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# 3C

## Action

### *Educator Preparation Committee*

#### **Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17, a Report to the Legislature**

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

**Recommended Action:** That the Commission approve the *Assignment Monitoring of Certificated Employees in California by County Offices of Education, 2015-17*, a report for transmittal to the Governor and the Legislature.

**Presenter:** Roxann Purdue, Consultant, Professional Services Division

#### **Strategic Plan Goals**

##### ***I. Educator Quality***

- c) 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***

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

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# **Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17, A Report to the Legislature**

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## **Introduction**

This agenda item presents a report to the Legislature on the *Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17* as required by Education Code section 44258.9. This report provides data collected by the Commission on Teacher Credentialing (Commission) from the county offices of education and addresses the assignment of teachers and other certificated staff in California. This report only includes data for those non-charter, public schools ranked in the lowest three deciles of the state based on the prior 2012 Academic Performance Index (API). Data for all schools in the state will be reported in the next biennial report in 2020 in accordance with the reporting requirements in Education Code section 44258.9.

## **Background**

The Commission has been charged with the oversight of the appropriate and legal assignment of certificated personnel in non-charter, public schools. Since the initial Commission-directed study in 1982, the Commission has examined the extent of the misassignments of certificated personnel, the causes of misassignments, practices that eliminate or minimize misassignments, and solutions to the problem of misassignments. 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 all certificated staff assignments.

## **Future Changes to Assignment Monitoring**

Currently, county offices of education conduct assignment monitoring through a paper-based process and report their results through three databases maintained by the Commission. As a result of Senate Bill 840 (Statutes of 2018), the Commission entered into a data sharing agreement with the California Department of Education (CDE) and will develop a new State Assignment Accountability System (SAAS) to modernize and streamline the assignment monitoring process. The SAAS will use data from the Commission and CDE to identify potential misassignments and provide a communication platform for counties and school districts to address and resolve them. The SAAS will be fully operational by Fall 2019. Data from the SAAS will be used for federal reporting purposes as outlined in the State Plan in compliance with the Every Student Succeeds Act (ESSA).

## **Staff Recommendation**

Staff recommends that the Commission approve the *Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17, A Report to the Legislature*, so that staff may transmit the report to the Legislature on or before December 31, 2018.



**Assignment Monitoring of Certificated Staff in California  
by County Offices of Education 2015-17,  
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](mailto:psdinfo@ctc.ca.gov).

November 2018

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# Commission on Teacher Credentialing



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Mary Vixie Sandy  
Executive Director

Allavie, Kathleen	School Board Member	2020
Barnes, Kirsten	Non-Administrative Services Representative	2020
Cooney, C. Michael	Public Representative	2021
Darling-Hammond, Linda	Faculty Member	2021
de la Torre-Escobedo, Marysol	Teacher Representative	2019
Gonzalez, José	Administrative Services Representative	2019
Hartwig, Johanna	Public Representative	2020
Hinde, Alicia	Teacher Representative	2020
Klatt, Bonnie	Teacher Representative	2021
Kung, Kevin	Teacher Representative	2020
Marks, Jane	Teacher Representative	2021
Martinez, Monica	Public Representative	2021
Redmond, Castle	Public Representative	2019
Rodriguez, Haydee	Teacher Representative	2020
Zumot, Michelle Papas, Stephanie	Designees, Superintendent of Public Instruction	Ongoing
<b>Ex-Officio Members</b>		
Browne, Kathryn	California Community Colleges	
Grenot-Scheyer, Marquita	California State University	
Sloan, Tine	University of California	
Wall, Andrew	Association of Independent California Colleges and Universities	

## 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.

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# **Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17, A Report to the Legislature**

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## **Executive Summary**

Examining assignment monitoring data 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 the county offices of education and addresses the assignment of teachers and other certificated staff in California.

This report 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 provides an analysis of assignment monitoring data for certificated staff in California's lowest performing schools, with the exception of charter schools, 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 2015-16 and 2016-17 school years.

Selected findings are provided below:

- Overall increase of 16 percent in identified teaching misassignments for schools ranked in Deciles 1, 2 and 3 (2012 base API) when comparing the same school sites between 2015-16 and 2016-17. While there was an increase between the two years, the total number of misassignments remains less than three percent of the teachers monitored.
- Special Education represented the largest number of teaching misassignments by type in both years in schools ranked in the lowest three deciles.
- The second highest area of misassignments overall were identified for teachers of English learners which increased by 74 percent between 2015-16 and 2016-17. While this increase is significant, it is important to note that less than one percent of the teachers who were reviewed were misassigned in this area.
- Increase of almost 30 percent in the number of Teacher Vacancies for schools ranked in Deciles 1, 2 and 3 (2012 base API) when comparing the same school sites between 2015-16 (446) and 2016-17 (578).

