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Action *Certification Committee*

Assignment Monitoring of Certificated Staff in California by County Offices of Education 2011-2015, A Report to the Legislature

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

Recommended Action: That the Commission approve the *Assignment Monitoring of Certificated Employees in California by County Offices of Education, 2011-2015* report for transmittal to the Governor and the Legislature.

Presenter: Roxann L. Purdue, Consultant,
Professional Services Division

Strategic Plan Goals

I. Educator Quality

- ◆ Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

III. Communication and Engagement

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

December 2017



**Assignment Monitoring of Certificated Employees in
California by County Offices of Education 2011-2015
A Report to the Legislature**

Submitted Pursuant to Education Code §44258.9

This report was developed by staff of the Professional Services Division of the Commission on Teacher Credentialing. For more information about the content of this report, contact psdinfo@ctc.ca.gov.

December 2017

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Barnes, Kirsten	Non-Administrative Services Representative	2020
Cooney, C. Michael	Public Representative	2017
Darling-Hammond, Linda	Faculty Member	2020
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Gonzalez, José	Administrative Services Representative	2019
Harris, Kathleen	Teacher Representative	2017
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Klatt, Bonnie	Teacher Representative	2017
Kung, Kevin	Teacher Representative	2020
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Rodriguez, Haydee	Teacher Representative	2020
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Papas, Stephanie		
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Sloan, Tine	University of California	

Vision Statement

All of California's students, preschool through grade 12, are inspired and prepared to achieve their highest potential by well prepared and exceptionally qualified educators.

Mission Statement

To ensure integrity, relevance, and high quality in the preparation, certification, and discipline of the educators who serve all of California's diverse students.

Assignment Monitoring of Certificated Staff in California by County Offices of Education 2011-2015, 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 staff 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 county offices of education and addresses several items regarding the assignment of teachers and other certificated staff in California.

This item is provided in response to Education Code (EC) [§44258.9](#) which requires that the Commission report biennially to the Legislature on the assignment monitoring data for certificated staff submitted by the county offices of education. This report is organized into two parts:

Part I: Provides an analysis of assignment monitoring data for certificated staff in California's lowest performing schools previously ranked in deciles 1, 2 and 3 of the 2012 base Academic Performance Index (API) at the state, county, school district, and school site levels. The report includes a comparison of assignment monitoring data reported for these school sites during the 2013-14 and 2014-15 school years and was presented to the Commission as agenda [Item 5B](#) in June 2017.

Part II: Provides an analysis of assignment monitoring data for certificated staff in all California public schools deciles 1 through 10 (excluding charter schools) aggregated over a four year period at the state, county, and school district level. County superintendents of schools must submit an annual report to the Commission summarizing the results of assignment monitoring conducted for approximately one-fourth of their certificated staff in all public schools within their jurisdiction (excluding charter schools) each year. At the end of a four-year cycle the certificated staff assignments for all school districts and counties in California will have been monitored. The current four-year cycle includes aggregate data from the 2011-12 through 2014-15 academic years.

An electronic version of both Part I and Part II of this report will be available on the Commission's website following Commission approval and transmittal of the report to the Legislature.

Selected findings that summarize the information contained in Part II of the full report are provided below:

