

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 Assignment Monitoring Sanctions

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 28, 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 requires the Commission, in coordination with the California Department of Education (CDE), to annually facilitate the process of evaluating educator assignments for appropriateness as established in law, a process commonly called "assignment monitoring" via the California Statewide Assignment Accountability System (CalSAAS). This section defines the data sharing

agreement between the Commission on Teacher Credentialing and the California Department of Education (CDE) and specifies how the resulting data may be utilized and reported. While there are many factors that may influence the overall appropriateness of an educator's assignment, assignment monitoring focuses on the legality of an assignment, that is whether the educator placed in a certificated assignment is legally authorized for the subject, student population, setting and services required of the position.

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. Through CalSAAS, Monitoring Authorities review the certificated educator assignments for the LEAs within their purview to determine the legality of the reported assignments. Results of the annual monitoring process identify "misassignments," or placement of employees in teaching or services positions for which they do not hold the appropriate Commission issued certification or are not otherwise legally authorized by statute or regulations. Results of annual 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 was directed by the Joint Legislative Audit Committee to conduct an audit of Highlands Community Charter and Technical Schools (Highlands) and Twin Rivers Unified School District. The Commission's Assignment Monitoring Program was contacted by the Auditor to support its efforts and serve as a subject matter expert. In June of 2025, the Auditor released their findings in the [2024-106 Highlands Community Charter and Technical Schools](#) report. Their investigation identified breaches of law by Highlands, including a high percentage of misassigned educators serving in Highland's classrooms.

The State Auditor's findings included recommendations that are intended to effect change in State policy and/or practice to address the issues identified. The report included policy recommendations for State agencies that oversee education activities, including the Commission. Recommendation 38 directed the Commission to: *"...ensure that LEAs, including charter schools, resolve teacher misassignments as state law requires, by December 2025, CTC should initiate promulgation of regulations defining the standards for LEAs that consistently misassign educators and what sanctions CTC may impose on those agencies."* The Commission has authority to act upon the State Auditor's recommendation via Education Code 44258.9(j), which provides that, *"The commission may promulgate regulations that define standards for a local educational agency, including a charter school, that consistently misassigns educators and what sanctions, if any, to impose on that local educational agency."*

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. The Commission approved the proposal to impose sanctions on LEAs that consistently misassign educators in the form of mandatory training. The proposed training focuses on

how to appropriately assign educators and how to use various correction methods to maintain compliance. The latter is especially important during a time of teacher shortages, when fully prepared educators are not always available. Staff were directed to work with educational partners to identify appropriate non-punitive thresholds and draft regulations that clarify the sanctions program, contingent upon funding.

At the April 2026 Commission meeting, in item [5B: Assignment Monitoring Sanction Program Decision Points](#), Commission staff proposed details of the program, including utilizing a targeted approach to trainings, determining sanctions based on the proportions of uncorrected misassignments to all assignments, and identifying the individuals who would be subject to mandatory training. Most facets of this plan were approved; however, the Commission also directed staff to continue to conduct outreach efforts with education partners to refine the threshold percentages for intervention and the level of involvement of school board members.

At the June 2026 Commission Meeting, in item [3A: Assignment Monitoring Sanctions: System of Identification, Support, and Improvement](#) (including [3A Insert](#)), Commission staff presented the finalized details of the proposed sanctions program, structured around training, public noticing, improvement plans, and governing board involvement:

1. Establish a tier for schools with less than 10% of uncorrected misassignments to total assignments. At this tier, training modules are *available* for those interested.
2. Establish a tier for schools having between 10% and 25% of uncorrected misassignments to total assignments. At this tier the focus is supportive. The commission will notify those legally responsible and *suggest* completion of the appropriate training module(s). The school will be required to report their sanctioned status as an informational item to their governing board.
3. Establish a higher tier for schools having 25% or more of uncorrected misassignments to total assignments. The commission will notify those legally responsible, and at this tier the training is *mandatory* for the school site administrator and district superintendent. The school must present a plan for improvement to their governing board as an action item.

