

Division VIII of Title 5 of the California Code of Regulations

Proposed Regulatory Additions Pertaining to Proposed Additions to Title 5 of the California Code of Regulations Related to Assignment Monitoring Sanctions

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. In June 2026, the Commission approved the proposal to impose sanctions on Local Education Agencies (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.

Statement of Purpose

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 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.

Necessity and Rationale for Proposed Provision

Regulation Section	Necessity and Rationale
(a) The commission shall enforce a system of identification, support, and improvement on schools, including charter schools, that includes required interventions for schools that have a high percentage of uncorrected misassignments, as compared to total educator assignments, in data resulting from annual assignment monitoring, as provided in Section 44258.9.	Education Code section 44258.9(j) provides the commission authority to “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”. Within the 2024 Highlands Community Charter and Technical Schools Report, the State Auditor’s office recommended the Commission explore sanctions for schools that consistently misassign educators. The system of support is structured around training, public noticing, reporting, plan for improvement, and governing board involvement.
(b) Any school that has under 10% of their educator assignments determined as uncorrected misassignments compared to total assignments during a monitoring cycle shall: (1) Have their uncorrected misassignment percentage reported publicly by the commission through its data dashboards.	At this tier, schools have voluntary access to all training for any individual interested in broadening their credential assignment knowledge. Education Code section 44258.9(i) provides the commission with the authority to publish annual certificated educator assignment data, including misassignment data, at the school site, local educational agency, county, and state levels.

(c) Any school that has at least 10%, and under 25%, of their educator assignments determined as uncorrected misassignments compared to total assignments during a monitoring cycle shall: (1) Receive notice from the commission of their uncorrected misassignment percentage and a recommendation to complete the commission’s educator assignment training program, as identified and differentiated by the commission based upon the school site type. Notice shall be sent from the commission, in writing, within 90 days of the closure of annual assignment monitoring, to the school site administrator, district superintendent, the overseeing governing board, and the monitoring authority.	At this tier, schools that fall within the 10%-25% uncorrected misassignments to total assignments will receive notice from the commission providing a recommendation to complete training related to topics pertinent to the school type. Training at this level is not mandatory, however entities are noticed to ensure those legally responsible for the assignment or monitoring of certificated assignments are aware of their misassignment percentage. Assignment responsibilities related to school site administrators are provided in Section 80054.5. Assignment responsibilities related to district superintendents are provided in Education Code section 35035(g). Assignment responsibility required of a district governing board is provided in Education Code section 44830. Monitoring authorities are responsible for monitoring certificated educator assignments at local educational agencies within their scope, pursuant to Education Code section 44258.9.
(2) Have their uncorrected misassignment percentage reported publicly by the commission through its data dashboards.	Education Code section 44258.9(i) provides the commission with the authority to publish annual certificated educator assignment data, including misassignment data, at the school site, local educational agency, county, and state levels.
(3) Within six months of the notice, report to their governing board, as an information item, on their monitoring results and intervention status. (A) Traditional schools and district authorized charter schools shall report to their overseeing district’s	Subsection (c)(3) provides that schools that fall within the 10%-25% misassignments to total assignments threshold must report to their governing board to inform them of their misassignment outcomes and that they have been noticed by the commission. Education Code section 44830 provides that a district governing board “...shall employ for positions

governing board and, if applicable, their charter governing board. (B) County authorized charter schools and programs authorized by the county office of education shall report to their overseeing county's governing board and, if applicable, their charter governing board.	<i>requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law".</i> Subsection (c)(3)(B) clarifies the reporting requirements for schools under the authority of a county office of education, using the same reporting structure. Charter governing boards are included for additional transparency, as applicable.
(d) Any school that has 25% or more of their educator assignments determined as uncorrected misassignments compared to total assignments during a monitoring cycle shall: (1) Receive notice from the commission of their uncorrected misassignment percentage. Notice shall be sent from the commission, in writing, within 90 days of the closure of annual assignment monitoring, to the school site administrator, district superintendent, the overseeing governing board, and the monitoring authority. Notice shall include the mandate that the school site administrator and district superintendent must complete the commission's educator assignment training program, as identified and differentiated by the commission based upon the school site type, prior to the start of the following assignment monitoring cycle, as specified in the notice.	At this higher tier, schools that have 25% or more uncorrected misassignments to total assignments will receive notice that requires completion of the assignment training program. Individuals that are legally responsible for the assignment or monitoring of certificated educators are noticed of their misassignment percentage. Training is mandatory for school site administrators and district superintendents. Assignment responsibilities related to school site administrators are provided in Section 80054.5. Assignment responsibilities related to district superintendents are provided in Education Code section 35035(g). Assignment responsibility required of a district governing board is provided in Education Code section 44830. Monitoring authorities are responsible for monitoring certificated educator assignments at local educational agencies within their scope, pursuant to Education Code section 44258.9.