An electronic version of this report will be available on the Commission's website following Commission approval of the report to the Legislature.

# Assignment Monitoring of Certificated Staff in California by County Offices of Education 2015-17, a Report to the Legislature

## Introduction

This report provides data collected and reported to the Legislature biennially by the Commission on Teacher Credentialing (Commission) from monitoring activities completed by the County Offices of Education on the assignments of teachers and other certificated staff as required by Education Code (EC) §44258.9. The annual monitoring and data collection for schools, with the exception of charter schools ranked in the lowest three deciles in the State of California (Deciles 1, 2 and 3) is based on the 2012 Academic Performance Index (API).

This report is organized with the following headings and subheadings:

### Assignment Monitoring Report for Certificated Staff in California Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 base API)

- A. Teaching and Non-Teaching Misassignment Data
- B. English Learner Data Collection for Classrooms Identified with 20 Percent or More Students Identified as English Learners
- C. Statistics on Education Code Assignment Options for Teaching Outside of Credential Authorizations
- D. Teacher Vacancy Data
- E. Summary of Assignment Monitoring Data for Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 base API)

## Background

As a result of the *Williams v. State of California* settlement, county superintendents of schools are required to annually monitor the assignments of all certificated staff for schools, with the exception of charter schools, ranked in Deciles 1, 2 and 3 of the Academic Performance Index (API). Assignment monitoring involves reviewing all assignment records for the certificated staff at these school sites in order to determine if the individual 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 local assignment option within statute or regulation. County superintendents must also annually collect data for these schools on classrooms with a population of 20 percent or more English learner students in order to determine the number of classrooms served by a teacher without an appropriate English learner authorization. This report summarizes all data reported for schools ranked in Deciles 1, 2, and 3 (2012 Base API), with the exception of charter schools, during the 2015-16 and 2016-17 academic years. 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.

County superintendents must also 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, excluding charter schools, are monitored for all schools, districts, and county offices of education.

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

#### *Misassignment*

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

#### *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 annually monitoring schools ranked in Deciles 1, 2 and 3 schools, a specific base API year is identified in statute and was previously updated every three years.

The state has revised its accountability system. This change has resulted in the same school sites being monitored annually since 2012. In order for future assignment monitoring reports to discontinue the use of the API and begin using the revised accountability system, EC §44258.9 would need to be amended legislatively.

#### *Deciles*

California schools were previously ranked in Deciles 1 (lowest) through 10 (highest) based on the API. While charter schools are ranked by decile, these schools are not subject to annual assignment monitoring under EC §44258.9 unless they elect to opt in. At this time, no charter schools have opted in for the additional monitoring and data for these schools are not included in this report.

#### **The Assignment Monitoring Report for Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 Base API)**

The assignment monitoring activities and data collection for this report is limited to California's lowest performing schools ranked in Deciles 1, 2 and 3 of the 2012 base Academic Performance Index (API) for the 2015-16 and 2016-17 academic years. It is important to note for this specific type of assignment monitoring the same school sites have been reviewed annually since 2012. The more intensive monitoring of these school sites is conducted in accordance with statute in order to track whether the focused annual monitoring of certificated staff assignments results in a reduction in the number of initial misassignments at these school sites. For this reason, the data between years is always compared and contrasted rather than combined.



**Teaching Misassignment Data for Schools Ranked in Deciles 1, 2 and 3, 2015–16 and 2016-17 (2012 Base API)**

In the 2015-16 school year, the assignments of more than 68,332 certificated teachers were reviewed in 2,183 schools ranked in the bottom three deciles of the 2012 Base API across 368 districts in California. Of the certificated teachers monitored, 1,570 were initially identified as misassigned in 2015-16. The number of misassignments identified increased to 1,821, an increase of sixteen percent, in 2016-17.

*Table A* details the total number of certificated teachers monitored and identified as misassigned during 2015-16 and 2016-17 in schools ranked in the lowest three deciles of California, with the exception of charter schools. While the number of teaching misassignments increased from 2015-16 to 2016-17 by almost 16 percent between the two report years, less than three percent of the total teachers monitored were identified as misassigned in either report year. It is important to note that the teaching misassignment totals in 2011-12 (8,338) and 2012-13 (5,051) when these specific school sites were first reviewed were significantly higher than the current year totals. This significant downward trend since these school sites were monitored in 2011 meets the intent of this focused annual monitoring. For further context, the rate of misassignment was 29 percent when decile schools were first monitored in 2005-06 and are now at a rate of three percent.