- There was an overall decrease of 28 percent in identified teaching misassignments for all schools in California when comparing the four-year aggregate data between the report cycles of 2007-11 and 2011-15. In total, a reduction of 9,027 teaching misassignments was achieved.
- Over 84 percent of all teaching misassignments were found to occur at the secondary school level (middle and high schools), with approximately 49 percent of misassignments identified at the high school level.
- Overall, 6,248 Special Education misassignments were identified in the 2011-15 report cycle, comprising the largest number at 27 percent of the total teaching misassignments identified. It should be noted that following legislation addressing serving students with the federal disability category of Autism and changes in Special Education certification, there was an increased focus after 2008 on both training how to monitor Special Education misassignments and on identifying these misassignments based on the federal disability categories of the students served.
- Significant decreases occurred in the number of teachers identified with English learner authorization instruction misassignments. The English learner instruction misassignments are noteworthy in that in the last four-year aggregate report cycle during 2007-11, this category represented the largest number of total misassignments at 8,525. Therefore, the total number of English learner instruction misassignments decreased by almost 84 percent between the 2007-11 and 2011-15 report cycles. The [Williams settlement](#) in 2004 created additional emphasis on the review of the English learner instruction assignments, resulting in better identification of teachers that lacked the appropriate English learner authorization for the students they served. This additional emphasis increased the identification of these misassignments during the 2003-07 cycle and subsequently resulted in more teachers earning the appropriate English learner authorization for the English learner students they were serving.
- A 'Teacher Vacancy' occurs when a single designated employee has not been assigned within the first twenty working days of school. While the number of teacher vacancies reported has decreased significantly since the data was first collected in 2007-08, a review of the vacancy data for the last two years shows the totals increasing again. The total teacher vacancies doubled in the final year of the report to a total of 617 vacancies. Reports in the last few years of a teacher shortage are considered to be a contributing factor in this recent increase in the number of reported teacher vacancies across the state. Continued examination of this data set in future reports will indicate whether a further pattern develops.

Assignment Monitoring of Certificated Staff in California Public Schools by County Offices of Education 2011-15, a Report to the Legislature

Introduction

This agenda item provides data collected and reported to the Legislature biennially by the Commission on Teacher Credentialing (Commission) from monitoring activities completed by County offices of education on the assignments of teachers and other certificated staff as required by Education Code (EC) [§44258.9](#).

This report is organized into the following heading and subheadings:

Assignment Monitoring Report for Certificated Staff in All California Public School Districts Reviewed Over a Four-Year Cycle, 2011-12 through 2014-15

- A. Teaching and Non-Teaching Misassignment Data
- B. Statistics on Local Assignment Options for Teaching Outside of Credential Authorizations
- C. Teacher Vacancy Data
- D. Summary of Assignment Monitoring Data for California Public Schools

The first part of the 2016 Assignment Monitoring Report was previously presented during the June 2017 Commission meeting as agenda [Item 5B](#).

Background

Assignment monitoring involves reviewing all certification and assignment records for all certificated staff in the public schools of California. This monitoring is conducted in order to determine if the educator holds an appropriate credential and authorization for the instruction or service provided or if the educator is otherwise legally authorized to serve on the basis of a permit, waiver, or another local assignment option within statute or regulation.

County Superintendents of Schools must annually report the results of assignment monitoring activities conducted for approximately one-quarter of all certificated staff in each county throughout the state. At the end of a four-year cycle, all certificated staff assignments in California are monitored for all schools, districts, and county offices of education. The current four-year monitoring cycle includes the 2011-12 through 2014-15 academic years. As a result, the *aggregate* data for all certificated staff in the state during this time is included in this report.

As a result of the [Williams v. State of California](#) settlement, additional annual monitoring and data collection is conducted for schools previously ranked in the lowest three deciles (deciles 1, 2 and 3) in the state of California based on the 2012 Base Academic Performance Index (API). The results of this monitoring and data collection were reported in Part I of this report in June and summarizes all data reported for schools ranked in deciles 1, 2, and 3 (2012 Base API) during the 2013-14 and 2014-15 academic years. The State is currently revising its [Public Schools Accountability System](#). Once statute is updated, future assignment monitoring reports will use the revised accountability system rather than the Base API as a basis for annual monitoring.

Additional information on the [Williams settlement](#) and the history of assignment monitoring in California is provided in the *Assignment Monitoring History* section at the end of the report.

