



## **Q&A: CREDENTIALING RULES WHEN REOPENING SCHOOLS DURING THE COVID-19 PANDEMIC**

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Instructional settings are likely to be different when schools reopen in 2020-21 due to COVID-19 health and safety precautions. Schools will be directed to limit student interactions with peers, possibly create smaller groups during instruction, and potentially eliminate or reduce certain course offerings. These changes may impact teacher and other certificated educator assignments, and there have been questions about what credentialing flexibility exists for teachers assigned to new settings, subjects, and grade levels. The following Q&A intends to answer a few of those questions and will be updated as needed.

### **Frequently Asked Questions and Issues to Address**

#### ***Why do I need to understand the basics about credentials as plans for the reopening of schools begin?***

It is likely school districts will seek options for assigning staff that may be very different than last year's opening. There may be continued reliance on virtual instruction, or a reopening that includes shifts of students into smaller groupings, and/or the refocus on core subjects and the probability that some courses will simply not be offered. Each of these presents potential difficulties for districts and unit members depending on the credentials held and what those credentials authorize.

#### ***It's my understanding that when we wrote the virtual learning MOUs, those agreements included the modifications? Why do we need to revisit this topic?***

Perhaps, but school this year is unlikely to look the same as it did last year. For instance, how will an elementary PE teacher or a high school band teacher be assigned this school year if virtual learning continues or social distancing prohibits large groupings of students? These decisions will affect and be affected by what credentials are held and what credential flexibility can be applied in assigning unit members.

#### ***What options are there in cases where educators may be assigned to teach outside of their grade level(s) or subject area(s) authorized on the credential(s) they hold, such as secondary level elective teachers who might be assigned to teach a core subject for which they aren't currently credentialed?***

There are several local assignment options a district can access to allow teachers and other certificated educators to provide instruction and services outside their grade levels and subjects authorized on a current credential. Each of the options requires the district to take action and the individual educator to consent to the assignment. Some require application to the Commission on Teacher Credentialing (CTC) for an authorizing document and others may be authorized with local governing board action. All local assignment options are specified in Education Code provisions or in California Code of Regulation, Title 5.

#### ***Can you give an example of what these local assignment options are and how they work?***

There are many local options but, for example, consider a single subject PE teacher, who previously taught only PE at an elementary school providing prep for other teachers. In this example, assume



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the district will not provide elementary PE in the 2020-21 school year (due to distance learning, social distancing requirements or any other reason(s)). The district asks the teacher if he/she is willing to teach a self-contained second grade class, as the district is creating smaller classes to ensure distancing. The teacher's single subject PE credential does not authorize him/her to teach a self-contained class, but **he/she agrees to the assignment** anyway. The district could apply for a [General Education Limited Assignment Permit](#) and pay the associated application fee to the CTC (assuming the local has negotiated this provision, see below). Another option is a local assignment under Education Code Section 44263 (if the teacher has the qualifying coursework), which requires local board action but no application to the CTC. The district and unit member will have to decide which local option fits this specific person and the situation best.

### ***Do unit members need a special distance learning credential so they can teach in a virtual setting?***

No. Teaching virtually is a method of delivering instruction. Credentials govern what content and student populations the holder may teach, not whether they are in a classroom or in a remote setting.

### ***Can unit members be “forced” to work out of their credential area?***

No. All local assignment options require the teacher to: 1) hold a full teaching credential (this does not include holders of intern credentials, short term staff permits, waivers or provisional intern permits), and 2) give consent for the assignment. Many are limited in duration and some are renewable.

### ***Are there bargaining implications for the chapter in representation of unit members impacted by a change in their assignment?***

Generally, your collective bargaining agreement (CBA) identifies how the district may reassign members. The CBA still prevails, even during this pandemic. But here are some other aspects you may wish to bargain:

- Any costs or fees incurred for Commission on Teacher Credentialing (CTC) issued permits or waivers should be fully paid by the district.
- Any unit member who does not consent to accept an assignment under a local option cannot be retaliated against by the District.
- All affected unit members must be fully informed of the requirements of the local options under consideration.

### ***What are the benefits and/or challenges of agreeing to a limited assignment option?***

The **potential benefits** include:

- allows the District to retain current employees even when significant changes are required in the school setting—such as courses being eliminated, smaller class sizes for social distancing, greater focus on re-learning/lost learning;



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- allows students to be taught by educators familiar with the school and students/families;
- allows unit members to try something new/different; and,
- may save bargaining unit jobs.

The **potential challenges** include:

- may require individuals to learn a new curriculum or student population, and everything that involves; and,
- may lead to future RIFs if jobs are eliminated and individuals decline the local assignment options.

