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# 3A

## Action

### *Certification Committee*

### **Certificated Educator Assignment Monitoring Sanctions**

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**Executive Summary:** This agenda item provides an overview of a proposed plan to address the requirement in the 2024-106 Highlands Community Charter and Technical Schools report from the California State Auditor to pursue misassignment sanctions.

**Recommended Action:** Approve the proposed plan for satisfying the recommendation of the California State Auditor related to the 2024-106 Highlands Community Charter and Technical Schools and direct staff to promulgate regulations.

**Presenters:** Erin Henderson, Deputy Director, Ann Harris, Program Manager, and Gianna Barlupi, Program Analyst, Division of Licensure Certification

#### **Strategic Plan Goal**

##### ***Professional Licensure***

- **Goal 5.** Educators are appropriately licensed based on the preparation they completed and the services they will provide.
  - K. Monitor and analyze educator assignments to determine whether educators are appropriately assigned based on the license they hold

##### ***Continuous Improvement***

- **Goal 8.** California's policies impacting the education workforce are coherent and effective.

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# Certificated Educator Assignment Monitoring Sanctions

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## Introduction

This agenda item presents a plan to satisfy the recommendations provided by the California State Auditor as found in the [2024-106 Highlands Community Charter and Technical Schools](#) report, which mandates that the Commission on Teacher Credentialing (Commission) impose sanctions on local educational agencies (LEAs) that misassign educators. This item presents a proposed plan that is non-punitive, focused on providing training and support, and is mindful of current trends in the teacher workforce.

## Background

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.” While there are many factors that may influence the overall appropriateness of an educator’s assignment, assignment monitoring focuses solely on the legality of an assignment—the identification that the law supports the placement of an educator in an assignment that is legally authorized for the subject, student population, setting, and services provided.

The Commission’s Assignment Monitoring Program (AMP) ensures that educators hold the appropriate credential(s) for their teaching assignments pursuant to Education Code (EC) § 44258.9. Prior to the passage of Assembly Bill (AB) 1219 (Chap. 782, Stats. 2019) monitoring was conducted on a four-year cycle, and statewide results were not available until the culmination of that four-year period. With the passage of AB 1219, all California’s public local educational agencies must conduct educator assignment monitoring on an annual basis through the California Statewide Assignment Accountability System (CalSAAS).

CalSAAS is a partially-automated system which works by comparing educator assignment data reported by districts and counties in the California Pupil Achievement Data System (CALPADS) and the educator credential data held by the Commission. Through statewide participation in the assignment monitoring process, CalSAAS has produced annual data related to certificated educator assignments statewide since the 2020-2021 school year, including the prevalence of misassignments, vacancies, and Local Assignment Options across various settings, subjects, and services. It is important to note that, while there are many different data reports that provide vital data on teacher assignments throughout the state, including the various reports and data sets housed at the CDE, educator assignment monitoring only presents data pursuant to EC §44258.9. As such, the definitions, outcomes, and findings may not be directly comparable to other teacher data reports such as CDE’s Teacher Assignment Monitoring Outcomes (TAMO) Report.

Through CalSAAS, the Commission’s AMP undertakes annual assignment monitoring to find “misassignments,” or instances in which the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential; or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.<sup>1</sup> Results of annual monitoring are published in a series of [data dashboards](#) annually.

#### *The State Auditor’s Report and Required Commission Action*

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 (Twin Rivers). The Commission’s AMP 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 Highlands classrooms.

When the State Auditor releases a report, the findings include recommendations that are intended to effect change in State policy and/or practice to address the issues identified. While the majority of the Highlands audit report focused on the problematic actions of the school and district, the report also included policy recommendations for State agencies that oversee education activities, including the Commission. As stated in the Audit Recommendations Disclosure section of the report, “When an audit is completed and a report is issued, auditees must provide the State Auditor with information regarding their progress in implementing recommendations...” Progress on recommendations must be reported to the State Auditor at 60 days, six months, and one year of publication of the audit report. Failure to take recommended action would require a State agency to report to both the auditor and the state legislature on lack of progress.

As such, the Commission must act on the two recommendations made by the State Auditor that affect Commission policy. The first, found in Recommendation 9, recommends that the Legislature consider requiring CDE – in collaboration with the Commission – to assess fiscal penalties on LEAs that egregiously misassign educators. This recommendation falls primarily under the purview of the CDE, with the Commission taking a supportive role in providing input on policy changes.