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

Misassignment

“Misassignment”, as defined in [EC §33126\(b\)\(5\)\(B\)](#), refers to the placement of certificated staff in a teaching or services position for which the educator does not hold a valid and legally recognized certificate, credential, permit, or waiver with an appropriate authorization for the assignment or is not otherwise legally authorized for the assignment under another section of statute or regulation. The number and type of misassignments identified as part of the assignment monitoring conducted by the County offices of education are reported within the data of this report as mandated in [EC §44258.9](#).

Local Assignment Options

“Local assignment options” refer to staffing options available within the California Education Code or Title 5 of the California Code of Regulations that provide local assignment flexibility based on specific criteria. These Local Assignment Options in specific sections of statute or regulation legally authorize the broad assignment of educators to provide teaching or non-teaching services in California public schools outside of the credential(s) and authorization(s) they hold. In most cases, teaching assignments made under these options require the agreement of the school site administrator, the affected educator, and the local governing board. The certificated assignment of educators who have been locally and legally assigned outside of their authorized area on the basis of provisions in statute or regulations are reported within the data of this report as mandated in [EC §44258.9](#).

Teacher Vacancy

[EC §33126\(b\)\(5\)\(A\)](#) 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. Data on the number of teacher vacancies in the State are included within the data of this report as mandated in [EC §44258.9](#).

Assignment Monitoring Report for Certificated Staff in All California Public School Districts Reviewed Over a Four-Year Cycle, 2011-12 through 2014-15

Education Code (EC) [§44258.9](#) directs County Superintendents of Schools to submit an annual report to the Commission on Teacher Credentialing (Commission) 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. 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 2011 through June 2015.

A. Teaching and Non-Teaching Misassignment Data, 2011-15

From September 2011 through June 2015, the assignments of more than 330,818 teaching and non-teaching certificated staff assignments were reviewed, resulting in the identification of 23,048 total certificated misassignments. This number of certificated misassignments equates to seven percent of all certificated staff in the state, which is lower than the 9.5 percent reported in the prior report cycle.

There was an overall decrease of 28 percent in identified teaching misassignments for all schools in California when comparing the four-year aggregate data between the report cycles of 2007-11 and 2011-15. In total, a reduction of 9,027 teaching misassignments was achieved. This significant decline is primarily due to a reduction in the number of English learner instruction misassignments as a result of the [Williams settlement](#) in 2004. Contributing factors to the number of identified misassignments include a continued focus on the monitoring of special education assignments and additional training for county office of education monitoring staff.

Table A: Comparison of Total Staff Monitored Relative to Misassignments, 1995-2015

	1995-1999	1999-2003	2003-2007	2007-2011	2011-2015	Change Between 2007-2011 and 2011-2015
Total Certificated Staff Monitored	250,000	363,000	353,368	339,152	330,818	-2.46%
Total Certificated Misassignments	7,447	9,112	22,352*	32,075*	23,048	-28.14%
Percent of Certificated Staff Misassigned	2.98%	2.51%	6.33%	9.46%	6.97%	

* As a result of legislation, changes in the method of reviewing English learner assignments in 2004 and Special Education assignments in 2008 resulted in a higher percentage of identified misassignments.

The significant decreases in the number of teachers identified with English learner instruction misassignments occurred between the report cycles of 2007-11 and 2011-15, following the increased identification of these misassignments during the 2003-07 report cycle. The [Williams settlement](#) in 2004 created additional emphasis on the review of the English learner instruction assignments, resulting in better identification of teachers who lacked the appropriate English learner authorization for the students they served. This additional emphasis increased the identification of these misassignments during the 2003-07 cycle and subsequently resulted in more teachers earning the appropriate English learner authorization for the English learner students they were serving.

Figure 1 below represents the distribution of misassignments by school level for the 2011-15 report cycle. Traditionally, the largest numbers of misassignments are found at the middle and high school levels. This remained the case for the 2011-15 assignment monitoring review with

approximately 49 percent of the total misassignments at the high school level and 35 percent at the middle school level, for a combined total of approximately 84 percent of all misassignments occurring at the secondary level. Elementary school level misassignments represent approximately 15 percent of the total in the 2011-15 report cycle. These results are comparable to the 2007-11 report cycle that found approximately 78 percent of the total misassignments occurred at the secondary level.

