

AMENDED IN SENATE MAY 24, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2336**

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**Introduced by Assembly Member Olsen**  
**(Coauthors: Assembly Members Baker, Bonilla, Lackey, and**  
**O'Donnell)**  
*(Coauthor: Senator Vidak)*

February 18, 2016

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An act to amend, repeal, and add Sections 56060 and 56061 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2336, as amended, Olsen. Special education: substitute teachers.

Existing law authorizes a person holding a valid credential authorizing substitute teaching to serve as a substitute for an appropriately credentialed special education teacher for up to 20 cumulative schooldays. Existing law authorizes the Superintendent of Public Instruction to approve an extension beyond 20 cumulative schooldays, as provided. *Existing law requires the county superintendent of schools to perform various duties with respect to the schools of his or her county, including a duty to monitor and review their certificated employee assignment practices.*

This bill would, until January 1, 2022, authorize a person holding a valid emergency 30-day substitute teacher permit to serve as a substitute in a special education classroom for up to 40 ~~consecutive~~ *cumulative* schooldays *per vacancy* when specified conditions are met. The bill

would require an employing authority to report annually to ~~the Commission on Teacher Credentialing, specifying whether or not the employing authority employed any permitholders pursuant to these provisions and, if so, its county office of education, as part of the monitoring and review of certificated employee assignment practices,~~ the number of permitholders employed pursuant to these provisions and the length of time they were employed. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would make conforming changes and nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56060 of the Education Code is amended  
2 to read:  
3 56060. (a) Except as provided in subdivision (b) of Section  
4 56061, a noncredentialed person shall not substitute for any special  
5 education certificated position.  
6 (b) This section shall become inoperative on January 1, 2022,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2022, deletes or extends that date.  
9 SEC. 2. Section 56060 is added to the Education Code, to read:  
10 56060. (a) A noncredentialed person shall not substitute for  
11 any special education certificated position.  
12 (b) This section shall become operative on January 1, 2022.  
13 SEC. 3. Section 56061 of the Education Code is amended to  
14 read:  
15 56061. (a) A person holding a valid credential authorizing  
16 substitute teaching may serve as a substitute for the appropriately  
17 credentialed special education teacher as follows:

1 (1) Except as provided in paragraphs (2) and (3), the employer  
2 shall not employ an inappropriately credentialed substitute teacher  
3 for a period of more than 20 cumulative schooldays for each special  
4 education teacher absent during each school year.

5 (2) Upon application by the district or county office, the  
6 Superintendent may approve an extension of 20 schooldays in  
7 addition to those authorized by paragraph (1).

8 (3) Only in extraordinary circumstances may an additional  
9 number of days be granted beyond the 40 schooldays provided for  
10 by paragraphs (1) and (2). Those additional days shall be granted  
11 in writing by the Superintendent. The Superintendent shall report  
12 to the state board on all requests granted for an additional number  
13 of days pursuant to this paragraph.

14 (b) (1) A person holding a valid emergency 30-day substitute  
15 teacher permit may serve as a substitute in a special education  
16 classroom for up to 40 ~~consecutive schooldays~~, *cumulative*  
17 *schooldays per vacancy*, provided all of the following conditions  
18 have been met:

19 (A) The permitholder is filling an immediate staffing need due  
20 to a vacant position and is not substituting for a teacher who is  
21 absent.

22 (B) The employing authority has completed and filed a  
23 Statement of Need pursuant to Section 80025 of Title 5 of the  
24 California Code of Regulations.

25 (C) The employing authority has complied with the hiring  
26 hierarchy pursuant to Section 44225.7.

27 (D) By the time the employing authority has reason to believe  
28 that the assignment will last more than 20 schooldays, and by no  
29 later than the 20th day of the assignment, the employing authority  
30 has developed and implemented a plan to provide not less than six  
31 hours of training to the permitholder in all of the following areas:

32 (i) Classroom management.

33 (ii) Developing and implementing lesson plans.

34 (iii) Implementing the requirements of each pupil's  
35 individualized education program.

36 (iv) Other areas as deemed necessary by the employing  
37 authority.

38 (E) The employing authority has assigned a credentialed teacher  
39 or teachers to provide ongoing support to the permitholder.

1 (2) An employing authority shall report annually ~~on a form and~~  
 2 ~~in a manner to be determined by the Commission on Teacher~~  
 3 ~~Credentialing specifying whether or not the employing authority~~  
 4 ~~employed any permitholders pursuant to this subdivision and, if~~  
 5 ~~so, to its county office of education, as part of the assignment~~  
 6 ~~monitoring required pursuant to Section 44258.9, the number of~~  
 7 permitholders employed pursuant to this subdivision and the length  
 8 of time they were employed.

9 (c) For purposes of this section, “employing authority” includes  
 10 school districts, county offices of education, nonpublic,  
 11 nonsectarian schools and agencies, and charter schools.

12 (e)  
 13 (d) This section shall become inoperative on January 1, 2022,  
 14 and as of that date is repealed, unless a later enacted statute, that  
 15 is enacted before January 1, 2022, deletes or extends that date.

16 SEC. 4. Section 56061 is added to the Education Code, to read:

17 56061. (a) A person holding a valid credential authorizing  
 18 substitute teaching may serve as a substitute for the appropriately  
 19 credentialed special education teacher as follows:

20 (1) Except as provided in paragraphs (2) and (3), the employer  
 21 shall not employ an inappropriately credentialed substitute teacher  
 22 for a period of more than 20 cumulative schooldays for each special  
 23 education teacher absent during each school year.

24 (2) Upon application by the district or county office, the  
 25 Superintendent may approve an extension of 20 schooldays in  
 26 addition to those authorized by paragraph (1).

27 (3) Only in extraordinary circumstances may an additional  
 28 number of days be granted beyond the 40 schooldays provided for  
 29 by paragraphs (1) and (2). Those additional days shall be granted  
 30 in writing by the Superintendent. The Superintendent shall report  
 31 to the state board on all requests granted for an additional number  
 32 of days pursuant to this paragraph.

33 (b) This section shall become operative on January 1, 2022.

34 SEC. 5. If the Commission on State Mandates determines that  
 35 this act contains costs mandated by the state, reimbursement to  
 36 local agencies and school districts for those costs shall be made  
 37 pursuant to Part 7 (commencing with Section 17500) of Division  
 38 4 of Title 2 of the Government Code.

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