

Date of Hearing: April 12, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1433 (Mike Fong) – As Amended March 22, 2023

SUBJECT: Substitute teachers: days of service

SUMMARY: Authorizes substitute teachers to serve in a teaching assignment up to 60 days during the 2023-24 school year. Specifically, **this bill:**

- 1) Authorizes, until July 1, 2024, any holder of a credential or permit issued by the Commission on Teacher Credentialing (CTC) that authorizes the holder to substitute teach in a general, special, or career technical education assignment to serve in a substitute teaching assignment aligned with their authorization, including for staff vacancies, for up to 60 cumulative days for any one assignment.
- 2) States that nothing in this bill shall preclude a local educational agency (LEA) from the requirement to make reasonable efforts to recruit a fully prepared teacher for the assignment.

EXISTING LAW:

- 1) Establishes the Emergency 30-Day Substitute Teaching Permit, which authorizes the holder to serve as a day-to-day substitute teacher in any classroom, including preschool, kindergarten, and grades 1-12 inclusive, or in classes organized primarily for adults. The holder may serve as a substitute for no more than 30 days for any one teacher during the school year, except in a special education classroom, where the holder may serve for no more than 20 days for any one teacher during the school year. This permit is valid for one year and is renewable. Applicants must hold a baccalaureate or higher degree from a regionally accredited college or university and pass the basic skills requirement and a fingerprint clearance. (Education Code (EC) 44300 and Title 5, California Code of Regulations, Section 80025)
- 2) Authorizes holders of 30-day emergency substitute teaching permits to serve as substitutes for credentialed special education teachers for not more than 20 cumulative days for each special education teacher absent during the school year. Upon application by the district or COE, the Superintendent of Public Instruction may approve an extension of 20 schooldays. (EC 56061)
- 3) Authorizes an Emergency Career Substitute Teaching Permit holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. Prohibits the holder from serving as a substitute for more than 60 days for any one teacher during the school year. Restricts the permit to the schools operated by the employing agency that requested the permit. States that the permit is valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance. (CCR Title 5, 80025.1)
- 4) Authorizes the CTC to approve a school district request for the assignment of an individual if the district has certified by an annual resolution of the governing board that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. States that if a

suitable individual who meets the priorities is not available to the school district, the district, as a last resort, may request approval for the assignment of a person who does not meet that criteria. (EC 44225.7)

FISCAL EFFECT: Unknown

COMMENTS:

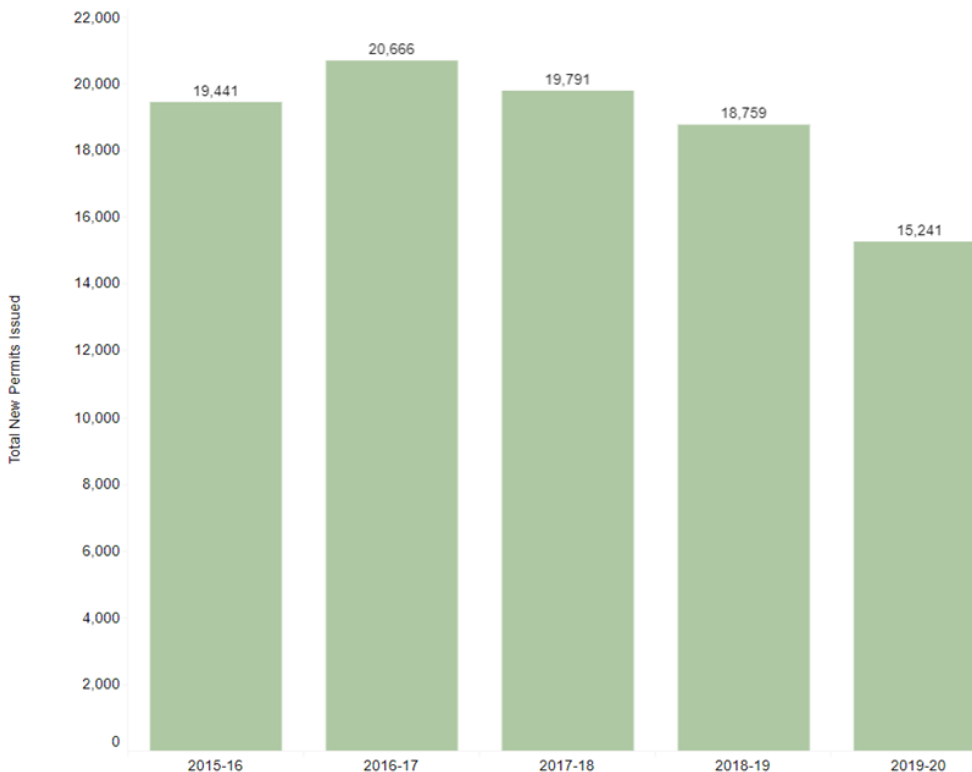
Need for the bill. According to the author, “California schools continue to grapple with unprecedented staffing shortages. The teacher shortage is particularly acute at schools serving high need students. In recognition of this crisis, the Legislature provided flexibility to schools to allow a substitute to teach in one classroom for up to 60 days. Absent a sunset extension, the law will limit the time a substitute teacher can serve in a single classroom to 30 days, contributing to a revolving door of classroom instability. Schools need this continued flexibility to ensure classrooms remain staffed when circumstances necessitate the use of a substitute.”

