
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 3149 **Hearing Date:** June 27, 2018
Author: Limón
Version: May 16, 2018
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Substitute teachers: permits: duration.

SUMMARY

This bill requires the Commission on Teacher Credentialing, through a stakeholder process, to determine whether there is a need to provide a person who holds an Emergency 30-Day Substitute Teaching Permit expanded pathways for obtaining the Teaching Permit for Statutory Leave, and to make regulatory changes as necessary on or before July 1, 2019.

BACKGROUND

Existing law:

- 1) Prohibits a non-credentialed person from substituting for any special education certificated position.
- 2) Authorizes holders of a 30-day emergency substitute teaching permit to serve as a substitute for anyone credentialed general education teacher for no more than 30 days and any one credentialed special education teacher for no more than 20 days, during the school year.
- 3) Authorizes a school district or county office of education to apply to the Superintendent of Public Instruction for a 20-day extension for an individual serving as a substitute for anyone credentialed special education teacher.
- 4) Requires holders of 30-day emergency substitute teaching permit to meet the following requirements:
 - a) Possess at least a Bachelor of Arts degree from a regionally accredited college or university;
 - b) Have passed the California Basic Educational Skills Test; and
 - c) Have fingerprint clearance.
- 5) Requires the employing agency to submit a Declaration of Need for Fully Qualified Educators as a condition of employing an emergency substitute teacher. The Declaration of Need shall include the following:
 - a) The number and type of emergency permits that will be needed during the school year;

- b) A description of the efforts that were undertaken to locate and recruit individuals who hold the needed credentials;
- c) A description of efforts to establish alternative training options; and
- d) A certification that there is an insufficient number of certificated persons who meet the requirements of the positions to be filled by the substitutes.

ANALYSIS

This bill requires the Commission on Teacher Credentialing, through a stakeholder process, to determine whether there is a need to provide a person who holds an Emergency 30-Day Substitute Teaching Permit expanded pathways for obtaining the Teaching Permit for Statutory Leave, and to make regulatory changes as necessary on or before July 1, 2019.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “school districts will typically employ substitute teachers for various reasons, whether it is for a prolonged leave of absence such as bonding time with a new child or for short-term medical leave or illness. For short term periods, school districts are authorized to employ a substitute teacher with a 30-day substitute teaching permit. Current law requires that in order to qualify for this permit, an applicant must have a bachelor’s degree, have successfully passed the California Basic Educational Skills Test, and have fingerprint clearance through the California Department of Justice and the Federal Bureau of Investigation. The holder of a substitute teaching permit may substitute for no more than 30 days for any one teacher per school year in a general education setting, and no more than 20 days for any one teacher per school year in a special education setting.

These limitations are intended to minimize the length of time that students are taught by a substitute teacher with a short term permit, who is presumably less-prepared or experienced when compared to a fully-credentialed teacher. However, if a substitute teacher is needed for more than 30 days in a general education classroom or more than 20 days in a special education classroom, a school district may elect to replace the initial substitute teacher with a subsequent substitute teacher. This bill is intended to minimize the disruption that may occur when one short term substitute teacher is replaced by another short term substitute teacher.”

- 2) ***Teaching Permit for Statutory Leave.*** A Teaching Permit for Statutory Leave (TPSL) allows an employing agency to fill a position where the teacher of record is unable to teach due to a statutory leave (medical or otherwise) with a temporary teacher of record for the duration of the leave. A holder of this permit must meet the requirements of the 30-day emergency permit, meet subject matter competency through coursework or exam, and also have completed 45 hours of preparation relevant to the substitute assignment. In addition, districts must provide orientation, mentoring, and support to substitutes employed with this permit. This permit can be preferable to the 30-day emergency substitute

permit because it allows a substitute to remain in a classroom longer than the 30 or 20-day maximum (thus achieving continuity), and ensures the substitute has acquired at least some pre-assignment preparation and on-the-job support.

- 3) ***Other alternatives to emergency permits.*** Current law also authorizes the issuance of short-term staff permits (STSPs) and provisional internship permits (PIPs). A short-term staff permit may be requested by a school district with an acute staffing need, which exists when an employer needs to fill a classroom immediately based on an unforeseen need. An example of this is a teacher that is unable to finish the school year due to an approved leave for illness. A provisional internship permit may be requested by an employing agency when there is an anticipated staff need, which exists when a school district is aware that an opening is going to occur and conducts a diligent search for a credentialed teacher but is unable to recruit one. Holders of a STSP or PIP may work up to one full year in the same position and must meet the same basic qualifications as the holder of a short-term substitute permit. However, holders of these permits must also have completed additional coursework related to their area of assignment and the school district must also provide them with mentoring and support.
- 4) ***Teacher shortage.*** The Learning Policy Institute (LPI) recently released a report, “Addressing California’s Emerging Teacher Shortage: An Analysis of Sources and Solutions.” In this report, the LPI included the following summary: “After many years of teacher layoffs in California, school districts around the state are hiring again. With the influx of new K-12 funding, districts are looking to lower student-teacher ratios and reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand.” The report included the following findings:
 - a) Enrollment in educator preparation programs has dropped by more than 70 percent over the last decade.
 - b) In 2014-15, provisional and short-term permits nearly tripled from the number issued two years earlier, growing from about 850 to more than 2,400.
 - c) The number of teachers hired on substandard permits and credentials nearly doubled in the last two years, to more than 7,700 comprising a third of all the new credentials issued in 2014-15.
 - d) Estimated teacher hires for the 2015-16 school year increased by 25 percent from the previous year while enrollment in the University of California and the California State University teacher education programs increased by only about 3.8 percent.
- 5) ***Related legislation.***

AB 2336 (Olsen, 2015) would have, until January 1, 2022, authorized a person holding an emergency 30-day substitute teacher permit to serve as a special

education substitute teacher for up to 40 cumulative days during the school year, which is double the maximum time allowed under current law, provided specified conditions are met. This bill was held in the Senate Appropriations Committee.

SUPPORT

Association of California School Administrators (sponsors)
California School Boards Association
Kern County Superintendent of Schools
Riverside County Office of Education
San Bernardino County District Advocates for Better Schools
School Employers Association of California
Small School Districts Association

OPPOSITION

None received

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