

Division VIII of Title 5 of the California Code of Regulations

Proposed Regulatory Amendments Pertaining to Emergency Career Substitute Teaching Permit and Day to Day Substitute Teaching Initial Statement of Reasons

Problem Statement

California continues to experience shortages of fully credentialed teachers, with the extent of these shortages varying by region and credential area. These shortages have increased reliance on substitute educators to maintain classroom coverage during extended absences and vacancies, while a fully credentialed teacher can be recruited. During the COVID-19 emergency, the state temporarily expanded substitute-teaching flexibility to address widespread staffing disruptions during a global public health crisis. The 2021 Education Omnibus Budget Trailer Bill (AB 167, 2021) authorized credentialed and permitted substitute teachers to serve for up to sixty cumulative instructional days in both general education and special education assignments through June 30, 2022, to address the crisis. In early 2022, Executive Order N-3-22 extended substitute service in general education classrooms to 120 days through March 31, 2022. As staffing challenges continued, subsequent legislation further extended the temporary sixty-day authorization. AB 181 (2022) continued the authorization through July 1, 2023, and SB 141 (2023) extended it again through July 1, 2024. These measures were limited to the COVID period and the immediate years that followed and were explicitly temporary. Additionally, statewide data indicate that California's academic recovery from pandemic-related disruptions remains fragile, with persistent gaps for high-need student groups and continued sensitivity to staffing instability. With the conclusion of the pandemic and the return to full in-person learning, the Legislature and Governor discontinued all emergency substitute extensions indefinitely and returned to pre-pandemic substitute service limits.

With the expiration of the extensions of COVID period flexibilities, Assembly Bill (AB) 1224, authored by Assemblymember Valencia, was introduced in 2025 to again authorize up to sixty cumulative instructional days of substitute service for individuals holding a Commission-issued substitute permit or credential authorizing day-to-day substitute teaching in both general and special education classrooms. Ultimately, the Governor declined to sign this bill and released a veto message directing the Commission to *"utilize its existing authority to engage stakeholders and expeditiously reexamine and amend its short-term staffing pathways to support continuity of instruction, and to address the minimum levels of preparation and support required."*

During the December 2025 Commission meeting, Commission staff presented a set of recommendations developed through stakeholder engagement for the Commission to review (please see <https://meetings.ctc.ca.gov/Details/222> for full details). The recommendations addressed challenges in the assignment of substitute teachers. Initial conversations with human resources leaders, educator organizations, and a student-focused civil rights representative revealed several consistent themes based around how extended absences and vacancies affect school operations, instructional continuity, and student learning. It was found that the current assignment limits require rotation practices that undermine stability, while extended

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assignments require levels of preparation and support that the existing short-term structure does not provide.

California's short-term staffing system is built around a set of substitute and temporary teaching permits that were created at different times to address specific operational needs. Each authorization has its own purpose, day limits, preparation expectations, and renewal rules. Together they provide options for day-to-day substitute coverage and full-year emergency service, but they do not create a coherent pathway for vacancies or temporary leave assignments that extend beyond 30 days in general education. In analyzing the various teaching permits, Commission staff noted that the Emergency Career Substitute Permit offers a viable option for extended service in general education. For experienced substitutes, the Emergency Career Substitute Teaching Permit (5 CCR 80025.1) allows the permit holder to serve as a day-to-day substitute for up to 60 days in a general education classroom.

There is a need for a statewide option that allows a single individual to remain with a general education classroom for a defined, limited period when a vacancy or extended leave occurs, without defaulting to rotation practices that disrupt routines and undermine continuity for students. Such an option must be time-limited and clearly temporary, preserving the expectation that fully credentialed teachers remain the long-term goal for every classroom.

Commission staff determined that there is a need to move toward the development of a mid-range staffing option that is limited in duration, structured in preparation and support, transparent in use, and aligned with statutory and instructional requirements.

Following discussion, the Commission directed staff to return with a refined proposal to support implementation of the recommendations presented in the item. The Commission's direction reflected its ongoing commitment to ensure that credentialing policies and requirements remain aligned with statutory authority and the needs of the educator workforce.

As directed by the Commission at the December 2025 meeting, staff undertook refinement of the supported recommendations and developed draft regulatory language reflecting the refined proposal for general education substitute assignments. This work included re-evaluation of stakeholder feedback and development of regulatory text for Commission consideration. Although Commission staff presented proposals regarding both general and special education assignments, due to the statutory limitations in Education Code 56061, Commission staff moved forward with focusing on a proposal to address only the general education assignments.

