

Division VIII of Title 5 of the California Code of Regulations

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

Initial Statement of Reasons

Problem Statement

In 2024, the California State Auditor released the 2024-106 Highlands Community Charter and Technical Schools report that included a recommendation that directed the Commission on Teacher Credentialing to promulgate regulations to impose sanctions on schools that consistently misassign educators. The proposed amendments add an article to Title 5 of the California Code of Regulations pertaining to certificated educator assignments and monitoring. The proposed additions codify terms and procedures already in practice and authorized by Statute.

Statement of Purpose

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 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.

Necessity and Rationale for Proposed Provision

Regulation Section	Necessity and Rationale
Section: 80130 (a) For purposes of this section, the following definitions and identifications apply: (1) "Certification" means any credential, permit, waiver, or other document issued by the commission authorizing instruction or services in California public schools.	This term clarifies the types of authorizations issued by the Commission on Teacher Credentialing, to make specific what it refers to in relation to sections within this Article. Additionally, the commission's new Educator Credentialing System (ECS) that is in development uses the term "certification" as opposed to prior references, such as "documents".

(2) “Fully credentialed teacher” means an individual who holds a valid and unexpired California certification authorizing teaching. For general education or special education assignments the certification must be a Preliminary or Clear certification issued based on the completion of a teacher preparation program, including student teaching or an equivalent alternative program, as defined in subdivision (e) of Section 44225.7. For career technical education assignments, the certification must be a Preliminary or Clear certification, based on completion of requirements defined in Section 80034.2.	This definition expands upon the existing definition in Education Code 44258.9(b)(1)(B) and clarifies for purposes of this Article by including the various classroom settings. Preliminary and clear certifications indicate the holder has completed levels of preparation determined to be appropriate to serve students in a full-time capacity, as opposed to emergency permits in which the educator may have limited preparation and is subject to restrictions.
(3) “Assignment” means the placement of an individual in a teaching or services position that can be filled legally by an individual with a credential, permit, waiver, or any other certification issued by the commission authorizing the assignment, or the individual may be otherwise authorized by statute or regulations.	The term “assignment” is not currently defined within the Commission’s regulatory sections; however, it is commonly used term which requires clarification within this Article. This definition is substantially the same as the definition in Education Code 44258.9(b)(4).
(4) “Assigned teacher” means an educator serving as a teacher has been employed to provide instruction for either the entire school year or, for a one-semester course, for the entire semester.	The addition of this definition provides clarity to educators, credential analysts, administrators, and the public, as it relates to this Article. The definition of “vacant position” in Education Code section 44258.9(b)(3), provides that the assignment is vacant if it has not been permanently filled by a certificated employee for either the entire school year or for a one-semester course for the entire semester.

(5) “Appropriately assigned” means the teacher or service provider holds a credential, permit, waiver, or any other certification issued by the commission that contains an authorization to legally serve in the setting, in the grade level, in the subject area, and the pupil population associated with the assignment.	The definition of “appropriately assigned” in Education Code section 44258.9 is specifically related to “teacher shortage” and therefore the term is not currently defined for non-instructional/ services assignments, such as Pupil Personnel, Administrative Services, Health Services, etc. Defining this term for both teaching and non-teaching certificated assignments provides clarity to educators, credential analysts, administrators, and the public. Additionally, added “or any other certification” and “in the grade level” to provide clarity for all scenarios.
(6) “Unfilled position” means an instance where a local educational agency has attempted to fill or is actively trying to fill an open and funded position but is unable to do so.	Provides the definition from Education Code section 44258.9(b)(2), for completeness and clarity as it relates to this Article.
(7) “Vacant position” means an instance where, as of census day, an assignment does not have an assigned teacher, as defined in (a)(4). An educator reported as the teacher of record that holds only a commission-issued certification that authorizes serving only as a substitute or temporary teacher of record shall be identified as serving in a vacant position.	Clarifies Education Code section 44258.9(b)(3), providing that an assigned teacher must hold a credential that authorizes being the teacher of record, otherwise it is considered vacant (including individuals serving in a substitute capacity on a substitute teaching permit or similar document). Vacancy has several definitions, and adding “vacant position” to this Article clarifies specifically as it relates to assignment monitoring in the California Statewide Assignment Accountability System (CalSAAS) and related data.