Figure 1: Percentage of Misassignments by School Level, 2011-15 (Total: 23,048)

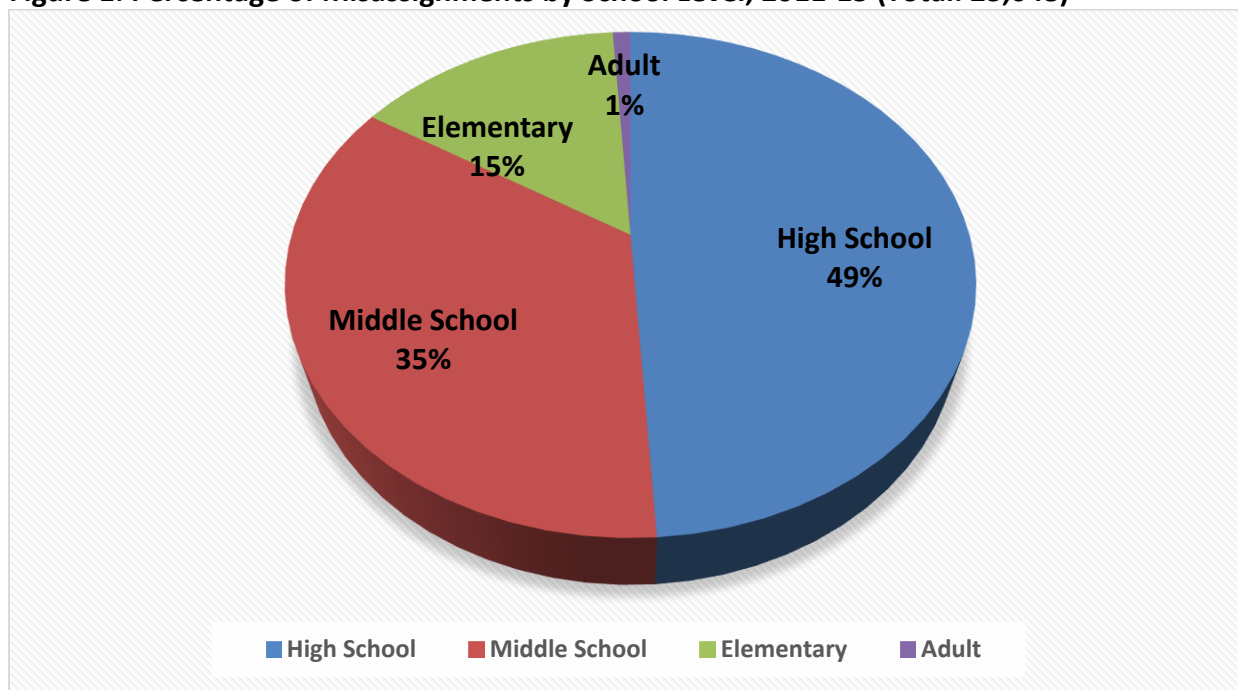
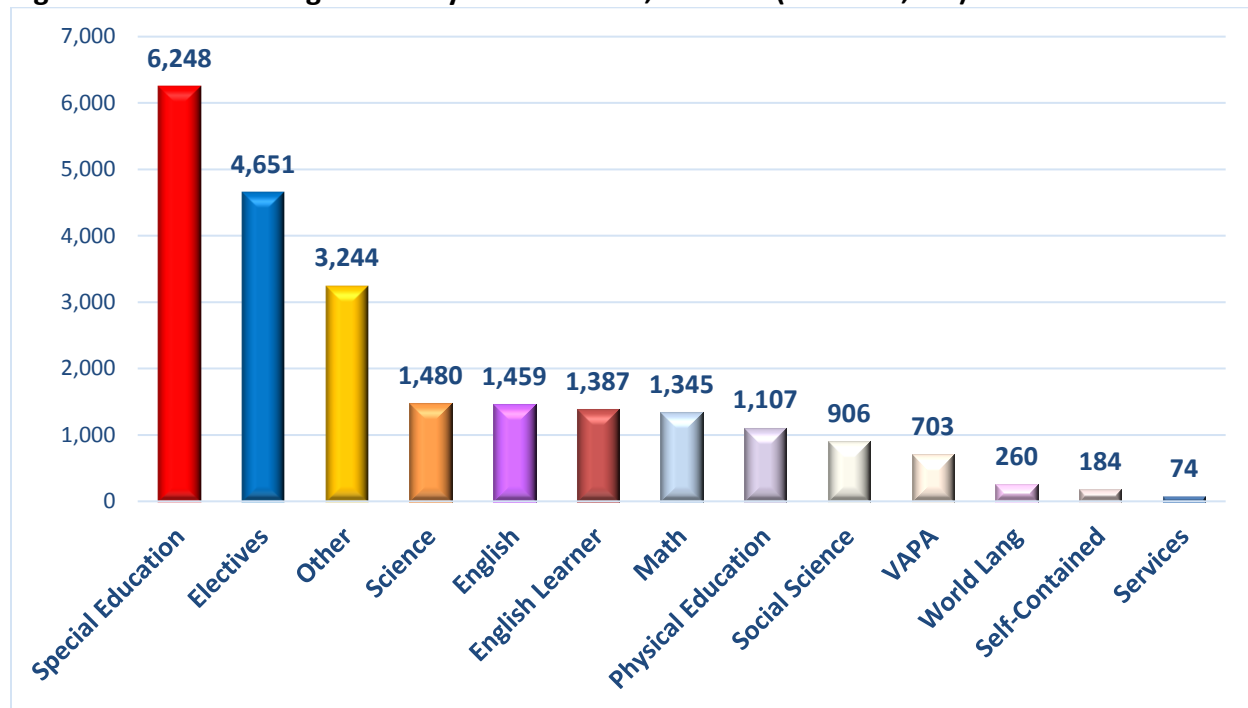