Additionally, Recommendation 38 directs the Commission to act independently:

*Audit Recommendation 38: “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.”*

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<sup>1</sup> Education Code §33126(b)(5)(B)

The Commission must act upon this recommendation through its existing statutory authority. Education Code (EC) §44258.9(j) 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.” The audit report, and Recommendation 38, outlines the expectation that the Commission develop regulations that would impose appropriate sanctions on an LEA that consistently misassigns educators.

**Identifying Potential Commission Sanctions**

In order to identify appropriate regulatory language that fulfills the action called for in Recommendation 38, Commission staff evaluated the following factors:

1. Who is legally responsible for the appropriate assignment of educators and should therefore be held accountable for the misassignment of educators;
2. What falls within the Commission’s purview as potential sanctions;
3. What, if any, signals have State policymakers given that could direct the Commission’s actions on sanctions; and
4. Why misassignments occur.

*Factor 1: Legal Assignment Responsibility*

Employers have a legal obligation to appropriately assign educators in certificated positions. Education Code §44830 provides that: “The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law.” Furthermore, pursuant to Education Code §35035(g), it is the duty of each district superintendent to ensure that their certificated staff hold valid documents authorizing them to serve in their assigned positions. Finally, Title 5, California Code of Regulation §80054.5 provides that the duties of an Administrative Services Credential holder include “Recruitment, employment, and assignment of certificated and classified personnel.” See *Table 1* for a clarified view.

*Table 1: Assignment Responsibility in Law*

<b>Provision</b>	<b>Responsible Party</b>
EC §35035(g)	District Superintendent
Title 5, CCR §80054.5	School Site Administrator
EC §44830	District Governing Board

Numerous other state and federal laws describe what constitutes appropriate assignments in various settings and subject matters, and violation of these provisions are what result in [misassignments](#). In order for Superintendents, Administrators, and School Boards to fulfill their responsibility of appropriately assigning educators they must be familiar with the laws that govern assignments, as well as the legal avenues to address them.

*Factor 2: What Falls within the Commission’s Purview*

The Commission has limited options under its authority for imposition of sanctions. It does not proffer funding to LEAs, so the Commission cannot impose fiscal penalties. Instead, there are

essentially three actions the Commission can pursue to discourage misassignments. First, it can and does provide transparency on LEAs that misassign educators. This method encourages LEAs to address misassignments so they are not viewable to parent and interest groups. The intention is for those groups to be empowered to act upon the available knowledge and use it to pressure LEAs to get into compliance.

Another avenue the Commission can act upon is against individuals' credentials. If the Commission were to pursue this possibility, the action could result in the suspension or revocation of the responsible party's credentials – namely those in Superintendent, Administrative, or School Board positions. However, this is a problematic option for several reasons. First, the individuals would need credentials, and there are exceptions for the responsible parties mentioned above being required to have them. There is a Local Assignment Option (EC §35029) that allows non-credentialed individuals to serve as District Superintendents. There are also carve outs for Administrators in Charter schools – these individuals are not required to hold credentials. Finally, those on school boards are also not required to hold credentials at all. Therefore, if the Commission were to pursue this course of action, it risks creating an inequitable system where consequences are imposed for only a portion of those responsible.

The final course of action available to the Commission falls under education of those responsible for assigning educators: mandatory training. This option could be equitably applied to all parties that are legally responsible for assigning educators appropriately, with no exceptions, and would align with California's guiding philosophy of fostering a *Statewide System of Support*.

### *Factor 3: Statewide Policy - System of Support*

Since 2013, California has adopted a Statewide System of Support<sup>2</sup> (SSOS) in education. This is a framework that elevates support and assistance and deemphasizes punitive measures. It is focused on providing the support that helps LEAs meet their needs and fosters continuous improvement in student performance and outcomes.

This program offers three levels of support:

- Universal: for all LEAs;
- Targeted: for certain segments; and
- Intensive: which includes direct technical assistance provided to those LEAs who meet eligibility under certain criteria.