<b>Table A: Total Certificated Teachers Monitored Relative to Identified Misassignments for Schools Ranked in Deciles 1, 2, and 3, 2015-16 and 2016-17 (2012 Base API)*</b>			
	<b>2015-16</b>	<b>2016-17</b>	<b>% Change Between 2015-16 and 2016-17</b>
Base API Year	2012	2012	N/A
Total Monitored Districts	368	368	0%
Total Monitored Schools Ranked in Deciles 1-3	2,183	2,183	0%
Total Certificated Teachers Monitored	62,107	69,314	+11.6%
<b>Total Teaching Misassignments</b>	<b>1,570</b>	<b>1,821</b>	<b>+16.0%</b>

\* The Base API Year has not changed since 2012 for monitoring purpose. Charter schools ranked in deciles 1 through 3 (2012 Base API) are not included in this data.

*Figure 1* illustrates the breakdown of identified teaching misassignments between the three decile ranks for each report year. The identified misassignments increased in each of the three decile ranks between 2015-16 and 2016-17 (2012 Base API): 28 percent increase in Decile 1 schools, five percent increase in Decile 2 schools, and 17 percent increase in Decile 3 schools.

**Figure 1: Teaching Misassignments by Decile, 2015-16 and 2016-17 (2012 Base API)**

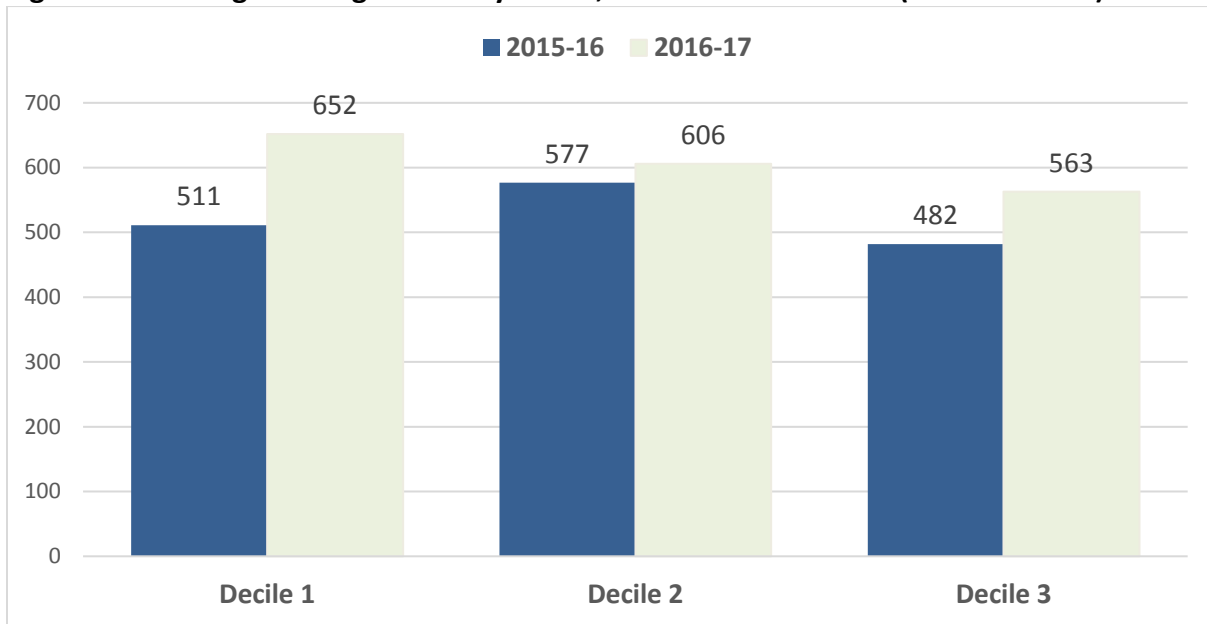


Figure 2 provides the percentage of teaching misassignments that occurred in 2015-16 and 2015-16 at each school level (Elementary, Middle and High). In both years, between 31 and 41 percent of all teaching misassignments are identified at the high school level. Middle schools represent between 24 and 29 percent of the identified teaching misassignments each year.