Figure 2 on the following page provides the total number of misassignments by content area for the 2011-15 report cycle. Overall, 6,248 Special Education misassignments were identified in the 2011-15 report cycle representing the largest number at 27 percent of the total teaching misassignments identified. Following legislation surrounding serving students with the Federal disability category of Autism and changes in Special Education certification, there was an increased focus after 2008 on both training how to monitor Special Education misassignments and on identifying these misassignments based on the Federal disability categories of the students served.

The second highest identification of misassignments was in the content area of “Electives” at 4,651 identified misassignments, which constitute approximately 20 percent and which include a wide variety of classes that vary with each local education agency and do not fall directly within one of the statutory single subjects. The third highest content area for misassignments was “Other,” which accounted for 3,244 (14 percent) of the total misassignments. The broad category of “Other” includes assignments in statutory single subjects such as Health, Home Economics, and Industrial Technology Education (ITE) as well as non-traditional education settings and content such as Adult Education, Career Technical Education (CTE), and the Reserve Officers’

Training Corps (ROTC). The smallest content area of Services or Non-Teaching misassignments includes Administrative Services, Pupil Personnel Services, Speech-Language Pathology, Teacher Librarians, School Nurses, and other non-teaching certificated staff.

Figure 2: Total Misassignments by Content Area, 2011-15 (Total: 23,048)



The English learner instruction misassignments are noteworthy in that in the last four-year aggregate report cycle during 2007-11, this category represented the largest number of total misassignments at 8,525. Therefore, the total number of English learner instruction misassignments decreased by almost 84 percent between the 2007-11 and 2011-15 report cycles.

The content category “English learner” instruction 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 who are identified as English learners.