Alignment with current State policies, conventions, and philosophies is a critical factor when designing sanctions for the misassignment of educators. With regard to imposing sanctions on districts with chronic and high levels of misassignment, the Commission could emphasize

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<sup>2</sup> California Department of Education. (2025, August 25). California's System of Support. Retrieved from California Department of Education: <https://www.cde.ca.gov/sp/sw/t1/csss.asp>

support using training interventions to bring LEAs to the level of competency required to support positive outcomes for students.

#### *Factor 4: Why Misassignments Occur*

To design effective sanctions, the reasons misassignments occur must be considered. At this moment, one of the reasons is a noted teacher shortage<sup>3</sup>. California is experiencing workforce shortages that often make it difficult to find suitable educators. It is reasonable to assume that misassignments are a reflection of these challenging conditions, not attempts to circumvent the law. It is especially difficult in areas hit hardest by the shortage, such as rural and disadvantaged areas. Acknowledging these disparities may lead the Commission to ensure any thresholds for sanctions do not impact these LEAs disproportionately.

However, misassignments also occur for another prominent reason. That is a 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 be successful in assigning educators, those who do it must be knowledgeable of these provisions, as well as their nuances. Staff finds that a great deal of misassignments occur due to a misunderstanding of assignment guidelines.

Finally, that breadth of knowledge needs to extend to credentialing options. California has made many efforts to create emergency or correction options for LEAs that cannot find fully credentialed educators. A non-comprehensive list includes Variable Term Waivers, Provisional-Intern Permits, Short-Term Staff Permits, General Education Limited Assignment Permits, Special Education Limited Assignment Permits, Local Assignment Options, Short-Term Waivers, etc. All of these allow educators who would otherwise be misassigned to be legally compliant. Some of these documents offer a bridge to earning a full credential and are intended to help guide the holders into the profession. Though shortages may lead LEAs to place underprepared educators in the classroom, these options ensure legal compliance for assignment and a basic level of preparation for serving students. Therefore, another driving factor of misassignments is unfamiliarity with the legal staffing and misassignment correction options that California offers.

#### **Proposed Sanction Plan**

The Commission will draft regulatory language that requires school administrators and/or district superintendents to complete a Commission created software-based training program if their schools/districts meet the agreed upon misassignment threshold identified by the Commission following stakeholder engagement. This option aligns with the Statewide System of Support while educating LEAs on how to prevent future misassignments. There are several options to ensure educators are legally assigned, even if they are not fully prepared for the position, including emergency permits, waivers, local assignment options, and internships.

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<sup>3</sup> EdSource. (2025, November 18). Teacher Shortage Landing Page. Retrieved from EdSource: <https://edsources.org/topic/teacher-shortage>

These not only provide legal coverage for the LEA involved but can also serve as a bridge into the profession for those contemplating pursuing a career in teaching.

In that spirit, the training involved would 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.

Finally, the AMP proposes to allow access to the training on an optional basis for those who want this knowledge, not just those who demonstrate a need. This way, the entire field is ensured access to information, a unified understanding of what is required to legally authorize educators, and what is available to correct misassignments.

### *Success in Training Modules*

The genesis of this idea came from the methods used to onboard users during the initial year of assignment monitoring through CalSAAS. During this time, the AMP was staffed with only two full-time employees and there was a need to train every credential analyst in the field on how to use the new system. During the initial year, there were more than 2,500 individual users in the system. CalSAAS was also launched during 2020, the height of the COVID-19 pandemic, which created a prohibitive environment for outreach. Finally, the technical aspects of the launch were labor intensive, and left very little time for staff to provide training to the field.

To surmount these various obstacles, the AMP created a [CalSAAS training module](#) using a now discontinued software; *Adobe Presenter*. This program allowed the AMP to create a comprehensive online CalSAAS training module that oriented users to the system, as well as directed them on how to use it. It was available on demand and could be taken at the discretion of the user, which eliminated the scheduling problems that would have arisen from attempting live training. It also allowed users to go back and review the module if they needed refreshing.

This method was extremely successful. The AMP heard overwhelmingly positive feedback about the course and method and experienced little confusion from the user base when the system was launched. This is an impressive outcome, when considering it introduced users to entirely new terminology, technology, interfaces, and responsibilities. Through this experience, staff recognized the ability of this software to not only adequately train participants, but to do so at low cost and high convenience.