**Figure 2: Teaching Misassignments by Level, 2015-16 and 2016-17 (2012 Base API)**

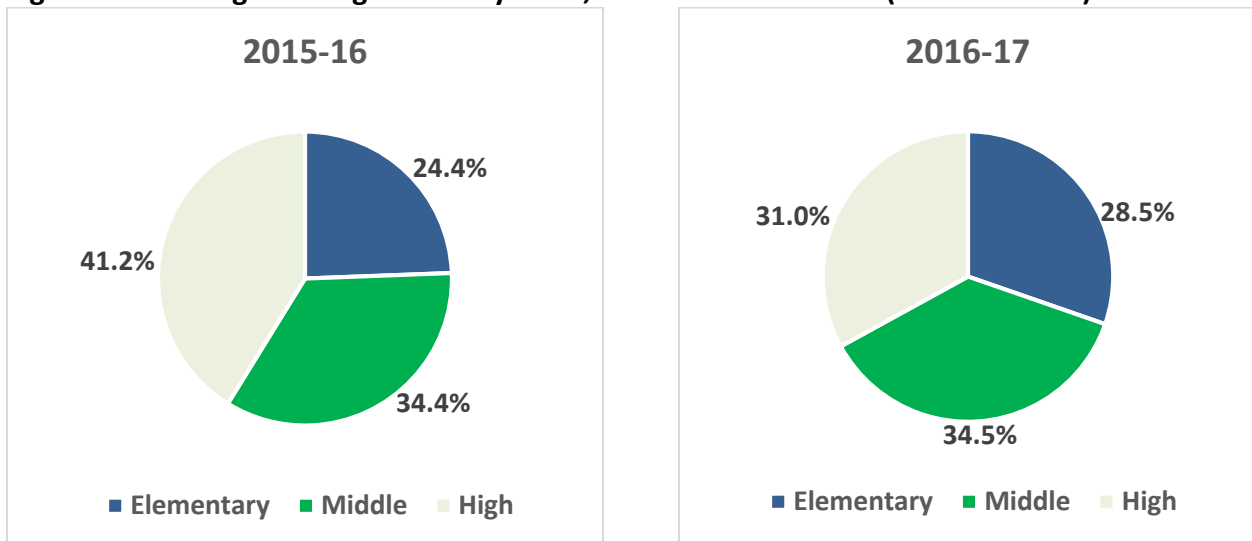


Table B includes specific information on the number of identified teaching misassignments by aggregate content areas in 2015-16 and 2016-17 for schools ranked in Deciles 1 through 3. The largest number of identified misassignments in each year is within the area of Special Education. The aggregate area of Special Education is further broken out by specific federal disability category or specialty area authorization in Table C.

<b>Subject</b>	<b>2015-16</b>	<b>2016-17</b>	<b>% Change between 2015-16 and 2016-17</b>
Agriculture	8	2	-75.0%
Art	52	37	-28.8%
Business	7	1	-85.7%
Career Technical Education (CTE)	27	33	+22.2%
Computer Science	27	26	-3.7%
Dance	8	2	-75.0%
Electives	103	132	+28.2%
English	81	112	+38.3%
English Learner	180	313	+73.9%
Health	31	21	-32.3%
Home Economics	2	5	+150.0%
Industrial Technology Education (ITE)	49	44	-10.2%
Mathematics	95	112	+17.9%
Music	3	15	+400.0%
Other	28	53	+89.3%
Physical Education	52	63	-21.2%
Reading	7	6	-14.3%
Science	110	115	+4.5%
Self-Contained	50	51	+2.0%
Social Science	58	74	+27.6%
Special Education	568	578	+1.8%
Theatre	2	3	+50.0%
World Languages	22	23	+4.5%
<b>Totals</b>	<b>1,570</b>	<b>1,821</b>	<b>+16.0%</b>

\* Increase of 16 percent in the number of misassignments between the 2015-16 and 2016-17 report years. While there was an increase between the two years, the total number of misassignments accounts for less than one percent of the teachers monitored.

While special education misassignments accounts for over 30 percent of all misassignments, the number of special education misassignments identified for these two academic years is still significantly lower than the total number of special education misassignments in 2011-12 (2,025) and 2012-13 (1,752) when these same school sites were first reviewed.