What does this bill do? This bill extends the existing authorization for a substitute teacher to teach in one classroom for up to 60 days, until July 1, 2024. The 2022 Budget Act provides this same authorization until July 1, 2023. Without this bill, the sunset will expire at the end of this school year.

Requirements for holding a substitute teacher permit. The current requirements to earn a substitute teacher permit include:

- 1) Official transcripts showing the conferral of a baccalaureate or higher degree from a regionally accredited college or university;
- 2) Basic skills requirement;
- 3) Completed application and a completed Live Scan receipt; and
- 4) Application processing fees.

California data on issuance of substitute permits. The graph below shows the number of new 30-day substitute teaching permits issued. The number of substitute teaching permits issued has dropped more than 25% since 2016-17.



(Source: CTC)

Teacher shortages increase the demand for substitute teachers. Teacher shortages have increased the need and demand for substitute teachers. New strategies for substitute recruitment and retention are rapidly changing. According to a report and survey conducted by EdWeek Research Center, *The Substitute Teacher Gap: Recruitment and Retention Challenges in the Age of Covid-19*, short-term substitute teaching positions have been difficult to fill because of low wages, lack of benefits, and a requirement to hold a bachelor’s degree. This report found that on average about 250,000 positions are left to be filled daily with substitute teachers with only 54% total absences covered with substitute teachers filling in the vacancies. The report also found that 71% of administrators and school board members predict that the demand for substitute teachers will increase in the next five years. The report interviewed a California school board member who stated, “Many of those people that we do recruit to become substitutes end up getting hired as fulltime teachers, which is great; however, then we lose them on the substitute teacher roles.”

Substitute teacher compensation. According to the Bureau of Labor Statistics, the mean annual wage for a short-term substitute teacher in the U.S. as of 2020 was \$36,090. The Education Commission of the States reports that providing competitive compensation can help states improve the substitute teacher pool by attracting more candidates. In an EdWeek Research Center survey, 65% of school members and administrators say a pay increase would improve the quality of substitute teaching in their districts. Respondents said that on average a minimum 26% pay increase would increase the quality of the substitute; however, only 19% of respondents said their substitute teacher rates increased.

Behind higher pay, professional development is the factor second most likely to improve substitute teaching. According to the EdWeek Research Survey, 44% of school board members and administrators say they provide no professional development to substitute teachers. Only 11% of respondents offered training on classroom management. As the demand for substitute teachers increases with teacher absences, the need for training may become even more urgent. Some school districts across the nation are creating new programs for substitute teachers that incorporate and emphasize professional development. One example of such program is the Central Falls Teaching Fellowship in Central Falls, Rhode Island. The program requires the fellows to commit to a year-long substitute teaching assignment within a single entity in return for daily pay. Professional development includes four days of training prior to the start of the school year and monthly activities. The fellowship program reports that 70-80% of the fellows complete the program's year-long commitment and provides the school district a reliable source of substitute teachers.

