

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1895 (Eduardo Garcia) – As Amended March 28, 2022

SUBJECT: School employees: substitute employees: Substitute Teacher Support Grant Program

SUMMARY: Establishes the Substitute Teacher Support Grant Program, under the administration of the California Department of Education (CDE), and appropriates \$100 million to provide one-time competitive grants to local educational agencies (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. Specifically, **this bill:**

- 1) Appropriates, for the 2022–23 fiscal year, \$100 million to the CDE to establish and administer the Substitute Teacher Support Grant Program. Requires one-time competitive grants to be provided 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. Requires the Superintendent of Public Instruction (SPI) to apportion program funds to a LEA to professionalize its substitute teacher pool by providing professional development for substitute teachers or implementing innovative strategies to expand its substitute teacher pool. Requires this funding to be available for encumbrance through June 30, 2028.
- 2) Requires the SPI to provide a one-time grant to an applicant to establish new, or expand existing, substitute teacher professional support programs. Requires a recipient to develop new practices and strategies to develop its substitute teacher pool to address immediate and long-term teacher shortages. Requires grant priority to be given to an applicant that demonstrates any of the following:
 - a) A commitment to implement more than one strategy listed among the allowable grant uses;
 - b) A commitment to blend funding from the program, federal funds, and other state funds; and,
 - c) A commitment to provide supported career pathways for substitute teachers into the teaching profession through programs, including, but not limited to, teacher residency programs. States that an LEA that has received or applied for teacher residency and classified school employee grants shall be deemed to meet the commitment.
- 3) Requires a grant amount up to \$250,000 be awarded for each recipient, and be determined based proportionally on the recipient's average daily attendance (ADA) as follows:
 - a) The grant for a recipient with average daily attendance of 250 or fewer pupils shall be \$75,000.

- b) The grant for a recipient with average daily attendance of more than 250, but less than 5,000, pupils shall be \$150,000.
 - c) The grant for a recipient with average daily attendance of 5,000 or more pupils shall be \$250,000.
- 4) Requires a recipient to use a grant to create or expand any of the following:
- a) Professional development for substitute teachers;
 - b) Regional or countywide substitute teacher programs;
 - c) Programs that guarantee substitute teachers a minimum number of work days per school year;
 - d) Programs designed to provide stability to substitute teachers by hiring full-time substitute teachers as schoolsite staff;
 - e) Programs that expand substitute teacher recruitment and outreach; or,
 - f) Increase the substitute teacher pay rate.
- 5) Requires that a recipient may only use a grant to increase the substitute teacher pay rate if the recipient implements one or more of the allowable uses listed in (a) through (e).
- 6) Requires that a LEA not use more than 5% of a grant for program administrative costs.
- 7) Ensures professional development meets educator and pupil needs in the following ways:
- a) Recipients are encouraged to allow schoolsite staff to identify the topic or topics of professional learning.
 - b) Professional development may include, but is not limited to, any of the following:
 - i. Management of the school environment, policies, and procedures;
 - ii. Support for serving pupils with disabilities, and pupils who are English learners, foster youth, or homeless youth; or,
 - iii. Instructional strategies for teaching the content area or areas in which substitute teachers are assigned to teach.
- 8) Defines the following terms:
- a) “Local educational agency” (LEA) means a school district, county office of education (COE), charter school, or the State Special School for the Blind and Deaf.
 - b) “Applicant” means a LEA that applies for a grant;

- c) “Grant” means a grant awarded to a recipient;
- d) “Program” means the Substitute Teacher Support Grant Program established; and,
- e) “Recipient” means a LEA awarded a grant.

EXISTING LAW:

- 1) Prohibits the Commission on Teacher Credentialing (CTC) from issuing a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language. (Education Code (EC) 44252)
- 2) Authorizes the CTC to issue or renew emergency teaching or specialist permits provided that all of the following conditions are met:
 - a. The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements;
 - b. The applicant passes the state basic skills proficiency test; and,
 - c. The CTC approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. (EC 44300)
- 3) Requires a person holding an emergency teaching or specialist permit to attend an orientation to the curriculum and to techniques of instruction and classroom management, and to teach only with the assistance and guidance of a certificated employee of the district who has completed at least three years of full-time teaching experience, or the equivalent thereof. States the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience. (EC 44300)
- 4) Requires the holder of an emergency permit to participate in ongoing training, coursework, or seminars designed to prepare the individual to become a fully credentialed teacher or other educator in the subject area or areas in which he or she is assigned to teach or serve. Requires the employing agency to verify that employees applying to renew their emergency permits are meeting these ongoing training requirements. (EC 44300)
- 5) 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. (Title 5, California Code of Regulations, Section 80025)
- 6) 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)

