



Los Angeles County Office of Education

URGENT BULLETIN # 5483

9300 Imperial Highway, Downey, California 90242-2890 • (562) 922-6111

Debra Duardo, M.S.W., Ed.D., *Superintendent*

January 18, 2022

TO: Certificated Personnel Administrators
Credential Analysts and Technicians
Los Angeles County School Districts (K-12)

FROM: Carolina Rangel, Credentials Coordinator
District Personnel Information Services
Division of School Financial Services

SUBJECT: Executive Order N-3-22 and Temporary County Certificates

The Governor signed Executive Order N-3-22 on Monday, January 11, 2022. The executive order provides staffing flexibility for substitute teacher requirements through March 31, 2022.

- The Los Angeles County Office of Education's (LACOE) Certification Section may issue a Temporary County Certificate (TCC) without submission of an application for the Emergency substitute permit to the Commission on Teacher Credentialing (CTC), through March 31, 2022. The district must confirm the individual holds a Bachelor's Degree from a regionally accredited college, has met the Basic Skills Requirement (BSR) and holds a valid (non-expired) Certificate of Clearance (COC) or other valid non-expired CTC issued credential or permit, before submitting the TCC. The district will need to submit the BSR with the TCC application.
 - When using this option, please notate use of the Executive Order on the TCC as illustrated below.

Section I - Applicant Information (To be completed by applicant.)			
TYPE OR PRINT NAME OF APPLICANT (LAST, FIRST, MIDDLE)			ALL FORMER NAMES
SOCIAL SECURITY NUMBER	BIRTHDATE	MOST RECENT CALIFORNIA TEACHING EXPERIENCE (COUNTY) (YEAR)	
Information About Your Application For Credential Or Permit Sent To CTC			
APPLICATION IS FOR (PLEASE CHECK) <input type="checkbox"/> Cred. <input type="checkbox"/> Permit <input type="checkbox"/> Cert.		CHECK ONE <input type="checkbox"/> Renewal <input type="checkbox"/> Adding Subj. Matter Auth. <input type="checkbox"/> Adding other auth <input type="checkbox"/> Adding district/ agency <input type="checkbox"/> Initial <input type="checkbox"/> New Type <input type="checkbox"/> Adding Suppl. <input type="checkbox"/> Extension/Appeal	
TERM (CL, P5, EM, C8...)	TITLE OF CREDENTIAL PERMIT OR CERTIFICATE APPLIED FOR (MULTIPLE SUBJECT, SINGLE SUBJECT, EDUCATION SPLST, ETC.)		
LIST SUBJECT(S)	E.O. N-3-22		For County Office Use Only TYPE/TITLE CODE <input type="checkbox"/> Restricted
DOCUMENT EFFECTIVE DATE IS (MONTH/DAY/YEAR)			
The application was filed: (Check one.)			
<input type="checkbox"/> On-Line to CTC <input type="checkbox"/> bv IHE (name)		<input type="checkbox"/> Paper Application <input type="checkbox"/> bv IHE (name)	
Date:		Date:	

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- Substitutes may serve in a general education assignment for up to 120 days through March 31, 2022. *The 120 days extension does not apply to special education nor Career Technical Education (CTE) assignments.*
- The district superintendent must make a written statement indicating the temporary staffing flexibility will support the school district maintain in-person services for students despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases. The statement does not need to be submitted to LACOE. However, the district must keep the statement on file and made available to any member of the public upon request.

Executive Order N-3-22 and the Commission on Teacher Credentialing (CTC) Coded Correspondence #22-01 is attached for your reference.

Should questions arise regarding this bulletin, please contact me by phone at (562) 922-6605 or via email at Rangel_Carolina@laoe.edu.

Approved:
Sean Lewis, Assistant Director
School Financial Systems and Services
Division of School Financial Services

CR:sm

SFS-A32-2021-2022

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-3-22

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since then, California schools have been among the safest places in a community, providing supervised learning environments with universal mask-wearing, access to testing, superior ventilation, and staff who are vaccinated at high rates; and

WHEREAS billions of dollars in investments and countless hours of work by school and public health officials have reduced in-school transmission to minimal levels, far lower than community transmission; and

WHEREAS alternatives to in-person learning leave many students unsupervised or in environments without robust safety measures, in addition to losing the benefits to mental health, social-emotional well-being, and academic progress of in-person learning; and

WHEREAS the temporary statutory authorization for public schools to receive state funding for providing distance learning if they are not open for in-person instruction due to the COVID-19 pandemic sunset on June 30, 2021, as intended when it was initially authorized, and state law governing the 2021-22 school year again reflects the State's long-standing policy of requiring public schools to provide in-person instruction as a condition of receiving state funding; and

WHEREAS on August 16, 2021, I issued Executive Order N-12-21, Paragraph 8, waiving certain procedural requirements for retired teachers to return to the classroom and earn compensation without impacting their retirement benefits; and