In February 2026, Commission staff presented the Commission with recommendations that reflected revisions that were made based on the range of concerns raised in December 2025, focusing on general education assignments. There was a broad consensus among education partners regarding expanding the 30-Day substitute teaching limitation for fully credentialed teachers and establishing an alternate pathway for the Emergency Career Substitute Teaching Permit. The proposed amendments represent the refined proposal in the form of draft

regulatory language, providing specificity for assessment of the proposed standards, requirements, and expectations.

Statement of Purpose

Prior temporary statutory and executive flexibilities allowed credential and permit holders authorized to serve as a day-to-day substitutes to serve in extended assignments during the pandemic, but these flexibilities expired on July 1, 2024, returning Local Educational Agencies (LEAs) to the statutory daily limits that were not designed for extended assignments.

In accordance with the Governor's direction, Commission staff engaged with stakeholders to solicit feedback related to potential solutions to ensure local educational agencies have options to 1) maintain continuity of educators in extended absence of a classroom teacher, and 2) provide students and families with assurance that individuals placed in extended substitute assignments are equipped to uphold instructional routines and required support.

The amendments to Title 5 section 80025.3 satisfy the Governor's direction to support continuity of instruction by extending the number of cumulative days a fully credentialed educator may serve as a day-to-day substitute, from thirty days to sixty days in general education classrooms. The proposed amendments to section 80025.1 satisfy the Governor's direction to address the minimum levels of preparation and support required to serve in extended temporary assignments by establishing an additional pathway for educators to earn the Emergency Career Substitute Teaching Permit through completion of 15 hours of pre-service preparation. To continue service in this capacity and renew the permit under this pathway, the educator must complete an additional 30 hours of preparation. Using this new pathway, upon completion of the 45 hours of preparation, the employing agency may continuously apply for renewal on the educator's behalf. Together, these proposed amendments both allow for fully prepared educators to serve in extended general education assignments, as well as offers an avenue for educators who are not yet credentialed to earn a substitute permit authorizing service in such extended assignments while receiving preparation and mentorship designed to support the educator's success and positively affect student learning.

Necessity and Rationale for Proposed Provision

Amend §80025.1 (a)(2)

Changes from "employer(s)" to "employing agency" for consistency with other sections and with the associated definitions.

Amended to remove the basic skills requirement. This change is necessary for continuity and consistency with changes authorized by Senate Bill 153 (Chap. 38, Stats 2024) and Ed Codes 44252(b)(12) and 44252.5(c). This change also clarifies and makes specific the requirements for applicants of this permit.

Amend §80025.1 (a)(2)(B)

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Provides clarification as counties often maintain consortiums of substitutes for districts to use within their school sites. The county office of education may not be assigning the substitutes, rather the district and school site may be directly assigning the substitutes.

Addition §80025.1 (a)(2)(C) and (b)(2)(B)

Draws upon the Teaching Permit for Statutory Leave (TPSL) requirements, in section 80022, to better prepare the educator for a long-term substitute assignment. The essential content areas needed for service in temporary teaching assignments was established in development of the TPSL, in collaboration with employer groups, employee organizations, and student-focused civil rights advocates.

Addition §80025.1 (a)(5) and (b)(2)(A)

The weekly support requirement of an average of two hours per week ensures that temporary educators receive consistent guidance from credentialed personnel to maintain routines, uphold student access to instruction, and implement required supports reliably.

Amend §80025.1 (b)(4)

Amended to remove outdated language related to the application process. This change is necessary for consistency and continuity with existing regulatory language referencing application requirements.

Addition §80025.1 (e), (e)(1), (e)(2), and (e)(3)

Definitions align substantially with the definitions currently in regulations for Teaching Permit for Statutory Leave (TPSL) in section 80022.

Amend §80025.3 (a)

Amended to remove language referencing section 80025 (a)(1) and (2) and add language to clarify and make specific the baccalaureate degree requirement that was previously referenced because of amendments being made to section 80025.