- 7) Establishes the Emergency Career Substitute 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 60 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. The permit is valid for one year and is renewable. Requirements for Initial Issuance Individuals must submit their application packet through their employing agency. Applicants must hold a baccalaureate or higher degree from a regionally accredited college or university, pass the basic skills requirement, pass a fingerprint clearance, the employer must verify that the applicant has been employed as a substitute for at least 90 days per year in the last three consecutive years, the employer must provide a statement of endorsement and verify that the employer will make staff development activities offered to their regular teaching staff available to the permit holder. (Title 5, California Code of Regulations, Section 80025.1)
- 8) Establishes the Short-Term Staff Permit (STSP), which was created in response to the phasing out of emergency permits, it allows an employing agency to fill an acute staffing need when local recruitment efforts have been made but a fully-credentialed teacher cannot be found. The STSP is only available at the request of an employing agency. Holders of the STSP are restricted to service with the employing agency requesting the permit. The STSP is available in the areas of Multiple Subject, Single Subject, and Education Specialist. Individuals who were issued four or fewer emergency permits may be issued a STSP. Individuals who were issued five emergency permits do not qualify for the STSP. Applicants must hold a baccalaureate or higher degree from a regionally accredited college or university, demonstrate subject matter knowledge through coursework or by exam, pass the basic skills requirement and pass a fingerprint clearance, and the employer must provide verification that they have completed the requirements for Short-Term Staff Permit. (Title 5, California Code of Regulations, Section 80021)
- 9) Establishes the Teaching Permit for Statutory Leave (TPSL), which 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. The TPSL is only available at the request of an employing agency. Holders of the TPSL are restricted to service with the employing agency requesting the permit. The TPSL may be issued with one or more authorizations in the areas of Multiple Subject, Single Subject, and Special Education, depending on an individual's qualifications. The permit is renewable upon verification from the employing agency that specific requirements have been completed. Applicants must hold a baccalaureate or higher degree from a regionally accredited college or university, demonstrate subject matter knowledge through coursework or by exam, complete 45 hours of training through the employing agency, pass the basic skills requirement and pass a fingerprint clearance. (Title 5, California Code of Regulations, Section 80022)
- 10) Defines "paraeducator" as an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including

individuals employed in language instruction educational programs, special education, and migrant education (Every Student Succeeds Act [ESSA] Section 3201, 20 United States Code [U.S.C.] Section 7011[11]). The term, “paraprofessional,” also known as “paraeducator,” includes an education assistant and instructional assistant. (ESSA Section 3201, 20 U.S.C. 8108[37]).

- 11) Defines “instructional aide” as a person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. (EC 45343).

