

Notice of Proposed Rulemaking: Title 5. Education, Division 8 Commission on Teacher Credentialing

Proposed Regulatory Amendments Pertaining to Proposed Additions to Title 5 of the California Code of Regulations Related to Educator Assignments and Monitoring

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is included with the added text underlined and the deleted text lined out.

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the comment period.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes on September 21, 2026. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, Attn: Christina Villanueva, 651 Bannon Street, Suite 601, Sacramento, CA 95811; by phone at (916) 327-2967 or submit an email to Regulations@ctc.ca.gov. Alternatively contact Ann Harris at (916) 323-5145 or by email at Regulations@ctc.ca.gov.

Any written comments received by the closing of the public comment period will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission.

Authority

Education Code sections 44225(q) and 44258.9 authorize the Commission to adopt the proposed regulations and amendments.

Reference

Education Code sections 33126, 35035, and 44830

Information Digest/Policy Statement Overview

Summary of Existing Laws and Effect of the Proposed Action

Education Code §44258.9 provides the requirements related to annual monitoring of certificated educator assignments within the California Statewide Assignment Accountability System (CalSAAS), defines the data sharing agreement between the Commission on Teacher Credentialing and the California Department of Education (CDE), and specifies how the resulting data is used and reported.

CalSAAS is a partially automated system which compares educator assignment data reported by Local Educational Agencies (LEAs) to CDE via the California Pupil Achievement Data System (CALPADS) with the educator credential data held by the Commission. Assignment monitoring in CalSAAS is the annual process by which Monitoring Authorities review the certificated educator assignments for the LEAs within their purview to determine the legality of the reported assignments. Educators that are not legally authorized for their assignment via a Commission issued certification, and are not legally authorized via flexibility in statute or regulations, are identified as “misassigned”. Outcomes of annual assignment monitoring are published in a series of data dashboards on the Commission’s website providing the public with data on misassignments, assignment flexibilities, and educator preparation levels statewide.

In 2024, the California State Auditor conducted an audit of Highlands Community Charter and Technical Schools (Highlands) and Twin Rivers Unified School District. The Auditor’s [2024-106 Highlands Community Charter and Technical Schools](#) report included a recommendation that directed the Commission to promulgate regulations to impose sanctions on schools that consistently misassign educators. At the December 2025 Commission Meeting, in item [3A: Certificated Education Assignment Monitoring Sanctions](#), Commission staff presented a broad outline of a plan to satisfy the Auditor’s recommendation.

Imposing sanctions on schools based on the outcomes of assignment monitoring necessitates clarifying assignment monitoring related law in regulations. Therefore, at the April 2026 Commission meeting, in item [5B: Assignment Monitoring Sanction Program Decision Points](#), Commission staff proposed details related to implementation of the approved plan and proposed the creation of a new regulatory article to encompass assignment monitoring definitions, explanations for related procedures, and requirements for the new sanctions program.

While Education Code Section 44258.9 provides the statutory requirements regarding assignment monitoring and related data, the finer details of assignment monitoring are not currently clarified in the Commission’s sections of Title 5, California Code of Regulations. The laws that govern the monitoring of certificated educator assignments are complex and are housed in various areas of statute. The addition of *Article 6* to the existing *Chapter 1: Credentials Issued Under Teacher Preparation and Licensing Law of 1970* will clarify terms that are commonly used within the context of educator assignments, provide definitions, and outline practices that are authorized in statute but require some explanation for implementation.

To align agency regulations with current statute and California’s framework focusing on support and assistance, it is also necessary to repeal several irrelevant sections of regulations. Sections 80339, 80339.1, 80339.2, 80339.3, 80339.4, 80339.5, and 80339.6 reflect outdated statutory references and processes, as Education Code section 44258.9 provides that the data resulting from assignment monitoring shall be executed “...in a manner consistent with the statewide system of support and the school accountability system.” The proposed regulatory language within Article 6 reflects this

supportive intervention approach, and provides clarity related to the Commission’s current statutory authority.

At its June 2026 Meeting, the Commission approved the proposed addition of *Article 6 Educator Assignments and Monitoring*, including the proposed regulatory language in [Item 2C: Approval of the June 2026 Consent Calendar](#), as well as [3A: Assignment Monitoring Sanctions: System of Identification, Support, and Improvement](#) and [Item 3A Insert](#) to satisfy the State Auditor’s recommendation, and directed staff to begin the regulatory process with the Office of Administrative Law.

Anticipated Benefits of the Proposed Regulations

Housing all assignment-related regulatory sections within a single article is concise and intuitive for the public and educational partners statewide. The proposed regulations define terms that are most often used in assignment monitoring and provide scaffolding by linking statutory definitions and concepts to practical implementation. For instance, “Local Assignment Options”, a term widely used in assignment monitoring, refers to local level flexibilities that authorize an individual to legally serve in a certificated assignment. The related flexibilities are authorized in statute; however, the term is not yet codified. To provide clarity to the public, Section 80130 includes a succinct definition for this and other key assignment terms.