Recruitment and retention. According to the EdWeek Research Survey, close to half of respondents, 47%, said their district does not make any effort to recruit or retain substitute teachers. According to a 2022 report by Education Finance and Policy, *More Than Shortages: The Unequal Distribution of Substitute Teaching*, disadvantaged schools had lower substitute coverage rates. Higher-needs schools are more likely to expect non-covered teacher absences than other schools. The study also found that:

- Substitute teachers consistently preferred one subset of schools while avoiding another subset. The least-preferred schools were middle schools that have significantly lower average achievement, a higher concentration of Black and Hispanic students, and higher suspension rates.
- The number of times a school was identified as a most- or least-preferred school accounted for a large share (40% to 50%) of the cross-school variation in substitute coverage rates.
- Lastly, substitute teachers often cited student behavior as an important factor in their determination of certain schools as least preferable, but mentioned a wide range of factors that can make a school desirable, such as the colleagues and familiarity with a school.

Already weak teaching pipeline further damaged by COVID-19 education disruptions. A March 2021 report by the Learning Policy Institute (LPI) raised concerns about the effects of the COVID-19 pandemic on the teacher shortage in California:

- *Teacher shortages remain a critical problem.* Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers.
- *Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation.* Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.

- *Teacher workload and burnout are major concerns.* The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers' decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
- *Growing retirements and resignations further reduce supply.* In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate teacher shortages.

Substitute teacher requirements in other states. Due to the acute need to increase the substitute teacher pool, some states have changed the academic requirements needed to earn a substitute teaching permit. For example, Missouri and Oregon temporarily removed their requirement for a bachelor's degree to serve as a substitute teacher during the pandemic.

Recommended Committee amendment. Staff recommends the bill be amended to clarify that schools shall follow the hiring provisions in Section 44225.7.

Related legislation. AB 181 (Committee on Budget), Chapter 52 of the Statutes of 2022, authorizes, until July 1, 2023, a substitute to teach in a general, special, or career technical education assignment for up to 60 cumulative days for any one assignment; and states that nothing shall preclude a LEA from following the hiring provisions outlined in Section 44225.7 of the Education Code.

SB 1397 (Borgeas), Chapter 335, Statutes of 2022 waives until July 1, 2024, the basic skills proficiency requirement for the issuance of an emergency 30-day substitute teaching permit.

AB 1895 (E. Garcia) of the 2021-22 Session would have established the Substitute Teacher Support Grant Program, under the administration of the CDE, and appropriates \$100 million to provide one-time competitive grants to LEAs to develop and implement new, or expand existing, locally identified solutions that address local substitute teacher shortages or needs for professional development for substitute teachers. This bill was held in the Assembly Appropriations Committee.

AB 1893 (Cunningham) of the 2021-22 Session, would have required, until July 1, 2024, the CTC to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute teaching permit. This bill was vetoed by the Governor with the following message:

While I agree with the aim of the proposal, this bill inadvertently overrides an unrelated provision of the final 2022-23 budget agreement contained in Assembly Bill 210, which amended the same code section. This bill seeks, until July 1, 2024, to allow the Commission on Teacher Credentialing to waive the basic skills proficiency requirement for purposes of issuing an Emergency 30-Day Substitute Teaching Permit. I welcome another policy vehicle for this proposal that avoids this technical issue.

AB 1876 (Seyarto), Chapter 113, Statutes of 2022, requires the CTC, when issuing an initial emergency career substitute teaching permit, to accept employment verification for the previous consecutive three year period from one or more California school districts participating in a consortium in determining the accumulated work days per year.

AB 1119 (Eduardo Garcia) of the 2019-20 Session would have required the CTC to establish a Teacher and Substitute Shortage Workgroup to identify steps that can be taken to improve both the substitute pool and the qualified teacher workforce in small school districts, defined as a school district with fewer than 2,501 units of average daily attendance. This bill was held in the Assembly Appropriations Committee.

AB 3149 (Limon) of the 2017-18 Session would have would required the CTC, through a stakeholder process, to determine whether there is a need to provide a person who holds an Emergency 30-Day Substitute Teaching Permit, who is otherwise qualified to receive a Teaching Permit for Statutory Leave, expanded pathways for meeting the requirements of the Teaching Permit for Statutory Leave, and to make regulatory changes as necessary, on or before July 1, 2019. This bill was held on the Senate Floor.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

Analysis Prepared by: Chelsea Kelley / ED. / (916) 319-2087