### ***Are charter schools required to have their teachers assigned under the same rules as other public schools?***

Yes. AB 1505 requires charter school educators to hold the credential required for their certificated assignment. It also allows charter schools to use local assignment options. Note that charter school teaching assignments are now monitored annually by the state, county, or district, depending on their chartering authority. For more information, the CTC has posted an informational video including this topic titled “June 2020 Assignment Update,” which can be found at [www.youtube.com/watch?v=8PvIXVOxJBM](https://www.youtube.com/watch?v=8PvIXVOxJBM).

### ***Where can I learn more about local assignment options?***

Attached to this Q&A is a one-page CTC document that explains more. We have requested that the CTC provide open access to their “one stop shopping” site which explains district credential options, including more direction on remote teaching. The site is currently password protected, but the CTC has agreed to open access soon.

### ***If I have immediate or additional questions, where do I go?***

If you are a chapter leader, consult with your CTA Primary Contact Staff person, and if you are a PCS, reach out to your regional IPD staff person and/or C4OB colleague(s).

## Common Local Assignment Options (LAOs) for Teaching in California's Public Schools

Education Code (EC) and Title 5 Regulations (T5) provide local employing agencies (LEAs) with teacher assignment options that can be used when an LEA is unable to assign a certificated employee with the appropriate credential. These options, known as Local Assignment Options (LAOs), allow flexibility at the local level and are used solely at the discretion of the LEA. The LEA is responsible for verification of all LAO requirements and should always review the language of the EC or T5.

### Note- All Local Assignment Options:

- Require a **full teaching credential** (Intern, 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.

| Legal Citation for Local Assignment Option: | Local Employing Agency Must Verify:  |  |                         | Assignment Can Be In:  |                                   |          |
|---|--|--|-------------------------|--|-----------------------------------|----------|
|   | Base Teaching Credential   | Content Verification                                 | Board Action            | Setting  | Grade                             | Content  |
| <a href="#">EC §44256(b)</a>                | Elementary Credential  | 12 lower or 6 upper semester units in Content taught | Resolution              | Departmentalized   | 8 <sup>th</sup> and below         | Any      |
| <a href="#">EC §44258.2</a>                 | Secondary Credential   | 12 lower or 6 upper semester units in Content taught | Resolution              | Departmentalized   | 5 <sup>th</sup> – 8 <sup>th</sup> | Any      |
| <a href="#">EC §44258.3</a>                 | Credential based on BA and Student Teaching  | Subject Knowledge as defined by board                | Specific Board Policy*  | Departmentalized or Self-Contained   | K – 12 <sup>th</sup>              | Any      |
| <a href="#">EC §§44258.7(c)(d)</a>          | Any Teaching Credential  | Special skills and preparation in Elective taught    | Specific Board Policy** | Departmentalized   | K – 12 <sup>th</sup>              | Elective |
| <a href="#">EC §44263 (Elementary)</a>      | Any Teaching Credential  | 60 semester units distributed among 10 Subject Areas | Resolution              | Self-Contained   | K – 12 <sup>th</sup>              | Any      |
| <a href="#">EC §44263 (Secondary)</a>       | Any Teaching Credential  | 18 lower or 9 upper semester units in Content taught | Resolution              | Departmentalized   | K – 12 <sup>th</sup>              | Any      |
| <a href="#">EC §44865</a>                   | Credential based on BA and Student Teaching  | None   | None                    | Independent Study; Home/Hospital; Adult Ed; Necessary Small/Continuation/Alternative/Opportunity/Juvenile Court/County or District Community Schools | K – 12 <sup>th</sup>              | Any      |
| <a href="#">T5 §80005(b)</a>                | Credential based on BA and Student Teaching  | Knowledge and Skills in Content taught               | None                    | Departmentalized   | K – 12 <sup>th</sup>              | Elective |
| <a href="#">T5 §80020.4</a>                 | Credential based on BA and Student Teaching; Credential in Subject of Staff Development*** | Verification of Subject Expertise***                 | Resolution***           | Staff Development at the school site, school district, or county level   | N/A                               | Any      |
| <a href="#">T5 §80020.4.1(a)</a>            | Credential based on BA and Student Teaching  | None   | None                    | Program Coordination at a school site  | N/A                               | Any      |

\*Craven: Refer to the [Advisory on Teacher Assignment Option EC §44258.3](#) for an example of appropriate board policies and procedures.

\*\*Committee on Assignments (CoA): Use of CoA requires the board to adhere to the procedures outlined in [EC §§44258.7\(c\) and \(d\)](#).

\*\*\*Must have **either** a credential in the subject area of the staff development activities **or** have expertise in the subject area verified and approved by the school board.