



May 7, 2021

Linda Darling-Hammond
President, State Board of Education
State Capitol Room 400
Sacramento, CA 95814

**Re: Item 04
Local Assignment Option under ESSA
Definition**

Dear Dr. Darling-Hammond:

I serve as the chair of the Small County Caucus under the California County Superintendents Educational Services Association which represents 17 County Office of Education Superintendents 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.¹ 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 Learner authorizations.

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.²

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

² "Hiring Hierarchy in Education Code §44225.7" 30 Jan. 2013, <https://www.ctc.ca.gov/notices/coded/2013/1301.pdf>. Accessed 19 Apr. 2021.

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) 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. For small county offices of education, like the ones I serve as Chair of the Small County Caucus, harmful consequences specific to our student population include:

1. 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.
2. Noticing parents that their student is 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."
3. 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).
4. Retention of qualified and motivated individuals 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 to staff their assignment - to avoid the label as "out-of-field." 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.

5. Quite simply, if this passes, this will be financially devastating to rural, alternative schools and we would likely be unable to continue to operate our alternative schools. Not to mention it would take away our ability to *best* serve the needs of our students, which would greatly impact the outcomes for these students and their future.

The Small County Caucus 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,

A handwritten signature in black ink, appearing to read "Stacey Adler", with a long horizontal flourish extending to the right.

Stacey Adler, Ph.D.
Mono County Superintendent of Schools
Chair, Small County Caucus
California County Superintendents Educational Services Association