Language added to clarify the number of days an individual is authorized to substitute teach in both general education and special education classes. Substitute limitations are extended to 60 days in general education classrooms, pursuant to the Governor's request for the Commission to reexamine and amend its short-term staffing pathways to support continuity of instruction. Education Code 56061 limits substitute teachers to 20 cumulative days for each special education teacher absence during the school year.

This section is also being amended to remove language referencing an exception for holders of teaching or services credentials issued prior to February 1, 1983, because this language is now outdated due to the amendments being made to section 80025.

Clarifies that if an individual holds a credential that authorizes the content, student population, and setting, then the credential holder may substitute in a class that aligns with their

authorization without being subject to the daily substitute limit. This is no change to current processes but rather clarifies the difference between a substitute permit holder's limitation and the lack of this limitation for the holder of a full credential if their authorization aligns with the assignment.

Fiscal and Economic Impacts of the Regulation

Economic Impact Assessment

Creation or elimination of jobs within the state

The Commission concludes that it is unlikely that the proposal will create or eliminate jobs within the State of California. Currently, the Commission establishes standards for the issuance and renewal of credentials, certificates, and permits. The proposed amendments to Emergency Career Substitute Teaching Permit and Day to Day Substitute Teaching sections reflect the Commission's ongoing commitment to ensure that credentialing policies and requirements remain aligned with statutory authority and the needs of the educator workforce. Therefore, it will not eliminate jobs.

Creation of new businesses or the elimination of existing businesses within the state

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing business within the State of California. Emergency Career Substitute Teaching Permit and Day to Day Substitute Teaching are already established within the State.

Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California since educators will continue to submit applications for their credentials to the Commission for approval. Thus, there will not be the creation of new business or elimination of an existing business.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment

The proposed modifications amend the current regulations for the Emergency Career Substitute Teaching Permit to offer an additional route for issuance, and Day to Day Substitute Teaching for placement of a fully credentialed teacher as a substitute in a general education classroom. Credentialed teachers are the individuals best prepared to maintain continuity when short-term limits are exceeded. They have completed a state-approved preparation program that includes supervised clinical practice and coursework in curriculum and instruction, pedagogy, human development, literacy, and the needs of diverse learners. Expanding their substitute authorization provides a low-risk and high-stability option without compromising instructional quality. The additional route will improve the welfare of California residents by ensuring educators have sufficient and appropriate preparation and support to sustain instructional continuity and uphold required services.

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Cost impacts on a representative private person or business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report

This proposal does not require a report to be made.

Effect on Small Business

The proposed regulations will not have a significant adverse economic impact upon small businesses. The proposed regulations apply to current and future educators which are applying for Commission approval to obtain an Emergency Career Substitute Teaching Permit and apply to limitations of Day-to-Day Substitute Teaching. Business will remain the same and thus will not have an adverse economic impact on small business.

Documents Relied Upon

December 2025 Commission Meeting, Item 3B, can be located at:

<https://meetings.ctc.ca.gov/Details/222>

February 2026 Commission Meeting, Item 2B, can be located at:

<https://meetings.ctc.ca.gov/Details/212>

Anticipated Benefits

The development of the proposed amended regulations provides a staffing option that is limited in duration, structured in preparation and support, transparent in use, and aligned with statutory and instructional requirements. Such an option allows LEAs to maintain stability in classrooms during extended absences while continuing efforts to recruit fully credentialed teachers. Expanding the substitute authorization provides a low-risk and high-stability option without compromising instructional quality and is designed to preserve the expectation that fully credentialed teachers remain the preferred long-term solution in every classroom.

Alternatives Statement

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private person than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. While the Commission considered an expansion of service for special education classrooms as well, concern was raised regarding the legal feasibility of expansion of assignments for such classrooms. Per Education Code section 56061, there are specific limitations on the use of substitute teachers in special education settings and extending substitute service beyond those limits could raise concerns about alignment with federal expectations regarding the delivery of required services to students with disabilities.

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Because section 56061 is set in statute, adjustments to special education substitute day limits fall outside the Commission's regulatory authority. Therefore, the Commission's work to meet the Governor's veto message focuses on options that operate within existing statutory boundaries. As such, the proposed amendments do not include special education classrooms.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

Significant Adverse Economic Impact on Business

The Commission has concluded there is no significant adverse impact on business. As previously stated, these regulations apply to the Commission reviewing and approving educators for an Emergency Career Substitute Teaching Permit and limitations related to Day-to-Day Substitute Teaching.