(8) “Misassignment” means the placement of an employee in a teaching or services assignment for which the employee does not hold a certification issued by the commission and is not otherwise authorized by a local assignment option.	This definition makes clear that a misassignment means when an employee does not hold a credential issued by the commission and is also not authorized via a Local Assignment Option. Misassignment is defined in Education Code sections 44258.9(b)(6) and 33126, however the term “otherwise authorized” in the Education Code section 33126 definition causes confusion, and this definition makes it explicit.
(9) “Monitoring authority” is defined as the entity that is responsible for evaluating a local educational agency’s assignments for meeting legal requirements. Monitoring authorities, as defined in Section 44258.9, are identified as follows: (A) The county office of education serves as the monitoring authority for school districts in the county and programs operated by the county office of education. (B) The commission serves as the monitoring authority for the following entities: 1. A school district or county office of education that operates within a city or county in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco; 2. State special schools; 3. A charter school in a school district in which the charter school is the only school site in the school district; and 4. A charter school authorized by the State Board of Education.	Definition provides clarity around the role of the monitoring authority as well as making explicit the entities under each monitoring authority as defined in Education Code section 44258.9(b)(7).

(C) The chartering authority serves as the monitoring authority for charter schools that they authorize.	
(10). “Local educational agency” (LEA) refers to public school districts, programs authorized by county offices of education, alternative schools including but not limited to juvenile court schools or continuation schools, charter schools, and state special schools.	Expands and clarifies the term defined in Education Code section 44258.9(b)(5), as it relates to this Article, to include additional examples, such as alternative schools, juvenile court schools or continuation schools, and programs authorized by the county offices of education.
(11) “Department” refers to the California Department of Education.	Clarifies that the “department” refers to the California Department of Education. (Education Code section 44258.9)
(12) “California Longitudinal Pupil Achievement Data System” (CALPADS) refers to the data system the department uses to track staff assignments, pursuant to Section 60900. This data is used for annual assignment monitoring, pursuant to the data sharing agreement provided in Section 44258.9.	Defines the California Department of Education’s system used by LEAs to report staff assignments, its data is used in CalSAAS for assignment monitoring purposes pursuant to the data sharing agreement described in Education Code section 44258.9.
(13) “System,” unless the context requires otherwise, as provided in Section 44258.9 means the California Statewide Assignment Accountability System (CalSAAS), which is a partially automated electronic data system administered by the commission for the annual monitoring of certificated educator assignments and vacant positions, through the comparison of an educator’s assignment, as reported in CALPADS, and the educator’s certifications issued by the commission.	Defines CalSAAS and how it functions, using the data sharing agreement provided in Education Code section 44258.9.
(14) “Census Day” means the first Wednesday in October, annually, on which educator assignments are reported in CALPADS. Assignments reported by local educational agencies as being in place on census day are used in annual monitoring of certificated educator assignments in the System.	Defines the date on which the assignment and staff data are reported to the California Department of Education, as required by the Department, pursuant to Education Code section 60900.

(15) “Local Assignment Options” (LAOs) are provisions within Education Code and Title 5 Regulations which provide a local educational agency with educator assignment options that can be used to legally authorize educators when it is unable to assign a certificated employee with the appropriate certification issued by the commission. This local level flexibility is used solely at the discretion of the local educational agency and requires the local educational agency to verify all statutory or regulatory requirements.	This term is necessary to define as statute refers to this in different ways, usually referencing “otherwise authorized” language, which is not clear. This definition clarifies not only what it is, but also who is responsible for ensuring appropriate usage.
Section 80131. (a) Instructional assignments requiring certification are those in which any of the following conditions are met: (1) Pupils receive course credit, or (2) Course is counted towards instructional minutes, or (3) The commission issues a certification authorizing the instruction or services required of the assignment, consistent with Section 44001.	Subsections (a)(1) and (a)(2) include if pupils receive course credit and if the course counts towards the daily instructional minutes for a local educational agency, because they are then required to be reported to the Department in CALPADS and included in assignment monitoring in the System. For subsection (a)(3) Education Code section 44001 provides that a position requiring certification qualifications means any service for which the commission has established certification qualifications. This section makes clear when an assignment is considered certificated, and therefore requires a credential issued by the Commission.
(b) Individuals serving in non-instructional and service assignments that do not meet the requirements of subsection (a), must hold a commission issued certification that authorizes the services required of the position, consistent with Section 44001.	Clarifies that Education Code section 44001 applies to both instructional and non-instructional assignments, in which the commission issues a certification that authorizes the duties required of the position.

