



## **Teacher Assignment Guidance for Reopening Schools February 9, 2021**

As Local Education Agencies (LEAs) prepare to re-open schools with guidance and support from the Governor and the Centers for Disease Control (CDC), many may face unprecedented shortages of teachers to staff classrooms of all types. LEAs always have the legal responsibility to staff classrooms with well-prepared, fully credentialed teachers to the full extent possible, as specified in the Hiring Hierarchy set forth in Education Code section 44225.7. When an LEA has exhausted all options for hiring a fully-prepared teacher, flexibilities exist in statute and regulation that allow LEAs to legally and appropriately staff classrooms. The Short-Term Waiver, the Teaching Permit for Statutory Leave (TPSL), local assignment options, and other emergency documents are available for short term use to support efforts to safely re-open schools.

### ***Short-Term Waivers***

Short-Term Waivers allow local agencies to address unanticipated, immediate, short-term (one semester or less) staffing needs by assigning teachers who hold a basic teaching credential in any field to teach outside of their credential authorization, with the teacher's consent. These waiver types do not need to be approved by the Commission and are authorized at the local level.

### **Rules for Short-Term Waivers:**

1. Educator must hold a full teaching credential.
2. Educator must give their consent for the assignment.
3. May be issued one-time only for any individual.
4. May be issued one-time only for a given class.
5. The LEA must notify their Monitoring Authority of the use of the waiver:
  - a. Identification of the Applicant. The notification shall identify, by name and Social Security number, the individual for whom the short-term waiver was issued.

- b. Authorization and Assignment. The notification shall specify the credential that the individual holds and the assignment that the individual is filling as a result of the short-term waiver.
- c. Reason for Waiver. The notification shall explain the situation that led to the need for the short-term waiver.
- d. Effective Date and Proposed Duration. The notification shall specify the beginning and ending dates of service on the waiver.

The Short-Term Waiver does not require additional subject matter verification, board approval, or other qualifications for the assignment beyond those listed above. Note that pursuant to California Code of Regulations, Title 5 80123(d), the Commission may rescind the authority of any employing agency to grant a short-term waiver upon a finding that the agency has intentionally violated any provision of Sections 80120 or 80123.

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LEAs may also have the need to cover assignments where the teacher of record has elected to take a medical or voluntary leave of absence when schools begin re-opening. The Commission has developed a permit to authorize assignments where the teacher of record is out due to a mandated leave situation, and information on this permit is provided below:

***Teaching Permit for Statutory Leave (TPSL)***

When a teacher takes certain extended statutory leaves of absence, TPSL Permit holders may serve as a substitute for the entirety of the leave. When more than one acceptable leave is taken consecutively, as is often the case, the TPSL holder may continue to serve as the interim teacher of record for the entire length of those leaves. TPSL holders may serve in the following types of statutory leave:

- Sick Leave
- Differential Sick Leave
- Pregnancy Disability Leave Act
- Family and Medical Leave
- California Family Rights Act
- Industrial Accident and Illness Leave
- Administrative leave
- Military Leave

Note that other substitute permit holders (e.g., Emergency 30-day Substitutes) are not permitted to serve in a classroom for more than 30 days for one teacher in a general education setting, and 20 days in a special education setting.

More information on the use and issuance of TPSLs is available in the following resources:

- [Coded Correspondence 16-10](#)
- [CL – 902: Teaching Permit for Statutory Leave](#)

### ***Other Emergency Documents and Local Assignment Options***

In addition to the Short-Term Waiver and the TPSL Permit, there are other emergency documents and local assignment options available to assist LEAs with staffing teacher assignments. The Commission’s previously released guidance related to these assignment options can be found at the following links:

- [Local Assignment Options](#)
- [Educator Assignments During COVID-19](#)
- [General Education Teacher Assignment Options](#)
- [Single Subject Teacher Assignment Options](#)
- [Multiple Subject Teacher Assignment Options](#)
- [Education Specialist Assignment Options](#)
- [English Learner Assignment Options](#)
- [Substitute Teaching Assignment Options](#)
- [Basic Skills Options and Substitutes](#)

Note that the links above are on the Commission’s Credential Information Guide (CIG), which requires the following log-in information:

**User Name:** cig2011

**Password:** ctcguide