(A) For any traditional school or district authorized charter school the 1) school site administrator, 2) overseeing district superintendent, and 3) any additional staff nominated by either the school site administrator or district superintendent shall be required to complete the identified training, including individuals with oversight of the charter school, if applicable.	While the school site administrator and district superintendent are required to appropriately assign educators in certificated assignments, as provided in Title 5 80054.5 and Education Code 35035(g) respectively, often human resource personnel and other individuals play a role in supporting this work. Therefore, the school site administrator and the district superintendent are given the authority to add pertinent individuals within the entity to also complete the required training. Per Education Code 44258.9(j)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.
(B) For any county authorized charter school or program authorized by the county office of education the 1) school site administrator, and 2) any additional staff nominated by the school site administrator shall be required to complete the identified training, including individuals with oversight of the charter school, if applicable.	The school site administrator is required to appropriately assign educators pursuant to Title 5 80054.5. Often human resource personnel and other individuals play a role in supporting this work, and therefore school site administrators are also given the authority to add pertinent individuals within the entity to also complete the training.
(2) Have their uncorrected misassignment percentage reported publicly by the commission through its data dashboards.	Education Code section 44258.9(i) provides the commission with the authority to publish annual certificated educator assignment data, including misassignment data, at the school site, local educational agency, county, and state levels.
(3) Develop a plan of accountability and improvement for assignment practices that identifies opportunities to come into compliance with assignment requirements. The plan shall be developed in partnership with their monitoring authority.	Monitoring authorities are responsible to monitor and provide guidance and support related to certificated educator assignments at local educational agencies within their scope, pursuant to Education Code section 44258.9.

(4) Within six months of the notice, report to their governing board, as an action item, on their monitoring results, intervention status, and plan to come into compliance. (A) Traditional schools and district authorized charter schools shall report to their overseeing district’s governing board and, if applicable, their charter governing board. (B) County authorized charter schools and programs authorized by the county office of education shall report to their overseeing county’s governing board and, if applicable, their charter governing board.	Subsection (d)(4) provides that schools that have 25% or more misassignments to total assignments must report to their governing board as an action item to inform them of their misassignment outcomes and that they have been noticed by the commission, along with a plan to correct the misassignments. Education Code section 44830 provides that a district governing board “...shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law”. Therefore, subsection (d)(4)(A) provides that non-charter schools and charter schools authorized by the district must report to the district’s governing board. Subsection (d)(4)(B) clarifies the reporting requirements for schools under the authority of a county office of education, using the same reporting structure. Charter governing boards are included for additional transparency, as applicable.
(e) The commission shall publish annual certificated educator assignment data on its website that reports schools identified for interventions, and the districts and counties which oversee them.	Education Code section 44258.9(i) provides the commission with the authority to publish annual certificated educator assignment data, including misassignment data, at the school site, local educational agency, county, and state levels. Subsection (e) provides transparency related to sanctions authorized by 44258.9(j), and clarity around the monitoring authority authorized by 44258.9(b)(7).
(f) For the purposes of this section, the term monitoring authority shall have the same meaning as found in Education Code section 44258.9, and the term authorizer as it relates to charter schools shall have the same meaning as found in Title 5, California Code of Regulations section 11965.	“Monitoring authority” is defined in Education Code section 44258.9(b)(7). Chartering authority is provided in section 11965(a).

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 resulting from annual assignment monitoring by local educational agencies and their monitoring authorities. The proposal focuses on training related to how to appropriately assign educators and how to use various correction methods to maintain compliance.

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, based on monitoring completed by local educational agencies and their monitoring authorities. Therefore, the proposed regulations provide training and correction methods to support 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. A credential authorization issued by the Commission represents the preparation an educator has received in the specific setting and subject area. A misassignment indicates a lack of preparation to provide a quality education to students. A great deal of misassignments occur due to a misunderstanding of assignment guidelines. The proposed training program addresses this underlying issue by providing necessary guidance and resources to support those legally responsible for the appropriate assignment of certificated educators.

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 sanctions establish procedures for LEAs, not small businesses.

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 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 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.

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 amendments to Title 5 of the California Code of Regulations elevate support and assistance and deemphasizes punitive measures.