(c) A teacher providing instruction to students must hold a certification authorization to legally teach in the setting, in the subject area, in the grade level, and to the pupil populations associated with the assignment. This includes services required for students with an Individualized Education Program, as defined in Section 56032, and students identified as multilingual or English Learners.	Clarifies that the commission issues certifications that authorize holders to teach in various settings, subjects, grade levels, etc. The needs of students must be met by an educator who holds the appropriate commission issued certification that authorizes providing the required instruction or services. For example, special education teaching credentials include an authorization statement that defines the scope of the credential- the student's disability areas, grades/ ages, etc. Education Code section 44253.1 provides that English Learner students must be served by an educator who has essential skills and knowledge related to English Language development. Authority: Education Code sections 44001, 44225 and 44253.1.
(d) Volunteers may provide enrichment instruction to enhance student learning but must be subject to the immediate supervision and direction of the permanent certificated educator assigned to the class. This permanent educator must hold the appropriate commission issued certification for the assignment and must remain in the classroom at all times.	Clarifies Education Code 35021, which puts limits on volunteers, to make it explicit that the teacher of record must maintain the class and that a volunteer may provide support in a limited capacity. Education Code section 45349.
(e) Paraeducators and instructional aides may assist with supervising students and support the teacher in their instructional tasks, but are not authorized to perform any duties that must be executed by a certificated educator, including assigning grades to students.	Clarifies the role and limitations of individuals serving in paraeducator or instructional aide positions, pursuant to Education Code sections 45330, 45343, and 45344.
(f) Although monitoring of certificated educator assignments is based on census day data, a local educational agency is responsible for ensuring individuals placed in certificated assignments are legally authorized year-round.	Clarifies that while Education Code section 44258.9 is focused on annual monitoring of certificated assignments, Education Code section 44001 provides that if the commission issues a credential for a type of instruction or service, then that credential is required to provide the instruction/service. Responsibilities under Education Code sections 35035 and 44830, as well as

	section 80054.5, are not limited to assignments in place on census day.
(g) District Superintendents are responsible for the appropriate assignment of educators employed by their district, as provided in Section 35035. District Governing Boards are responsible for ensuring assignments are staffed with appropriately assigned educators, as provided in Section 44830. School site administrators are responsible for recruitment, employment and assignment of certificated personnel, as specified in Section 80054.5.	Clarifies the individuals responsible for appropriately assigning certificated educator assignments, pursuant to Education Code sections 35035 and 44830.
(h) County offices and school districts are prohibited from paying the salary of any person who does not hold a legal certification document while employed in a position requiring certification qualifications.	Clarifies when salary shall not be issued, as provided in Education Code section 45034.
Section 80132. (a) The commission identifies an instance of teacher shortage through collective review of the following factors: (1) Level of teacher preparation the educator has completed; (2) Extent of subject matter competence demonstrated; and (3) Whether the educator held a legal authorization for the assignment via licensure, statute, or regulation.	Clarifies and provides an explanation for how the levels of teacher shortage in Education Code section 44258.9 are identified.
(b) The hierarchy of teacher shortage assignments in instances where an educator is not appropriately assigned with full certification is listed below in order from least to most severe: (1) General or Special Education Limited Assignment Permit holders; (2) Local Assignment Options; (3) Intern credential holders, including district and university interns; (4) Preliminary or Clear credential holders that are misassigned; (5) Emergency Teaching Permit holders, including Provisional Internship Permit (PIP), Short Term Staff Permit (STSP), Emergency Cross-cultural,	Using the teacher shortage hierarchy described in Education Code section 44258.9(i)(3), this language clarifies in terms of the types of certifications issued by the commission. For example: (b)(1) General or Special Education Limited Assignment Permit holders, clarifies that this is the document that aligns with the definition in Education Code section 44258.9(i)(3)(A)(i): “Individuals who are fully credentialed teachers and are serving outside their credential area based on holding a valid commission-issued permit authorizing

