



CCSESA

California County Superintendents Educational Services Association

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April 21, 2021

Rachel Maves, Deputy Superintendent of Public Instruction
Instruction & Measurement Branch
California Department of Education
1430 N Street
Sacramento, CA 95814

Subject: Local Assignment Option under ESSA Definition

Dear Deputy Superintendent Maves,

Thank you for the opportunity to meet On April 12, 2021, with you and your colleagues from the California Department of Education (CDE) and State Board of Education (SBE or Board). On behalf of the California County Superintendents Educational Services Association (CCSESA) and representatives participating from the various county offices of education, we appreciated the conversation concerning the state's current classification of the Local Assignment Option as being "out-of-field" within the context of the Every Student Succeeds Act (ESSA). Pursuant to our conversation, I write to follow up with written comments and, again, respectfully request the Board amend California's Consolidated State Plan under ESSA to ensure Local Assignment Options are not considered "out-of-field."

Following the enactment of ESSA, California's Consolidated State Plan was passed by the Board and modified subsequently, in November 2019, to expand the definition of "out-of-field" teacher placements. An out-of-field placement occurs when "[a] credentialed teacher who has not yet demonstrated subject matter competence in the subject area(s) or for the student population to which he or she is assigned." This definition is important because it impacts state accountability dashboard criteria, triggers notices to parents, and compels changes in educator placement. Within the new definition of out-of-field, the Board included teachers subject to Local Assignment Options.

Under the Education Code, Local Assignment Options give governing boards the legal authority to authorize a fully credentialed educator to serve in an assignment outside of the area authorized by their credential (Education Code § 44865; *see also* § 44258.2). The California Commission on Teacher Credentialing (CTC) explains that all Local Assignment Options share common elements:

- Require a full teaching credential (Intern, Waiver, Provisional Internship, and Short-Term Staff Permit holders cannot serve on Local Assignment Options);
- Require the teacher serving on the LAO to give their consent for the assignment; and
- Are for general education assignments only and cannot be used for special programs such as Special Education, Career Technical Education, or English Learner assignments.

Local Assignment Options are used extensively in alternative education programs, such as juvenile court and community schools, where the student population is in a constant state of transition. Rural schools also rely on Local Assignment Options to serve students where it simply is not feasible to hire additional suitable fully prepared teachers due to remoteness or the small number of students. The Education Code gives much-needed flexibility for these unique circumstances.¹ Local Assignment Options do not waive subject matter competence for the affected teachers.

Labeling seasoned educators as “out-of-field” teachers on the state accountability dashboard — even though they hold teaching credentials, and are appropriately assigned (LCFF Priority 1), and are valid assignments under the Education Code — is not only inaccurate, but also harms students and teachers alike. High-performing LEAs may have the appearance of high numbers of “out-of-field” educators, triggering accountability measures that do not account for the local factors outlined in the authorized Local Assignment Option. The harmful consequences include:

1. School boards will pressure reassignment within LEAs, regardless of student achievement, to ensure they see reductions in the number of “out-of-field” educators. For example, a seasoned single-subject Math teacher who holds a clear credential might be teaching a Math course (grades 6-12), and a Science course (grades 6-12) in a juvenile court school. They might be pressured to leave their current assignment to teach Math (grades 9-12) in a neighboring high school. Similarly, a new self-contained multiple-subject teacher is teaching a third-grade class at a nearby elementary school. They too might be pressured to leave their current assignment to transfer into a self-contained 6-12 grade juvenile court school. Or school boards might pressure the school to only offer courses when there is a clear credential to each matching course, leaving these students with absolutely no science instruction at all as they attempt to fill the vacancy.
2. Many teachers assigned to alternative education settings or in small, rural LEAs are required to teach more than one academic subject. Many of these teachers were required to demonstrate subject-matter competency using either the HOUSSE/VPSS processes through NCLB. Even if a teacher was previously deemed highly qualified through the NCLB Highly Qualified Teacher Requirements (HOUSSE or VPSS), they would not be considered “in-field” under the Board’s November 2019 teacher equity definitions. Under the state’s new ESSA definition, the only way to escape the “out of field” category is for the teacher to pursue multiple credentials. In hard to staff roles such as alternative education settings, this is a seemingly impossible task.
3. Noticing parents with a “Four-Week Letter” if their student is taught for four or more consecutive weeks under this definition is undermining our teachers and creating unnecessary harm. As referenced within the CDE’s [“Requirements for Educator Assignment Monitoring under the Every Student Succeeds Act letter”](#) (January 20, 2021), LEAs must notify parents that they may request information regarding the professional qualifications of the student’s classroom teachers. Even if a teacher is appropriately assigned by a Local Assignment Option, not considered a misassignment within CalSAAS, they will be labeled on the dashboard as “out-of-field.”

¹ "Hiring Hierarchy in Education Code §44225.7" 30 Jan. 2013, <https://www.ctc.ca.gov/notices/coded/2013/1301.pdf>. Accessed 19 Apr. 2021.

4. Higher numbers of “out-of-field” educators will suggest negligence within the accountability system. This is especially true for county offices of education that oversee alternative education programs, and the rural LEAs. Local Assignment Options are not misassignments. As defined today, “misassignment” refers to the placement of certificated staff in a teaching or services position for which the educator does not hold a valid and legally recognized certificate, credential, permit, or waiver with an appropriate authorization for the assignment or is not otherwise legally authorized for the assignment under another section of statute or regulation (Education Code § 33126).
5. Many county offices of education and rural LEAs have implemented teacher recruitment strategies similar to what is described within CDE’s Promoting Equitable Access to Teachers (PEAT) Program. They do so not as a condition of their LCAP/ESSA, but to ensure that they are recruiting and retaining the most effective and experienced teachers to serve the communities we are proud to be a part of. “Growing Our Own” is oftentimes how rural assignments are staffed. However, with the updated definitions, retention of these qualified and motivated individuals will become increasingly more challenging; particularly if the expectation is that they must take additional coursework and earn multiple credential authorizations to staff their “hometown” assignment – to avoid the label as “out-of-field.” From the educator’s perspective, it would be easy to be drawn away to assignments within larger LEAs with assignments that are more likely to be aligned with their “in-field” credentials – leaving vacancies within the same assignments that were already a challenge to fill. While LEAs have the ability to set goals, plan actions, and leverage resource resources to meet student outcomes – having Local Assignment Options be considered “out-of-field” creates additional challenges with respect to recruitment and retention.

CCSESA recommends Local Assignment Options be removed from the out-of-field teacher definition as Local Assignment Options meet “applicable state certification and licensure requirements” and are appropriate determinations within CalSAAS, legally authorizing educators to serve through options available in California’s Education Code or Title 5 Regulations.

We urge you to amend the “out-of-field” definition in California’s ESSA plan. Please do not hesitate to contact us for further clarification.

Sincerely,



Derick Lennox

Senior Director, Governmental Relations and Legal Affairs

California County Superintendents Educational Services Association

cc: Mary Vixie Sandy, Executive Director, Commission on Teacher Credentialing
Rigel S. Massaro, Deputy Legal Counsel, State Board of Education
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