Table C identifies the federal disability categories of Speech or Language Impairment (SLI) and Orthopedic Impairment (OI) as the two most substantial areas where students were served by teachers without the appropriate preparation or authorization. Currently, special education credentials in California authorize instruction based on the disability category of the student. Both the preparation and the authorization of special education credentials in the state are currently under revision. In the future, special education credential authorizations will be based on the needs of the student rather than their identified disability category.

**Table C: Special Education Teaching Misassignments by Disability Category or Specialty Area 2015-16 and 2016-17 (2012 Base API)**

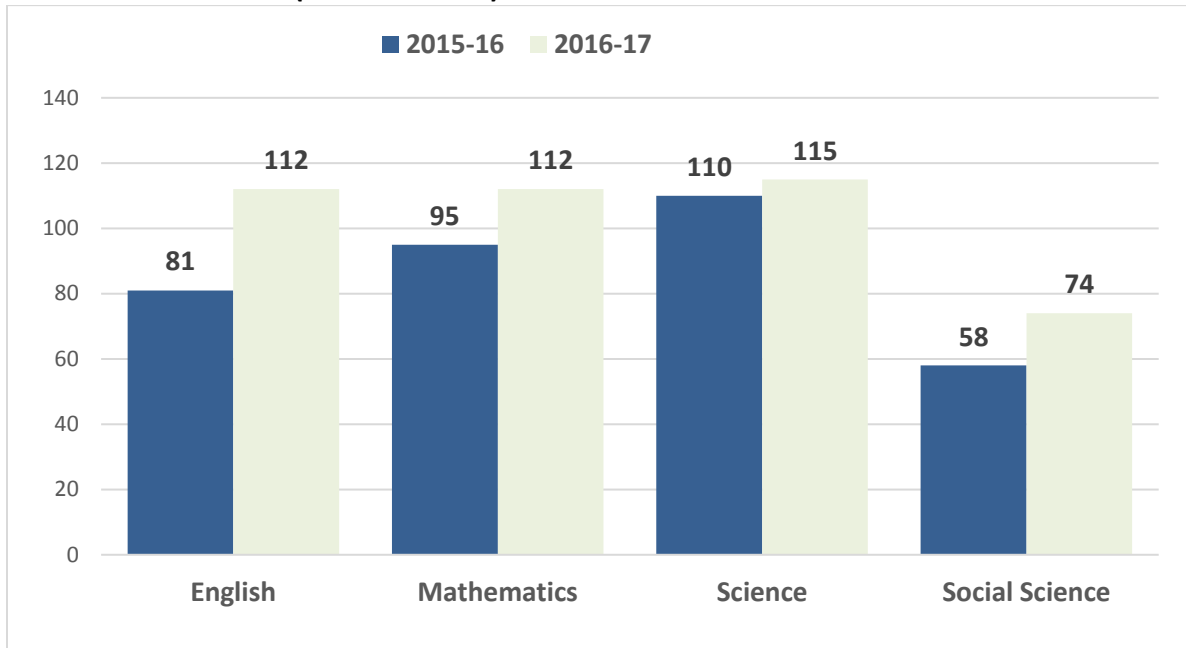
<b>Special Education Misassignments*</b>	<b>2015-16</b>	<b>2016-17</b>	<b>% Change between 2015-16 and 2016-17</b>
Adapted Physical Education (APE)	1	2	+100.0%
Autism Spectrum Disorders (ASD)	56	67	+19.6%
Deaf and Hard of Hearing (DHH)	56	43	-23.2%
Deaf-Blindness	0	1	+100.0%
Early Childhood Special Education (ECSE)	10	10	0.0%
Emotional Disturbance (ED)	19	11	-42.1%
Intellectual Disabilities (ID)**	8	10	+25.0%
Mild/Moderate (M/M)	19	58	+205.3%
Moderate/Severe (M/S)	8	20	+150.0%
Multiple Disabilities (MD)	10	25	+150.0%
Orthopedic Impairments (OI)	95	77	-18.9%
Other Health Impairments (OHI)	34	36	+5.9%
Physical and Health Impairments (PHI)	2	0	-100.0%
Resource Specialist (RSP)	15	15	0.0%
Specific Learning Disability (SLD)	33	20	-39.4%
Speech or Language Impairment (SLI)	158	143	-9.5%
Traumatic Brain Injury (TBI)	22	19	-13.6%
Visual Impairments including Blindness (VI)	22	21	-4.5%
<b>Totals</b>	<b>568</b>	<b>578</b>	<b>+2.2%</b>

\* Since 2010, the monitoring of special education assignments transitioned from a focus on the broad identification of special education classrooms that align with specialty areas to a more focused monitoring of the federal disability categories of the students being served and whether the teacher is appropriately prepared and authorized to serve that student population. This change in monitoring is aligned with legislation that focused on the specific disability category of Autism and the lack of teachers prepared to serve that population.

