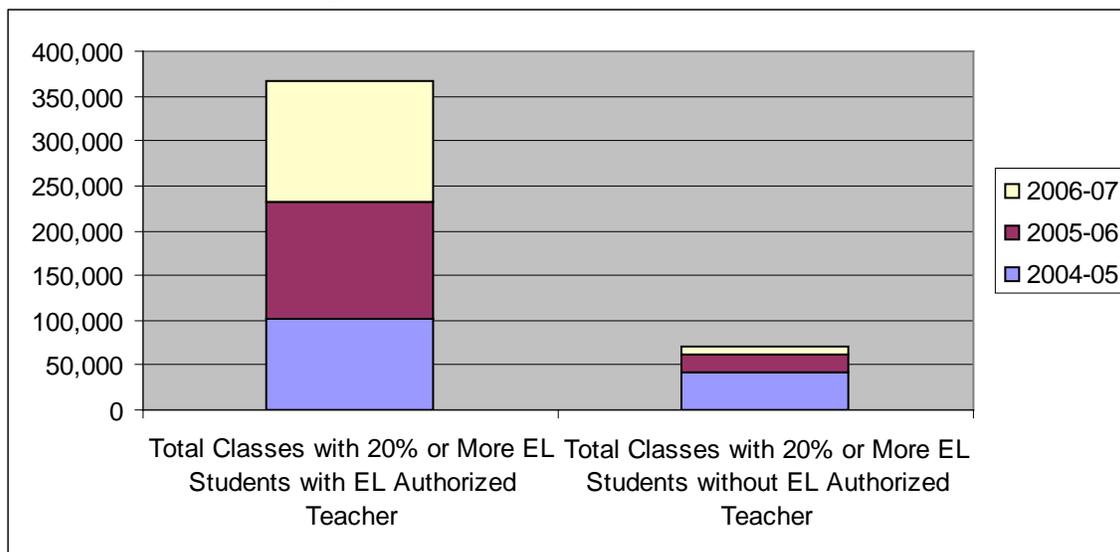
Figure 11 depicts the significant progress made in reducing the number of teachers who do not hold the appropriate English learner authorization in classrooms with 20% or more English learner students across all three decile ranks. There was a 77% decrease in the number of classrooms without an English learner authorized teacher between academic years 2004-2005 and 2006-2007.

Figure 11: Classes with 20 Percent or More English Learners Without an English Learner Authorized Teacher in Schools Ranked Decile 1, 2 and 3, 2004-2007



When examining the combined totals side-by-side for all three deciles of these identified classrooms, *Figure 12* illustrates the change that has occurred over the last three years in terms of the number of classrooms with and without teachers holding an English learner authorization.

Figure 12: Combined Decile 1, 2 and 3 Data for the Comparison of Teachers in Classrooms with 20 Percent or more English Learner Students, 2004-2007



Future Modifications to the Assignment Monitoring Report

Future reports on assignment monitoring activities will include the following changes:

- Reports to the Legislature will be provided every two years instead of four
- Monitored school sites will be identified using the 2006 Base API list rather than the 2003 list (Statute requires the API year to change every three years)
- Data will be aggregated down to the district level for the one-fourth assignment monitoring
- Data will be collected annually on the number of teacher vacancies in each school district
- Data for the seven single-district counties monitored by the Commission will be reported in combination with the data reported for all other counties

The Commission is responsible for monitoring the certificated assignments in the seven single-district counties: Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco, and Sierra. The Commission is also responsible for completing the additional data collection and reporting for English learners and the monitoring of all schools in deciles 1, 2, and 3 for these counties. The 2003 Base API indicates that San Francisco and Del Norte counties include school(s) ranked in deciles 1, 2 or 3.

In this report, the additional English learner data collection from 2004 – 2007 included the totals for San Francisco and Del Norte counties. Traditionally, the Commission has reported the misassignment information for the single district counties in a separate agenda item presented to the Commission. As a result, the misassignment data in this report does not include information

for San Francisco or Del Norte in deciles 1, 2 and 3 or for any of the single district counties in the one-fourth assignment monitoring data. Future reports will contain the combined data reported to the Commission by the county superintendents as well as the data collected by the Commission for the single district counties.

Summary

In reviewing the assignments for over 353,368 certificated employees as reported by the county superintendents for the four-year cycle from 2003-2007, slightly over 6.3% were found to be misassigned. The total number of reported misassignments increased by more than 145% from the previous report cycle. More than 76% of these misassignments occurred at the secondary level with almost 53% 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. 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.

During the 2003-2007 monitoring cycle, 14,139 teachers were assigned under a local assignment option in one of five most used Education Code options to teach a subject area for which they were not credentialed. A significant number of these teachers were assigned in one of the four academic subject areas of English, math, science and social science.

In the annual monitoring of California's lowest performing schools ranked in deciles 1, 2 and 3 of the 2003 Base API, the assignments of more than 100,868 certificated employees in 2,114 school sites were reviewed each school year beginning with the 2005-2006 academic year. In the first year of monitoring, 29,230 misassignments were initially identified. In contrast, the second year (2006-2007) of monitoring saw a dramatic 59.4% decrease to a total of 11,867 misassignments.

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.

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

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

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

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

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

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

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

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

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

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

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

For purposes of English learner authorization, 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 (2003 API) schools if the class has 20 percent or more English learners; and
- 6) After consultation with representatives of county superintendents of schools, other information determined to be needed by the Commission. This includes information on assignments under EC §44258.3 and the number of individuals assigned to serve English learner students.

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

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