There was a significant increase in the identification of English learner instruction misassignments during the 2003-07 report cycle. The unauthorized assignment of teachers for English learner students saw more than an 88 percent increase during the 2003-07 monitoring cycle from the previous report cycle in 1999-2003. The [Williams settlement](#) in 2004 created additional emphasis on the review of the English learner instruction assignments, resulting in better identification of teachers who lacked the appropriate English learner authorization for the students they served. This additional emphasis increased the identification of these misassignments during the 2003-07 cycle and subsequently resulted in more teachers earning the appropriate English learner

authorization for the English learner students they were serving during the 2007-11 report cycle and continuing with this current report cycle.

The continued identification of English learner instruction misassignments remains a focus of assignment monitoring as these teachers have not completed the necessary preparation that results in an appropriate authorization for an assignment that includes providing instruction to English learner students who require specific instructional services in order to succeed in their school's regular instructional programs.

Individuals who 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.

The majority of the impact created by the misassignment of teachers of English learner students is consistently noted at the secondary level, particularly at the high schools, where more than half of all of these types of misassignments occur. In examining the total number of English learner instruction misassignments, it is important to note that these misassignments represent the *number of teachers* of English learner students without an appropriate English learner authorization rather than the *total classrooms and students* impacted. 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 necessarily the case at the secondary level. For example, a teacher at the high school level may teach one to six departmentalized classes with students who require English learner instructional services. Only one misassignment is noted for each teacher needing an appropriate authorization even if that individual is teaching a full schedule of classes with students requiring English learner instructional services.

B. Statistics on Local Assignment Options for Teaching Outside of Credential Authorizations

California has many provisions within the Education Code that provide avenues for the local assignment of certificated employees outside their basic credential authorization. These Local Assignment Options (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 local assignment options.

During the prior monitoring cycle of 2007-11, there was a total of 10,176 local assignment options made under the provisions of these Education Code sections. During the current report cycle of 2011-15, only 8,543 of these local assignment options were reported, which represents a decrease of 16 percent from the previous cycle.

The provisions of these options are summarized below. 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 who provides departmentalized instruction for subjects such as art, music, physical education, or computer education.

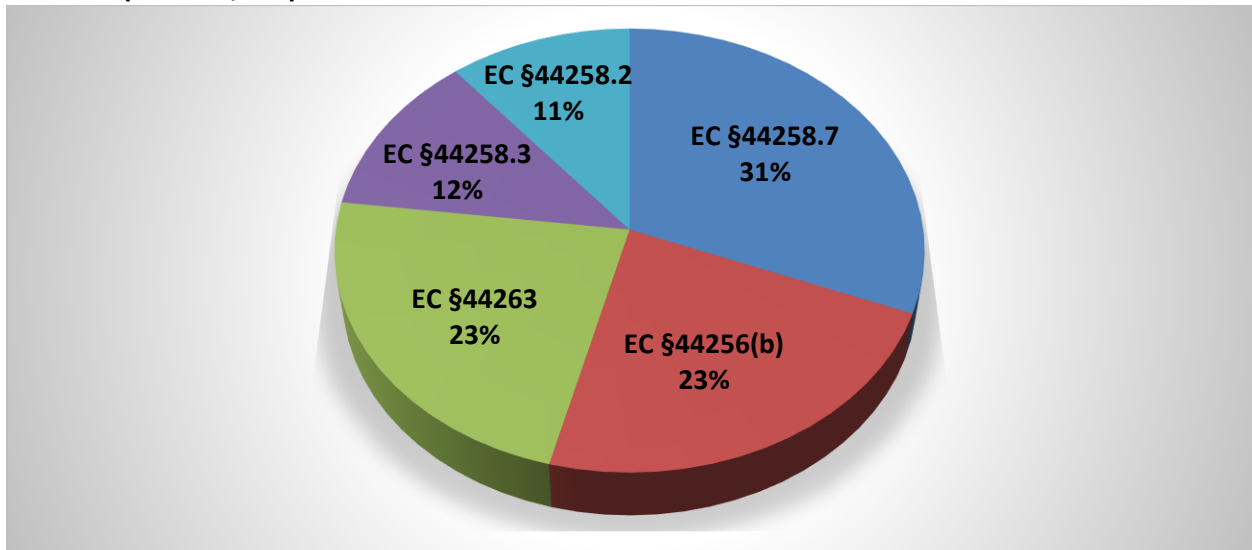
While the Commission has the authority to collect data for the purpose of analysis and reporting to the Legislature, it does not have authority to conduct a qualitative review of the assignments made in local school districts using the provisions of these Local Assignment Options in the Education Code (EC). For example, the Commission does not have data such as subject content area or curriculum/methods for 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 the provisions of EC §44263 or the 12 or 6 units required under §§[44256\(b\)](#) or [44258.2](#).