\*\*As the number of misassignments in most categories is small, the percentage change from 2015-16 should be viewed with caution.

Figure 3 highlights four 'core' content area misassignments for these school sites and demonstrates increases for each content area over the two years with the largest increase in the subject area of English.

**Figure 3: ‘Core’ Content Area Misassignments for Schools Ranked in Deciles 1, 2, and 3 2015-16 and 2016-17 (2012 Base API)**



The second highest area of misassignments overall were identified for teachers of English learners. *Table D* represents a breakdown of the identified English learner (EL) teaching misassignments for each year by type and decile rank. Overall, the total number of EL misassignments increased by 74 percent between the two report years. It is important to note that while the increase in these misassignments is significant the total in 2016-17 still represents less than one percent of the teachers reviewed in this report year.

**Table D: English Learner Misassignments by Type and Decile, 2015-16 and 2016-17 (2012 Base API)**

EL Authorization	2015-16				2016-17				% Change between 2015-16 and 2016-17
	D1	D2	D3	Total	D1	D2	D3	Total	
SDAIE	36	30	26	92	49	48	53	150	+ 63.0 %
ELD	25	25	22	72	62	43	21	126	+ 75.0 %
Bilingual	9	5	2	16	10	2	25	37	+131.3%
<b>Totals</b>	<b>70</b>	<b>60</b>	<b>50</b>	<b>180</b>	<b>121</b>	<b>93</b>	<b>99</b>	<b>313</b>	<b>+ 73.9%</b>

*\* It is important to note that the number of EL misassignments is small so the increase shows as a high percentage.*

Although the number of misassignments related to teaching English learners has increased significantly between 2015-16 and 2016-17, the total for 2011-12 (489) when these schools were first reviewed was still significantly higher than either of these two years.

Approximately half of the English learner (EL) misassignments were for Specially Designed Academic Instruction in English (SDAIE). SDAIE is a teaching approach intended for teaching

various academic content (such as social studies, science or literature) using the English language for students who are still learning English and is one component of a comprehensive program for English learners.

All California prepared teachers are prepared to provide SDAIE and are issued a credential with an English learner (EL) authorization that includes SDAIE. Additionally, all emergency permits and intern credentials include an EL authorization. Therefore, the 63 percent increase in SDAIE misassignments is attributed to those teachers who earned their credential based on preparation from another state or country without an English learner authorization. These types of EL misassignments are corrected when the employing agency requires the teacher to apply for an Emergency Crosscultural, Language and Academic Development (CLAD) Permit while they complete the requirements to earn an EL authorization.

The other significant EL misassignment is English Language Development (ELD). ELD misassignments are identified when the educator is teaching a separate departmentalized or designated ELD course. Following the adoption of the California ELD Standards in 2010 by the State Board of Education, the Commission reviewed the standards within the preparation programs related to teaching English learners. In 2014, the Commission determined that the EL authorizations for the Multiple Subject, Single Subject, and Education Specialist teaching credentials should be limited to providing integrated ELD instruction within their content area and SDAIE based on their preparation. Therefore, these teachers would need to complete additional preparation to earn a full EL authorization that includes the designated ELD instruction provided in a departmentalized ELD course. The increase in the number of ELD misassignments is attributed to this change. We anticipate that the number of ELD misassignments will decrease as employing agencies become more familiar with the new authorization and the options available for teachers to earn a full EL authorization.

### **English Learner Data Collection for Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 Base API)**

Additional data collection is required by statute for classrooms with 20 percent or more English learner students. For schools ranked in Deciles 1 through 3, counties are required to collect the following data:

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

*Table E* provides the data collected as a result of this additional monitoring, broken out by decile rank and report year. There was an increase of 98.6 percent in the number of these classrooms served by a teacher without an appropriate EL authorization between 2015-16 and

2016-17. This significant increase corresponds to the overall increase identified for all EL misassignments.

