



PASSCo
Personnel Administrative Services
Steering Committee

October 27, 2021

VIA EMAIL

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

Subject: SBE Agenda Item #6: Update to California's Every Student Succeeds Act State Plan: Approval of the Amendments to the State Plan

Dear State Board of Education:

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 the Teacher Equity definition under California's Consolidated State Plan under ESSA as noted on the November agenda.

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 proposed revision to the "out of field" definition to exclude assignments made under California Code of Regulations, Title V, section 80005b, is helpful, but does not go far enough to address the conflict found in Education regarding Local Assignment Options.

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

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

- Local Assignment Options as described above are for General Education assignments, not Special Education, Career Technical Education or English Language 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

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.

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). 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

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.

If the "out of field" definition cannot be revised to exclude assignments made according to Education Code Local Assignment Options, then perhaps teachers who are currently assigned under a Local Assignment Option could be "grandfathered". In other words, teachers serving on a local assignment option in the 2021-2022 and 2022-2023 school years could be excluded from being reported as "out of field". Given the current statewide staffing crisis, this would seem to serve as a reasonable alternative for LEAs.

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

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