The proposed language in Section 80131 focuses on various aspects of instruction and services in the public school system that impact whether an individual must hold a credential to serve in a particular position. This section organizes various requirements found in several areas of statute into a single regulatory section and provides credential analysts and those responsible for appropriately assigning educators in certificated assignments with necessary guidance to support their success.

Education Code Section 44258.9 provides definitions related to teacher shortage data that are further clarified in the proposed regulatory language of 80132 to provide transparency to the public. The regulatory language explains the factors used to determine the severity of the teacher shortage including the specific names of credential or permit types that are not reflected in the statutory language.

Likewise, Education Code Section 44225.7 specifies that a local educational agency must recruit educators according to its hiring hierarchy to ensure attempts are made to first recruit fully prepared educators prior to hiring an educator with less preparation, for example, a holder of an emergency permit. The proposed regulatory language in Section 80133 clarifies the statutory hierarchical order by including descriptions of the certifications to clearly identify the order in which a local educational agency must recruit for certificated educator assignments.

In addition, the proposed language provides a clear reporting structure for educators and the public to report complaints or concerns related to the potential misassignment of educators. Currently Education Code Section 44258.9 provides a structure for an educator to report instances in which they are placed in an assignment for which they are not legally authorized. Section 80134 uses this same

hierarchical structure for reporting misassignment complaints and expands to clarify that a complaint of a possible misassignment of an educator can be reported by any individual, including parents and student advocacy groups.

Finally, to align agency regulations with current statute and California’s framework focusing on support and assistance, the proposed regulatory language within Article 6 reflects this supportive intervention approach, and provides clarity related to the Commission’s current statutory authority.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulatory language is inconsistent or incompatible with existing regulations. After conducting a review of any regulations that would relate to or affect this area, the Commission has concluded that sections 80339, 80339.1, 80339.2, 80339.3, 80339.4, 80339.5, and 80339.6 reflect outdated statutory references and processes, as Education Code Section 44258.9 provides that the data resulting from assignment monitoring shall be executed “...in a manner consistent with the statewide system of support and the school accountability system.” Therefore, the Commission has determined that the outdated regulations should be repealed, and the proposed regulatory Article and regulatory sections be added to Title 5 of the California Code of Regulations.

Disclosures Regarding the Proposed Actions/Fiscal Impact

The Commission has made the following initial determinations.

Mandate on local agencies or school districts:

None.

Fiscal Impact

Costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:

None.

Cost or savings to any state agency:

None.

Other non-discretionary costs or savings imposed upon local agencies:

None.

Cost or savings in federal funding to the state:

None.

Significant effect on housing costs:

None

Significant Statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:

The Commission is not aware of any Statewide adverse economic impact that directly affects businesses, including the ability of California businesses to compete with businesses in other states.

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.

Statement of the Results of the Economic Impact Assessment

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

The Commission concludes that it is unlikely that the proposal will (1) create or eliminate any jobs, (2) create any new businesses, or (3) eliminate any existing businesses or result in the expansion of businesses currently doing business within the state. The proposed amendments to Title 5 of the California Code of Regulations are consistent with the statewide system of support and the school accountability system.

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

The proposed regulations are expected to continue to benefit the health and welfare of California residents by improving the clarity, consistency, and transparency of educator assignment monitoring and compliance with credentialing requirements. The proposed regulations are not expected to have a direct effect on worker safety or the state's environment. Housing all assignment-related regulatory sections within a single article is concise and intuitive for the public and educational partners statewide. The proposed regulations define terms that are most often used in assignment monitoring and provide scaffolding by linking statutory definitions and concepts to practical implementation.

Small Business Determination

The proposed regulations will not affect small businesses. The proposed regulations establish regulations to clarify terms that are commonly used within the context of educator assignments, provide definitions, and outline practices that are authorized in statute.

Consideration of Alternatives

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 as effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be as cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

Contact Persons

Inquiries concerning the proposed rulemaking action may be directed to:

Christina Villanueva
Commission on Teacher Credentialing
651 Bannon Street, Suite 601,
Sacramento, CA 95811
(916) 327-2967
Email: Regulations@ctc.ca.gov

The backup for these inquiries is:

Ann Harris
Commission on Teacher Credentialing
651 Bannon Street, Suite 601
Sacramento, CA 95811
(916) 323-5145
Email: Regulations@ctc.ca.gov

Availability of Statement of Reasons, Text of Proposed Regulations, and Rulemaking File

The Commission will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of regulations, the Initial Statement of Reasons, Agenda items from Commission Meetings, and the Economic and Fiscal Impact Statement STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person listed above, Christina Villanueva.

Availability of Changed or Modified Text

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, the Commission will accept written comments on the modified regulations for the duration of the period of public availability.

Availability of Final Statement of Reasons

Upon its completion, the Commission will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via the Commission's website at <https://www.ctc.ca.gov/commission/notices/rulemaking/>.