Figure 3 on the following page displays the percentage of teachers assigned under the provisions of each of these most commonly used Education Code (EC) options during the 2011-15 report cycle.

EC [§44258.7](#) (c) and (d) encompass options available only for elective classes, which represented 31 percent of the total and was the most commonly used option. As previously noted, most of the assignments made under this option were in elective subjects or non-core areas such as 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” or non-core area as long as the assignment is approved by the local Committee on Assignments.

Notably, the option under [EC §44256\(b\)](#), which is allowable only for use in departmentalized classrooms in grades eight and below, was tied for the second most commonly used option and accounted for 23 percent of the assignments made under these options. [EC §44263](#) which is designed for *any* departmentalized subject area at *any* grade level and which is normally the most commonly used option, also tied for second during this report cycle at 23 percent of the total options used.

Figure 3: Percentage of Assignments Authorized by Common Local Education Code Options, 2011-15 (Total: 8,543)



C. Teacher Vacancy Data, 2011-15

Teacher vacancies are an annual data item reported by the county offices of education beginning with the 2007-08 academic year. EC§33126(b)(5)(A)(B) and Title 5 of the California Code of Regulations §4600 defines ‘Teacher Vacancy’ as a certificated position 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. Classrooms with assigned teachers who are serving on emergency permits or waivers are not considered vacancies.

Table B below provides the aggregate statewide teacher vacancy data reported by the county offices for the academic years between 2011 and 2015. While a fairly significant number of teacher vacancies (1,693) was identified and reported for the first reporting year in 2007-08, the following years reported below indicate a significant decline in vacancies. A review of the vacancy data for the final two years of this four-year monitoring cycle show the totals increasing again, with the total doubling in the final year. Reports in the last few years of a teacher shortage are considered to be a contributing factor in this recent increase in the number of reported teacher vacancies across the state. Continued examination of this data set in future reports will indicate whether a further pattern develops.

Table B: Vacancy Data Relative to the Total Full-Time Equivalent (FTE) Teachers, 2011-15

Report Year	Number of Vacancies	Total Teacher FTE	Vacancy Percent
2011-2012	202	286,836	.07%
2012-2013	206	284,131	.07%
2013-2014	306	287,001	.11%
2014-2015	617	295,800	.20%

D. Summary of Assignment Monitoring Data for California Public Schools

The 2016 Assignment Monitoring Report consists of four-year aggregate data with one-fourth of certificated staff in California monitored during each academic year from 2011-12 through 2014-15. Selected findings are provided below:

- There was an overall decrease of 28 percent in identified teaching misassignments for all schools in California when comparing the four-year aggregate data between the report cycles of 2007-11 and 2011-15. In total, a reduction of 9,027 teaching misassignments was achieved.
- Over 84 percent of all teaching misassignments were found to occur at the secondary school level (middle and high schools), with approximately 49 percent of misassignments identified at the high school level.
- Overall, 6,248 Special Education misassignments were identified in the 2011-15 report cycle, comprising the largest number at 27 percent of the total teaching misassignments identified. It should be noted that following legislation addressing serving students with the federal disability category of Autism and changes in Special Education certification, there was an increased focus after 2008 on both training how to monitor Special Education misassignments and on identifying these misassignments based on the federal disability categories of the students served.
- Significant decreases occurred in the number of teachers identified with English learner authorization instruction misassignments. The English learner instruction misassignments are noteworthy in that in the last four-year aggregate report cycle during 2007-11, this category represented the largest number of total misassignments at 8,525. Therefore, the total number of English learner instruction misassignments decreased by almost 84 percent between the 2007-11 and 2011-15 report cycles. The [Williams settlement](#) in 2004 created additional emphasis on the review of the English learner instruction assignments, resulting in better identification of teachers that lacked the appropriate English learner authorization for the students they served. This additional emphasis increased the identification of these misassignments during the 2003-07 cycle and subsequently resulted in more teachers earning the appropriate English learner authorization for the English learner students they were serving.
- A 'Teacher Vacancy' occurs when a single designated employee has not been assigned within the first twenty working days of school. While the number of teacher vacancies reported has decreased significantly since the data was first collected in 2007-08, a review of the vacancy data for the last two years shows the totals increasing again. The total teacher vacancies doubled in the final year of the report to a total of 617 vacancies. Reports in the last few years of a teacher shortage are considered to be a contributing factor in this recent increase in the number of reported teacher vacancies across the state. Continued examination of this data set in future reports will indicate whether a further pattern develops.

Appendix

History of Assignment Monitoring

Introduction

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

Since the initial Commission-directed study in 1982, the Commission has examined the extent of the misassignment of certificated personnel, the causes of misassignments, practices that eliminate or minimize misassignments, and solutions to the problem of misassignment. In the initial study of assignment practices, Commission staff monitored the certificated assignments in five school districts and five county offices of education during 1982-83. 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 issues with some of the districts and county offices processes to collect, analyze, and maintain these data. These issues included a lack of communication between the school sites and the county offices when assignments were changed at the school site level, and in district and/or school 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 misassigned 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, which resulted in recoverable costs through the state mandated costs

procedures. School districts and county offices of education submitted annual claims to the Office of the State Controller for reimbursement of costs associated with assignment monitoring activities.

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 will have been monitored. Therefore, it is important to note that each year is a snapshot and partial look at the assignments of certificated employees in the state. From the 1996-97 to 2001-02 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 mandated cost reimbursement 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 lawsuit in 2000. The basis of the lawsuit was that state agencies had failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The case was settled in August 2004 and several bills implementing the settlement were enacted.

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 monitoring 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 requirements of [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 in the 2004-05 school year, the changes were that:

- 1) Assignment monitoring must be annually conducted and reported by county offices of education 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 English learner-related 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 its 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-related data. Subdivision (c)(4)(A) of [EC §44258.9](#) requires county offices of education, on an annual basis, to report on the appropriateness of the English learner authorization held by teachers in kindergarten through grade twelve classes in deciles 1, 2, and 3 (2003 API Base) schools if the class has 20 percent or more English learners. This is a school-by-school, classroom-by-classroom evaluation and must be completed on an annual basis whether or not the county is monitoring all the assignments in the district that year. The review is limited to collecting and reporting data on the appropriate English learner authorization.

It is important to note that the 20 percent 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 credential 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 percent or more English learners;

- 2) Number of classes with 20 percent or more English learners and the teacher holds an appropriate English learner authorization;
- 3) Number of classes with 20 percent 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, use technology effectively and improve communications, the Commission created a voicemail line specifically for assignment questions, followed by an email 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-related data collection and assignment monitoring of the schools in deciles 1, 2 and 3 (2003 API).

[EC §44258.9](#) mandates that certain information be collected and reported including:

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

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

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