



CODED CORRESPONDENCE

DATE:

August 7, 2026

NUMBER:

26-07

TO:

All Individuals and Groups Interested in the
Activities of the Commission on Teacher
Credentialing

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

**SUBJECT: Proposed Additions to Title 5 of the California Code of Regulations Related to
Educator Assignments and Monitoring**

Summary

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.

Notice of Public Hearing

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 authorizes 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 section 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 education 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 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.

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 more effective in carrying out the purpose for which the action is proposed, as effective and less burdensome to affected private persons than the proposed action, or 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.

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 item from Commission meeting, and the Economic and Fiscal Impact Statement. 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, and 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/>.

Text proposed to be added is displayed in underline type. Text proposed to be deleted is displayed in ~~striketrough~~ type.

California Code of Regulations
Title 5. Education
Division 8. Commission on Teacher Credentialing
Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970
Article 6. ~~Positions Requiring Administrative Credentials or Supervision Credentials~~ Educator
Assignments and Monitoring

§80130. Definitions

- (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.
 - (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.
 - (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.
 - (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.
 - (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.
 - (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.

- (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.
- (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.
- (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.
- (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.
- (11) **“Department”** refers to the California Department of Education.
- (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.

- (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.
- (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.
- (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.

NOTE: Authority cited: Sections 44225, 44258.9 Education Code. Reference: Sections 33126, 44225.7, 60900 Education Code.

§80131. Assignments Requiring Certification

- (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.
- (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.
- (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.

- (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.
- (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.
- (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.
- (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.
- (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.

NOTE: Authority cited: Sections 44225, 44258.9 Education Code. Reference: Sections 35021, 35035, 44001, 44253.1, 44830, 45034, 45330, 45343, 45344, 45349, 56032 Education Code.

§80132. Teacher Shortage Hierarchy

- (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.

(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, Language and Academic Development (CLAD) Permit, and Emergency Bilingual Permit;
- (6) Waiver holders;
- (7) Uncredentialed educators, vacancies, unfilled assignments, and Substitute Permit holders.

NOTE: Authority cited: Sections 44225, 44258.9 Education Code.

§80133. Hiring Hierarchy

(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.

- (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.

NOTE: Authority cited: Section 44225 Education Code. Reference: Sections 44225, 44225.7, 44256, 44259, 44300, 44325, 44450 Education Code.

§80134. Reporting Potential Misassignments

- (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;
- (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.
- (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.
- (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.
- (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.

NOTE: Authority cited: Section 44258.9. Education Code. Reference: Section 44242.5. Education Code.

PROPOSED REGULATORY TEXT

**California Code of Regulations
Title 5. Education
Division 8. Commission on Teacher Credentialing
Chapter 3. Committee of Credentials
Article 3. Rules of Conduct for Professional Educators**

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.