Data Collection Criteria	2015-16				2016-17				% Change between 2015-16 and 2016-17
	D1	D2	D3	Total	D1	D2	D3	Total	
Classrooms with 20% or more EL students	29,966	31,388	31,244	<b>92,598</b>	32,647	35,623	33,195	<b>101,465</b>	+9.6%
Classrooms with 20% or more EL students <i>with</i> teacher holding EL authorization	29,896	31,271	31,213	<b>92,380</b>	32,433	35,456	33,138	<b>101,027</b>	+9.4%
Classrooms with 20% or more EL students <i>without</i> teacher holding EL authorization	70	117	31	<b>218</b>	214	167	57	<b>438</b>	+100.9%

\* As the number of classrooms without an EL authorized teacher remains small, the percentage change from 2015-16 should be viewed with caution.

### **Statistics on Education Code Assignments Outside of the Credential Authorization for Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 Base API)**

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.

Table F presents data for each of the local assignment options noted above with data broken out by school decile rank and report year. In total, the data indicates an 11 percent decrease between 2015-16 and 2016-17 in the use of local assignment options within these sections of statute for schools ranked in Deciles 1 through 3 (2012 Base API).

Education Code	2015-16				2016-17				Change between 2015-16 and 2016-17
	D1	D2	D3	Total	D1	D2	D3	Total	
§44256(b)	51	33	87	<b>171</b>	76	37	94	<b>207</b>	+21.1%
§44258.2	36	27	46	<b>109</b>	23	29	50	<b>102</b>	-6.4%
§44258.3	5	26	21	<b>52</b>	2	23	34	<b>59</b>	+13.5%
§44258.7	68	116	116	<b>300</b>	46	66	78	<b>190</b>	-36.7%
§44263	52	81	92	<b>225</b>	46	87	70	<b>203</b>	-9.8%
<b>Totals</b>	<b>212</b>	<b>283</b>	<b>362</b>	<b>857</b>	<b>193</b>	<b>242</b>	<b>326</b>	<b>761</b>	<b>-11.2%</b>

Most assignments made under the options within these sections of the Education Code are in the middle or high schools. EC §44256(b) is occasionally used to authorize teachers with a Multiple Subject or Standard Elementary Credential to teach specialized subjects (e.g., music, art, world language, physical education) in departmentalized classrooms to different groups of students throughout the day in elementary schools. This generally occurs in school districts that provide elementary teachers with release time for planning. The school may have “release time” departmentalized teachers for subjects such as art, music, physical education, or science. Additionally, both years show a decrease from the 2011-12 (1,372) and 2012-13 (1,045) years in the use of assignment code options when data from these school sites was first tracked.

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



**Teacher Vacancy Data for Schools Ranked in Deciles 1, 2 and 3, 2015-16 and 2016-17 (2012 Base API)**

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

Table G provides the teacher vacancy data collected by the county offices for the schools ranked in Deciles 1, 2 and 3 (2012 Base API) for the 2015-16 and 2016-17 report years. While teacher vacancies remained fairly consistent between the 2014-15 (438) and 2015-16 (446), there was an increase of almost 30 percent in the 2016-17 school year (578).

<b>Table G: Teacher Vacancies by Decile, 2015-16 and 2016-17 (2012 Base API)</b>			
<b>Rank</b>	<b>2015-16</b>	<b>2016-17</b>	<b>% Change Between 2015-16 and 2016-17</b>
Decile 1	169	200	+18.3%
Decile 2	160	208	+30.0%
Decile 3	117	170	+45.3%
<b>Totals</b>	<b>446</b>	<b>578</b>	<b>+29.6%</b>

**Certificated Services (Non-Teaching) Misassignment Data for Schools Ranked in Deciles 1, 2 and 3, 2015–16 and 2016-17 (2012 Base API)**

Table H details the total certificated services staff monitored and identified as misassigned during 2015-16 and 2016-17 in schools ranked in the lowest three deciles of California (2012 Base API). The number of services misassignments increased by 32 percent between the two report years.

<b>Table H: Total Certificated Services Staff Monitored Relative to Identified Misassignments for Schools Ranked in Deciles 1, 2, and 3, 2015-16 and 2016-17 (2012 Base API)</b>			
	<b>2015-16</b>	<b>2016-17</b>	<b>% Change Between 2016-17 and 2015-16</b>
Base API Year	2012	2012	NA
Monitored Districts with Schools Ranked in Deciles 1-3*	368	368	0%
Monitored Schools Ranked in Deciles 1-3*	2,183	2,183	0%
Certificated Services Staff	9,463	10,727	+13.4%
Certificated Services Misassignments	76	100	+31.6%

Table I provides a breakdown by the types of services position identified as misassigned for each report year. Administrative services is identified as the largest area of services misassignments, while the largest increase was identified for school psychologists.