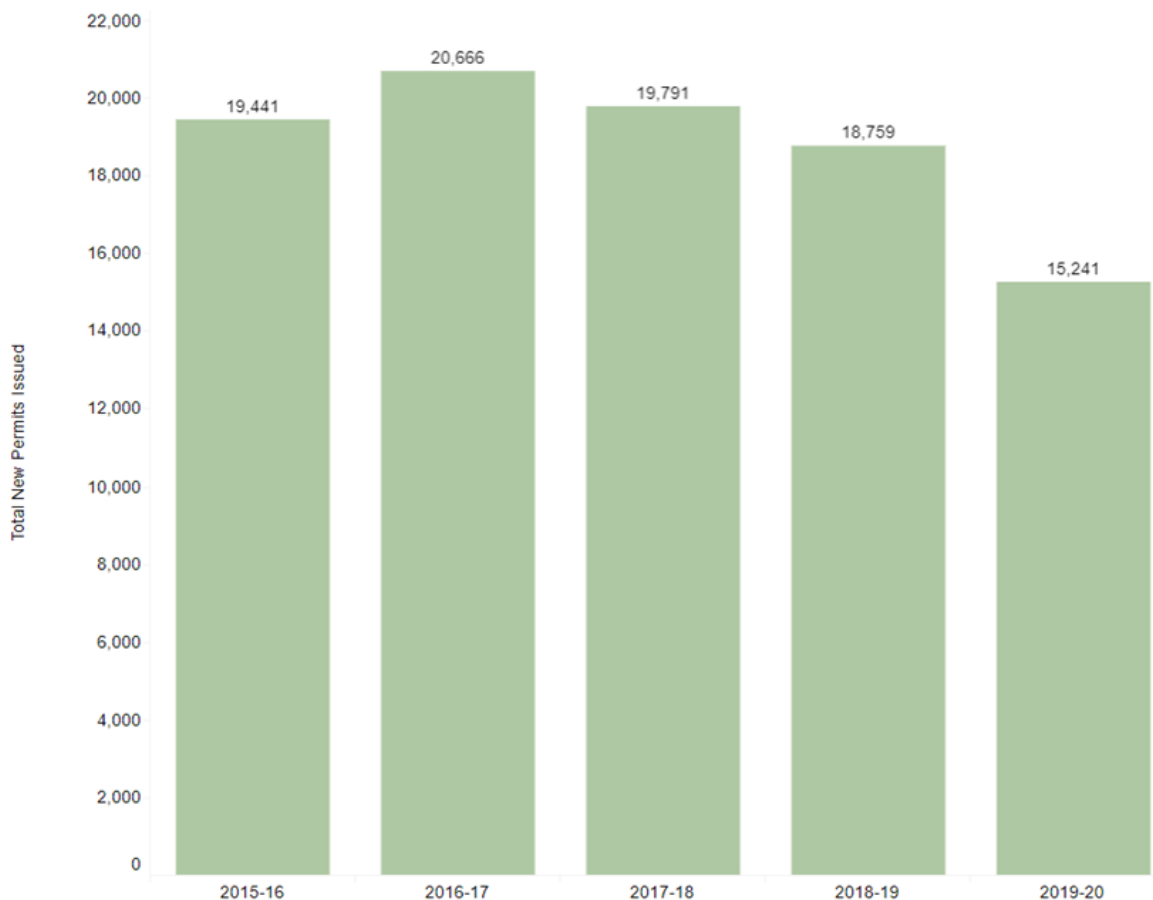
FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “Overwhelming reports reveal that the shortage of substitute teachers, both in quality and quantity across the country has never been more challenging. A national survey conducted by the EdWeek Research Center in October 2021 found that 77% of principals and district leaders complained of struggling to hire enough substitute teachers. In other districts, the bigger problem is finding substitute teachers who can confidently step into a classroom on short notice and provide instruction. While solving the substitute teacher shortage requires a multidimensional approach, AB 1895 is the first step in helping school districts create solutions that would alleviate the substitute shortage crisis in their own communities.”

Pre-COVID 19 teacher shortages. In an article by the Learning Policy Institute, *Teacher Shortages Take Center Stage*, there has been a steady decline in candidates pursuing teacher preparation, due to increased costs of colleges and declining teacher salaries making teaching unaffordable. Before the COVID-19 pandemic, enrollment in teacher preparation programs was declining, down by one third between 2010 and 2018. Since the fall of 2019, undergraduate enrollment was down by 6.6% overall and 14.1% in community colleges. Teacher shortages are impacted by teacher turnover rates. In California, statewide teacher retirement data shows a 26% increase in retirements in the second half of 2020 compared to the same period in 2019.

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 the 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 in the substitute teacher roles.”

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. Shortages are especially concerning as a return to in-person instruction will require even

more teachers to accommodate physical distancing requirements. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers. According to the CTC, half of all documents issued during the last few years have been substandard permits, and for special education that figure is two-thirds.

- *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 contribute to teacher shortages.* 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. The California State Teachers Retirement System (CalSTRS) reported in February, 2021 that in the second half of 2020, the number of retirements had increased 26% over the same period in 2019. 62% of teachers surveyed by CalSTRS reported retiring earlier than planned, and the top three reasons for retiring were challenges of teaching during the COVID-19 pandemic, not wanting to continue to work remotely, and not wanting to risk exposure to COVID-19. At that time CalSTRS projected that this year would be the second highest recorded for retirements. A 2021 RAND Corporation report similarly found that stress related to the COVID-19 pandemic was a primary cause of earlier-than-planned retirement.
- *Growing resignations cause further reduced supply.* In a 2022 report of survey data from large and small school districts serving a total of 20% of California students, the LPI found that the pandemic had caused an increase in teacher resignations. In one large district, resignations increased by about two-thirds, and leaves of absence increased by about 50%. This is consistent with a nationally representative survey of 3,600 teachers published by the National Education Association (NEA) in 2022, which found that, among school employees (including classified employees), 55% of educators were considering leaving the profession earlier than they had planned, an increase from 37% from 2021, with higher rates for African American and Latino employees. 86% of respondents said that they have seen more educators leaving the profession or retiring early since the start of the pandemic in 2020. Among the most commonly cited reasons for leaving the profession or retiring early were burnout and general stress from the pandemic.