The AMP continues to host this training for any new CalSAAS users and also has created a few short content specific modules for different aspects of monitoring<sup>4</sup>. However, because of the lack of staffing resources and lapse in software, the AMP is unable to develop a full suite of assignment monitoring training modules without additional fiscal support.

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<sup>4</sup> Commission on Teacher Credentialing. (2025, September 18). Assignment School. Retrieved from Commission on Teacher Credentialing: <https://www.ctc.ca.gov/credentials/assignment-resources/assignment-school>

### *Software Specifications*

The Commission has set a precedent for success using this method of training. However, the software used in the initial CalSAAS trial was rudimentary and included only a presentation with simple quizzes. To use eLearning for sanction purposes, the software utilized requires an increase in sophistication and capability. The Commission's Information Technology Division has looked into acquiring software that can do all the following:

- Present training
- Track participant usage
- Track user comprehension

These components are imperative as this training is intended to be mandatory for those who have been identified for sanctions. To ensure compliance with sanctions, the AMP must be able to see if the user identified has first accessed the module and then completed it. Additionally, to make sure the users engage with it, and benefit from it, examinations are necessary to test their comprehension and ensure that the trainings are impactful. The Commission's Information Technology Division has researched several available software options that include these capabilities. Next steps require the Commission to secure funding for such a software prior to procurement, should this proposal be approved.

### *Training Delivery Process*

As noted above there are three parties that have legal responsibility for the appropriate assignment of educators. Those are the district governing board, the district superintendent, and the LEA administrator. Each of these will be targeted in different capacities.

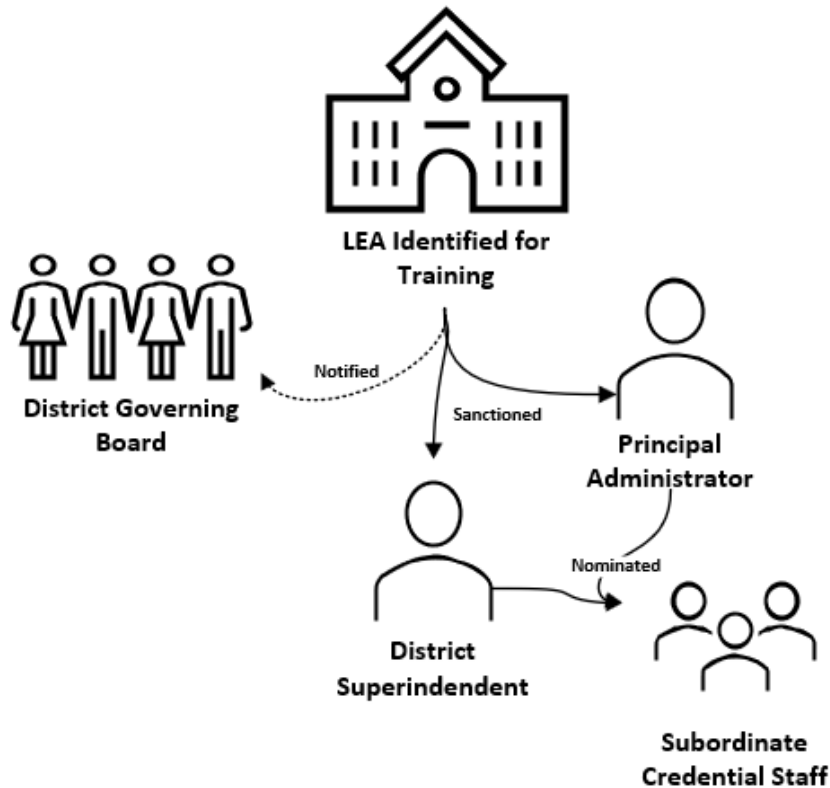
The two parties that will be required to take the training are the district superintendent and the principal administrator of the LEA. Both individuals serve an applied role in assigning educators, and with superintendents, assigning administrators. They may benefit from training that covers practical assignment knowledge, and an LEA with a high rate of misassignments could find that such training offers them alternative options to recurring misassignments. In this capacity, the assignment training interventions are intended to benefit them in fulfilling their duties and strengthen their ability to perform the role as required.

The district governing board is also legally responsible but does not have the same role in assigning educators. In this capacity, training may not benefit them in fulfilling their role. That is why staff propose that they not be required to complete training, though it could be offered on an optional basis. Instead, this entity will be notified when LEAs in its purview are required to complete the training. This list will be delivered by the Commission and staff recommend that it be a board item for discussion in a public meeting.