Language and Academic Development (CLAD) Permit, and Emergency Bilingual Permit; (6) Waiver holders; (7) Uncredentialed educators, vacancies, unfilled assignments, and Substitute Permit holders.	the subject, setting, or pupil population being taught.”
Section 80133. (a) When assigning educators, local educational agencies must recruit in the following hierarchal order: (1) Educators who hold Preliminary or Clear certifications, as defined in 44259, that contain an authorization that allows instruction in the content of the course, to the student population served, and/or services required of the position; including full, Supplementary and Subject Matter authorizations as defined in Section 44256. (2) Educators who hold Intern certifications, as provided in Sections 44325 and 44450, that contain an authorization that allows instruction in the content of the course, to the student population served, and/or services required of the position; including full, Supplementary and Subject Matter authorizations as defined in Section 44256. (3) Educators who hold Preliminary or Clear certifications, as defined in Section 44259, and do not have an authorization that covers the course content or services required of the assignment, but are otherwise legally authorized via a local assignment option. (4) Educators who hold Emergency Permits as provided in Section 44300. (5) Educators who hold waivers, as provided in Section 44225, or are serving based on short-term waivers as defined in 80120 and 80123.	Education Code section 44225.7 provides requirements that a local educational agency recruit educators using its hiring hierarchy to ensure attempts are made to recruit fully prepared educators prior to hiring less prepared educators. The proposed language provides clarity around the hierarchical order including descriptions of the certifications to clearly identify the order in which a local educational agency must approach its recruitment of certificated educator assignments, as required by law. For example, subsection (a)(1) provides that educators holding a full credential that authorizes the assignment must be recruited first, and an educator holding only a waiver or short-term waiver as described in subsection (a)(5) must be the last resort in recruitment efforts, as that indicates a lack of preparation.

(b) If a suitable educator satisfying the requirements provided in (a)(1) is not found, the local educational agency shall continue to recruit accordingly in hierarchical order. Instances in which no suitable educator is able to be recruited, and an educator holding only a certification authorizing substitute teaching is placed in the position, shall be considered a vacant position.	Subsection (b) clarifies the order in which recruitment efforts must be approached and reiterates the definition of vacant position from section 80130 in this context.
Section 80134. (a) An individual concerned about the possible misassignment of an educator, or an educator concerned about their own possible misassignment, shall first notify the following entity, in writing: (1) For non-charter schools, the superintendent of the school district; (2) For charter schools authorized by the district or county, and schools authorized by the State, the school site administrator;	The additions in 80134 provide a clear reporting structure for educators and the public to report complaints or concerns related to the potential misassignment of educators. Education Code section 44258.9(g) provides structure for an educator to report instances in which they are placed in an assignment for which they are not legally authorized. The proposed language uses the same hierarchical structure for reporting misassignment complaints and expands to include any individual concerned about the possible misassignment of an educator, as complaints are not limited to the educator themselves, and are often submitted by other individuals including parents and student advocates.
(b) A school district, county office of education, or commission, as specified in (a) or (c), must analyze the complaint and conduct a thorough investigation to determine the legality of the educator's certificated assignment. Within 15 business days of receipt of the complaint, notification of the legality of the assignment must be sent, in writing: (1) For non-charter schools, to the complainant, school site administrator, and district superintendent, if applicable; (2) For charter schools, to the complainant, school site administrator, and governing board of chartering district or county.	This section provides that complaints must be conducted within 15 working days and the legality of the assignment must be provided to the complainant, which aligns with the structure that exists in Education Code 44258.9(g)(2).