To support public transparency, misassignment data for schools falling into any of the three tiers described above will be reported publicly on the Commission’s data dashboards.

At its June 2026 meeting, the Commission approved the proposed system and directed staff to move forward with the rulemaking process with the Office of Administrative Law.

Anticipated Benefits of the Proposed Regulations

The proposed intervention plan is non-punitive, focusing on providing guidance to all public schools via tiered support and differentiated training based on the school type, and is mindful of current trends in the teacher workforce. The Commission’s “System of Identification, Support and Improvement” aligns with California’s Statewide System of Support (SSOS) in education. This is a framework that elevates support and assistance, deemphasizes punitive measures to help LEAs meet their needs, and fosters

continuous improvement in student performance and outcomes. By emphasizing support using interactive training interventions, LEAs will have necessary information to reach the level of competency required to support positive outcomes for students.

Misassignments occur for a variety of reasons, one of which is lack of educator assignment knowledge. There are countless laws that govern assignments, in various settings, subjects, and for different types of populations. Beyond those laws, there are sections of Education Code that provide caveats and carve outs. Therefore, to avoid misassignments, those who are responsible for assigning educators must be knowledgeable of these provisions. Staff find that a great deal of misassignments occur not due to willful noncompliance but rather due to a misunderstanding of assignment guidelines. The proposed training program will help to address this root cause.

The training will cover the many facets of appropriately assigning educators and include in-depth content on how to assign educators in every setting, student population, and subject-matter. It will also integrate correction options into each content area and offer instruction on how to guide educators into the profession prior to their enrollment in a program. This will have a direct impact on retaining educators and ensuring students are receiving quality instruction. Training will be targeted at providing a complete picture of assignments and cover every aspect of legally assigning educators. This model will allow Commission staff to develop training in a segmented way so that information related to settings, subject matter, and population types can be packaged in their own modules. It will provide assignment monitoring personnel in sanctioned LEAs with customized training pertinent to the type of LEA in which they work and other specifics of their monitoring outcomes. Finally, the sanctions allow access to the training on an optional basis for those who want the knowledge, not just those who are mandated to complete the training. The entire field will have access to the information, to support a unified understanding of what is required to legally authorize educators and what is available to correct misassignments.

Additionally, the governing board reporting requirement will help ensure that the local level is informed of the educator assignments in their schools. Well-informed governing board members will be better equipped to execute their legal responsibility and make sound decisions. Schools that fall in the top tier, will be required to develop an improvement plan in partnership with the entity that serves as their monitoring authority (MA), enhancing cooperation between LEAs and their MA. Similarly, reporting of sanctioned schools via the Commission's data dashboards will foster statewide awareness of misassignments and areas of teacher shortage.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulatory language is inconsistent or incompatible with the following existing regulations sections 80339, 80339.1, 80339.2, 80339.3, 80339.4, 80339.5, and 80339.6 as they reflect outdated statutory references and processes. 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 determined that the outdated regulations should be repealed and the Commission

proposed, in a separate rulemaking package, that a regulatory Article and regulatory sections be added to Title 5 of the California Code of Regulations. The proposed regulatory language within Article 6 reflects this supportive intervention approach, and provides clarity related to the Commission's current statutory authority.

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 elevate support and assistance and deemphasizes punitive measures.

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 providing training to understand assignment guidelines. As misassignments often occur due to a lack of educator assignment knowledge and guidelines, the proposed training program will help to improve understanding and application of assignment requirements. The training may help reduce misassignments, support appropriately credentialed instruction, and improve educational services for students. The proposed regulations are not expected to have a direct effect on worker safety or the state's environment.

Small Business Determination

The proposed regulations will not affect small businesses. The sanctions establish procedures for LEAs, not small businesses.

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, would be as effective and less burdensome to affected private persons 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.

Contact Persons

Inquiries concerning the proposed rulemaking action may be directed to:

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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
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(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/>.