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 specified that providing competitive compensation can help states improve the substitute teacher pool by attracting more candidates. In the EdWeek Research Center survey, 65% of school members and administrators said a pay increase would improve the quality of substitute teaching in their districts with a minimum 26% pay increase would increase the quality of the substitute teachers. 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 business 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.

Professional development platforms for substitute teachers. The Substitute Teaching Institute at Utah State University in 1995, STEDI provides research-based training materials and services designed to improve student achievement when students are taught by a substitute teacher and to assist those who manage substitute teachers. STEDI has implemented research-based practices to improve recruiting, training, and retention efforts in school districts throughout the United States, Canada, and the United Kingdom.

Paraprofessional educator substitutes. Paraprofessionals serve as teacher or instructional aides under the supervision of teacher or other credentialed professional. They provide assistance in the classroom and are commonly known as paraprofessionals, instructional assistants, educational assistants, teaching assistants, and/or instructional aides. Along with substitute teachers, paraprofessional substitutes are in short supply. A nationwide survey by Frontline Education, *The Teacher Shortage, 2021 Edition*, stated that the top substitute shortages during the COVID-19 pandemic were secondary math substitutes, paraprofessionals, secondary physical

education, and bilingual education. According to CDE, paraeducator minimum requirements are as follows:

- Non-Title I paraprofessional requires a high school diploma or the equivalent and passage of a local assessment of knowledge and skills dependent on the requirements of the LEA. Some LEAs may use the California Basic Educational Skills Test.
- Title I paraprofessionals duties include instructional support and require a high school diploma or the equivalent, 48 units of college credits, or an Associate's degree, and a local assessment of knowledge at the discretion of the LEA.
- Title III paraprofessionals must meet all the Title I requirements except paraprofessionals who act primarily as translators and are proficient in English and another language other than English; and, paraprofessionals who serve primarily as parental involvement specialists.
- Non-instructional paraprofessionals are individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions do not have to meet the aforementioned requirements.

Recommended Committee Amendments. *Staff recommends that the bill be amended* as follows:

- Of the \$100 million in grant funds, award funds for school districts as follows, to ensure proportional grant amounts across LEAs:
 - \$22 million to districts with 250 or fewer ADA;
 - \$55 million to districts with ADA of more than 250 but less than 5,000; and,
 - \$23 million to districts with ADA of 5,000.
- Expand the program to include classified instructional substitutes such as paraeducators.
- Add a reporting requirement and an evaluation of the program.

Arguments in support. The Office of the Riverside County Superintendent of Schools states, "We believe the program proposed in AB 1895 has enormous potential to address the myriad issues associated with the substitute teacher shortage. Appropriately, the proposed program would give priority to applicants that demonstrate a commitment to provide supported career pathways for substitute teachers into the teaching profession, including teacher residency programs. We believe the creation of those pathways is essential to any solution for the problem we are now encountering. The ability to create programs that are sustainable and that provide stability to prospective substitute teachers are also very important, and the structure of the bill would be supportive of those efforts."

Related legislation. AB 1876 (Seyarto) of the 2021-22 Session would require 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 520 (Gipson) of the 2021-22 Session would establish the California Diversifying the Teacher Workforce Grant Program at CDE to provide one-time competitive grants to LEAs to develop and implement new, or expand existing, programs that address a local need to develop a teacher workforce that serves all pupil populations, including Black pupils.

SB 1397 (Ochoa Bogh) of the 2021-22 Session would authorize a holder of an emergency substitute teaching permit to substitute teach during the school year for any one teacher up to 60 days for a holder of an emergency 30-day substitute permit or an emergency substitute teaching permit for prospective teachers, or for up to 90 days for a holder of a career emergency substitute permit.

AB 1893 (Cunningham) of the 2021-22 Session, would require, until July 1, 2024, the CTC to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute teaching permit.

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 ADA. This bill was held in the Assembly Appropriations Committee.

AB 3149 (Limon) of the 2017-18 Session would have would require 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

Imperial County Office of Education
Office of the Riverside County Superintendent of Schools

Opposition

None on file

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