



May 6, 2021

VIA EMAIL

California State Board of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

Attention: Linda Darling-Hammond, President

Subject: SBE Agenda Item #4: Update on the Implementation of the Integrated Local, State, and Federal Accountability and Continuous Improvement System: Recommended Action on the Adoption of the Student Growth Model Methodology, and Update on the Continuing Development Work and Revisions under Consideration for Future California School Dashboards.

Dear Ms. Darling-Hammond:

I serve as the chairperson of the Personnel Administrative Services Steering Committee (PASSCo) under the California County Superintendents' Educational Services Association (CCSESA). As such, I represent the County Office of Education personnel administrators throughout our state. This letter is to request your assistance with California's current Teacher Equity definition under California's Consolidated State Plan under ESSA.

California's plan was modified in November 2019 and expanded the definition of "out of field" teacher to include educators serving on a Local Assignment Option.<sup>1</sup> An "out of field" teacher is *"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."*

The Education code provides Local Assignment Options that give governing boards the legal authority to authorize a credential holder to serve in an assignment outside of their authorization area (Education code §44865 is one example; see also 44258.2). The California Commission on Teacher Credentialing (CTC) explains that these Local Assignment Options:

- Require a full teaching credential (an intern credential, Waiver, Provisional Internship Permit, Short Term Staff Permit holder are not eligible to serve on a Local Assignment Option);
- The credential holder must give consent for the assignment; and
- Local Assignment Options as described above are for General Education assignments, not Special Education, Career Technical Education or English Language Learner authorizations.

---

<sup>1</sup> <https://www.cde.ca.gov/pd/ee/teacherequitydefinitions.asp>

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 fully prepared teachers due to remoteness or the small number of students. The Education Code gives much-needed flexibility for these unique circumstances.<sup>2</sup>

Labeling experienced educators as "out-of-field" teachers on the state accountability dashboard – even though they hold teaching credentials, and are appropriately assigned (LCFF Priority 1) in valid assignments under the Education Code is not only inaccurate, but is harmful to 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. Local Educational agencies (school districts and County Offices of Education) will feel pressured to reassign teachers serving on a Local Assignment Option, regardless of student achievement, to ensure they see reductions in the number of "out-of-field" educators.
2. Many teachers assigned to alternative education settings or in small, rural districts are required to teach more than one academic subject. 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 an unrealistic task.
3. Noticing parents that their student has been taught for four or more consecutive weeks by an "out of field" teacher under this definition undermines teachers and creates 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 under a Local Assignment Option, and is not considered a misassignment within CalSAAS, they will be labeled on the dashboard as "out-of-field."
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 small, 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*

---

<sup>2</sup> "Hiring Hierarchy in Education Code §44225.7" 30 Jan. 2013, <https://www.ctc.ca.gov/no-fices/coded/2013/1301.pdf>. Accessed 19 Apr. 2021.

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. Retention of qualified and motivated teachers who serve “at promise” students in alternative education settings will become increasingly more challenging; particularly if the expectation is that they must take additional coursework and earn multiple credential authorizations for their assignment in order to avoid the "out-of-field" label. While LEAs have the ability to set goals, plan actions, and leverage resources to meet student outcomes, having Local Assignment Options be considered "out-of- field" creates additional challenges with respect to recruitment and retention.

PASSCo 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.

Sincerely,



Coleen M. Johnson, M.Ed.  
Chair, Personnel Administrative Services and Steering Committee  
California County Superintendents' Services Association

Cc:

Karen Staph-Walters, Executive Director, CCSESA  
Derick Lennox, Senior Director, Governmental and Legal Affairs, CCSESA