Finally, these parties all have legal responsibility for educator assignments, but they may maintain a general oversight while their subordinate credential analysts and Human Resource staff are directly in charge of day-to-day staffing decisions. In some cases, these individuals also need training to support appropriate assignment of educators. Acknowledging this, the staff recommend that administrators and district superintendents be allowed to nominate their

subordinate credential staff for the training. These individuals should complete the training to the same satisfaction as required of their superiors with their progress reported back to the nominating party. The proposed process is depicted in *Figure 1* below.

*Figure 1: Parties involved in Sanctions*



*Scaffolding all of Assignment Monitoring*

Finally, once these training courses are developed, they will be widely available. Any interested party within a local educational agency will have the ability to take the training on demand. This means that new credential analysts or CALPADS technicians will be welcomed into the profession with a comprehensive orientation. Also, analysts who have questions can refer to the training when a dispute arises. This program will enrich the workforce behind assigning teachers and ensure coherence among its members.

**Deciding Thresholds for Penalties**

Should this proposal be approved, Commission staff will work in partnership with interested parties to decide on appropriate thresholds for training. These thresholds will consider the ongoing teacher shortage, and their disparate effect on different segments of public education, including rural and disadvantaged LEAs. Through these conversations, the Commission will seek a solution that works for the entire field and also supports the directive of the State Auditor, consistent with the Statewide System of Support.

## Implementation

The Commission must meet implementation timeframes provided by the State Auditor. It must report on progress at 60 days, six months, and one year after it received the recommendation (see *Table 2*). Furthermore, if it does not implement recommendations by one year, it will have to report to both the auditor and the Legislature on lack of progress.

*Table 2: Audit Deadlines*

<b>60 Days</b>	<b>6 Months</b>	<b>1 Year</b>
August 24, 2025	December 24, 2025	June 24, 2026

Staff have been attentive to timelines and have already made efforts to ensure they are met, including meeting the auditors' 60-day deadline, making in-roads with CDE, and planning to ensure the rulemaking process is approached in a way that coincides with these deadlines. As shown in the timeline below, regulations are developing in alignment with the one-year deadline. This process begins with Commission approval of the concept and will continue at the February 2026 Commission meeting. This process should culminate in the promulgation of regulations in summer of 2026.

In July of 2026, if funding is provided, the AMP will procure software and onboard the staff necessary to develop the program. Once in place, staff will begin creating the training courses and working with CDE towards the development of content that supports training for CALPADS reporting as it related to assignments. Staff expects the development of the training modules to take one year to complete, bringing the anticipated completion date to August of 2027, in which the AMP will start previewing its products and providing outreach. Finally, after the following CalSAAS monitoring cycle, the AMP will impose its first sanctions based on the 2026-27 assignment monitoring outcomes, anticipated for spring of 2028.

## Implementation Timeline

June 2025	Highlands Audit Released
August 2025	60-Day Check-in with Auditor
December 2025	Initiation of Regulations Concept at Commission Meeting
February 2026	Rulemaking Process begins with the Office of Administrative Law
June 2026	Regulations Promulgated <i>and</i> Audit 1-Year Deadline
July 2026	Potential for Program Funding
August 2026	Software Acquired and Staff Onboarded; Development Begins
August 2027	Sanction Program Operational
November 2027	First Sanctions Imposed

## *Funding Contingencies*

This program is contingent upon funding. This agency cannot pursue sanctions without additional staff and budget resources for eLearning licenses. Therefore, the AMP will include funding contingency language in the regulations that provide for discretionary use of sanctions. That allows the AMP to pursue sanctions only when the necessary resources are in place.

**Staff Recommendation**

Staff recommends that the Commission approve the proposal to impose sanctions for training on LEAs that consistently misassign educators in the form of a mandatory training, direct staff to work with stakeholders to identify appropriate thresholds for sanctions that are supportive and non-punitive, and draft regulations that clarify and make specific this requirement, contingent upon funding.

**Next Steps**

If the Commission acts to approve this proposal, staff will draft regulatory language to be approved on consent in the February Commission meeting. After the language is approved by the Commission, staff will submit the Notice of Proposed Rulemaking to the Office of Administrative Law.