<b>Certificated Service Position</b>	<b>2015-16</b>	<b>2016-17</b>	<b>% Change Between 2015-16 and 2016-17</b>
Administrative	21	33	+57.1%
Counselor	3	4	+33.3%
Program Coordinator (Non-teaching)	13	12	-7.7%
Psychologist	1	12	+1,100.0%
School Librarian	13	10	-23.1%
School Nurse	1	3	+200.0%
Speech-Language Pathologists	16	11	-31.3%
Staff Developer (Non-teaching)	8	15	+87.5%
<b>Totals</b>	<b>76</b>	<b>100</b>	<b>+31.6%</b>

\* As the number of misassignments is small, the percentage change from 2015-16 should be viewed with caution.

The two areas of certificated services misassignments identified were Program Coordinators and Staff Developers. Program Coordinators develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning. While the holder of an Administrative Services Credential is required for this type of position at the school district and county level, the Commission adopted Title 5 Regulations section 80020.4.1, effective in 2000, which provides a local assignment option for teacher leaders serving in these positions at the school site level. At the same time, Title 5 section 80020.4 was adopted as another local assignment option by the Commission to authorize teachers to serve as Staff Developers at the school, district, or county level. This particular local assignment option requires the teacher to hold a credential and authorization in the specific subject of the staff development or have their expertise in that subject verified by their local governing board.

### **Summary of Selected Findings**

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

- Overall increase of 16 percent in identified teaching misassignments for schools ranked in Deciles 1, 2 and 3 (2012 base API) when comparing the same school sites between 2015-16 and 2016-17. However, less than three percent of the teachers monitored were identified as misassigned in either report year.
- Special Education represented the largest number of teaching misassignments by type in both years in schools ranked in the lowest three deciles.
- The second highest area of misassignments overall were identified for teachers of English learners which increased by 74 percent between 2015-16 and 2016-17. While this increase is significant it is important to note that less than one percent of the teachers who were reviewed were misassigned in this area.
- Increase of almost 30 percent in the number of teacher vacancies for schools ranked in Deciles 1, 2 and 3 (2012 base API) when comparing the same school sites between 2015-16 (446) and 2016-17 (578).

## **Appendix 1**

### **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 1982-1983. 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 eight percent of the State's secondary teachers were illegally assigned for one or more class periods during the 1985-1986 school year.

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

established mandates for local monitoring activities that result in costs that were recoverable through the state mandated costs procedures. School districts and county offices of education submitted annual claims to the Office of the State Controller.

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

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

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

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

AB 3001, AB 831, and SB 512 (Chap. 677, Stats. 2005) made changes to certificated assignment monitoring that existed in EC §44258.9. The four-year monitoring cycle remains the same for most schools as does the online reporting that is due by July 1 of each year. All certificated assignments in the school districts being monitored as a result of the four-year cycle, teaching and non-teaching support positions, must be monitored. Beginning with the 2004-05 school year, the changes were:

- 1) Assignment monitoring must be annually conducted and reported by county offices on all assignments for schools in Deciles 1, 2, and 3 unless the school is under review through a state or federal intervention program. If the annual review of schools ranked in Deciles 1, 2, and 3, inclusive of the 2003 API, finds that a school has no teacher misassignments or

teacher vacancies for two consecutive years, the school may be included with the district's next review according to the regular four-year cycle.

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

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

It is important to note that the 20 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 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) than was presented to the Commission in December 2000.

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

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

- 1) The number of teachers assigned and types of assignments made by local district governing boards under the authority of §§44256, 44258.2 and 44263 of the Education Code;
- 2) Information on actions taken by local Committees on Assignment (EC §44258.7), including the number of assignments authorized and subject areas in which committee-authorized teachers are assigned;

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

#### **Future Changes to Assignment Monitoring**

Currently, county offices of education conduct assignment monitoring through a paper-based process and report their results through three databases maintained by the Commission. As a result of Senate Bill 840 (Statutes of 2018), the Commission entered into a data sharing agreement with the California Department of Education (CDE) and will develop a new State Assignment Accountability System (SAAS) to modernize and streamline the assignment monitoring process. The SAAS will use data from the Commission and CDE to identify potential misassignments and provide a communication platform for counties and school districts to address and resolve them. The SAAS will be fully operational by fall 2019. Data from the SAAS will be used for federal reporting purposes as outlined in the State Plan in compliance with the Every Student Succeeds Act (ESSA).