(c) If a complaint is filed pursuant to subsection (a), and the entity does not complete actions specified in subsection (b), then the complaint shall be escalated in the following manner: (1) Complaints lodged against non-charter schools and county authorized charter schools, shall be escalated to the county office of education; (2) Complaints lodged against district authorized charter schools shall be escalated to the authorizing school district; (3) Complaints lodged against schools within a school district or county office of education that operates within a city or county in which there is a single school district, shall be escalated to the commission. (4) Complaints lodged against schools authorized by the State shall be escalated to the commission.	Subsection (c) provides next steps if the entities do not complete steps required in (b), and language aligns with the monitoring authority hierarchy defined in Education Code 44258.9(b)(7). Complaints at non-charter schools are escalated to the county office of education as this section of Education Code provides that the county office of education is the monitoring authority for school districts in the county. Charter school complaints are escalated to the charter school's monitoring authority based on 44258.9(b)(7), and complaints at schools authorized by the State and single district counties are escalated directly to the Commission on Teacher Credentialing.
(d) If the assignment is determined to be a misassignment, the local educational agency must correct the misassignment within 30 calendar days, pursuant to Section 44258.9. Correction options may include, but are not limited to: (1) issuance of an emergency permit, waiver, or other certification authorizing the assignment, (2) legally authorizing the educator based on a local assignment option, or (3) removing the educator from the assignment.	Subsection (d) clarifies the options available for entities to correct misassignments as required by Education Code section 44258.9. Correction options include earning a credential certification that authorizes the assignment, using flexibility afforded in statute or regulations, or removing the misassigned educator from the assignment and replacing them with an individual that is legally authorized.

(e) In the case that the individual reporting the potential misassignment is an employee of the local educational agency, the local educational agency must not take adverse action against the individual, as provided in Section 44258.9. Claims that reporting the potential misassignment resulted in employment related retaliation are not under the purview of the Commission on Teacher Credentialing and must be directed to the local educational agency. Claims of retaliation against a credentialed educator may be reported to the Division of Licensure Enforcement within the Commission on Teacher Credentialing, pursuant to Section 44242.5, by filing a complaint.	Subsection (e) reiterates Education Code section 44258.9(g)(3) and clarifies the commission’s scope in relation to potential retaliation or misconduct, pursuant to 44242.5.
Sections 80339-80339.6 Section 80339 is repealed. Section 80339.1 is repealed. Section 80339.2 is repealed. Section 80339.3 is repealed. Section 80339.4 is repealed. Section 80339.5 is repealed. Section 80339.6 is repealed.	These sections are outdated and irrelevant due to current statute and are not aligned with California’s adopted framework focusing on support and assistance. Education Code section 44258.9 provides that the data resulting from assignment monitoring shall be executed “<i>in a manner consistent with the statewide system of support and the school accountability system.</i>” Repealing these sections and adding the new sections of Article 6 proposed above reflect the supportive intervention approach and provide clarity related to the Commission’s current statutory authority.

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 identifies misassigned Educators, therefore the proposal provides clarity and 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 businesses within the State of California. The Commission already identifies misassigned 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. Therefore, the proposed regulations provide clarity to an existing process.

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 be monitored for misassignments. 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 Commission anticipates that the proposed amendments will continue to benefit California residents, workers safety and 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.

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 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.

Documents Relied Upon

2024-106 Highlands Community Charter and Technical Schools report can be located at:
[2024-106 Highlands Community Charter and Technical Schools](#)

December 2025 Commission Meeting can be located at:
[3A: Certificated Education Assignment Monitoring Sanctions](#)

April 2026 Commission Meeting can be located at:
[5B: Assignment Monitoring Sanction Program Decision Points](#)

June 2026 Consent Item can be located at:
[Item 2C: Approval of the June 2026 Consent Calendar](#)

June 2026 Commission Meeting can be located at:

[3A: Assignment Monitoring Sanctions: System of Identification, Support, and Improvement](#)

June 2026 Commission Meeting Agenda Item Insert can be located at:

[Item 3A Insert](#)

Anticipated Benefits

The proposed regulations define terms that are most often used in assignment monitoring. 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.

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.

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. 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.