WHEREAS on March 12, 2020, I issued Executive Order N-25-20, Paragraph 7; on March 21, 2020, I issued Executive Order N-35-20, Paragraph 3; and on August 16, 2021, I issued Executive Order N-12-21, Paragraph 7, which waived limitations for other retirees from public employment to return to work and earn compensation without impacting their retirement benefits; and

WHEREAS retired teachers and retired classified personnel have answered the call to return to the classroom to support the safe return to in-person instruction during the 2021-22 school year; and

WHEREAS California's commitment to the twin goals of COVID-19 safety and in-person learning have yielded remarkable results, with California schools accounting for less than 0.3% of school closures nationwide leading into the winter holidays, despite educating 12% of the nation's students; and

WHEREAS since Thanksgiving, the statewide case rates and hospitalization rates have increased dramatically; and

WHEREAS this surge is being driven by the recent emergence of the Omicron variant, which early data suggest is more transmissible but less virulent

than the Delta variant, and which has recently been estimated to account for approximately 70% of cases sequenced nationally; and

WHEREAS even when faced with the surge of cases in Fall 2021 driven by the Delta variant and the current surge of cases driven the Omicron variant, the State has remained firmly committed to using all tools available to enable schools to remain safe and open for in-person instruction; and

WHEREAS to that end, the State has invested further in school safety measures by supplying over 13 million at-home antigen tests to schools beginning in early December 2021, conducting over 3.6 million COVID-19 tests for students and staff through school-testing programs at over 4,400 school sites, supplying millions of N95 respirators to schools statewide, and continuously promoting the benefits of vaccination to all students ages 5 and older and making vaccines readily available to the public—efforts that have led to over 80 percent of eligible Californians receiving at least one vaccine dose so far (including 49 percent of Californians aged 5 to 17); and

WHEREAS because of transmission that occurred outside the school over the winter holidays, schools nationwide are experiencing short-term staffing shortages, which has put a heavy strain on school operations; and

WHEREAS providing temporary flexibility regarding administrative processes and other requirements will further support schools to maintain orderly operations with qualified staff, continuing to keep students in supervised learning environments with strong COVID-19 safety measures and learning opportunities; and

WHEREAS providing additional flexibility to support retired teachers and classified personnel who have returned to support safe, in-person learning, and eliminating barriers that may prevent additional retired teachers and classified personnel from returning to support safe, in-person learning, will also further assist schools to maintain orderly operations, continuing to keep students in supervised learning environments with strong COVID-19 safety measures and learning opportunities; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The temporary flexibilities authorized through this Order shall apply to a school district, county office of education, or charter school only if the school district superintendent, county superintendent of schools, or charter school leader, or such officials' designee, makes a written finding, which shall be signed by the official or designee and retained and made available to any member of the public upon request, that

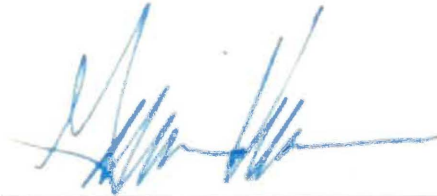
temporary staffing flexibility will support the school district, county office of education, or charter school in maintaining in-person services for students despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases.

2. For the purposes of providing emergency substitute teaching services as authorized by Title 5, California Code of Regulations section 80025(b), temporary certificates may be issued pursuant to Education Code section 44332(a) without regard to whether the recipient has a pending credential or permit application or has made the statement under oath required by that section, and any contrary requirements of section 44332(a) are hereby suspended through March 31, 2022. All applicants receiving temporary certificates pursuant to section 44332(a) must meet the remaining eligibility requirements in section 80025 and all requirements of Education Code section 44332.6.
3. The limitations in California Code of Regulations, Title 5, sections 80025.1(c) and 80025.3(a) and (b), as modified via Section 47 of Assembly Bill 167, Chapter 252, Statutes of 2021, on the duration for which substitute teachers can be assigned to a single general education assignment are extended to no more than 120 days through March 31, 2022.
4. The requirement under Education Code 46300 and any related statute or regulation that students be under the direct supervision of a certificated employee of a school district or county office of education for calculating average daily attendance for apportionment is suspended for each day, or portion thereof, that a student teacher is assigned to a classroom without the supervision of a credentialed teacher through March 31, 2022.
5. The post-retirement compensation limitations in subdivisions (d), (f), and (g) of Education Code section 24214 are suspended for compensation earned during the 2021-22 school year through March 31, 2022.
6. For a retired member that has attained the normal retirement age at the time the compensation was earned, the post-retirement compensation limitations and procedural requirements in subdivisions (a) through (g) of Education Code section 24214.5 are suspended for compensation earned during the 2021-22 school year through March 31, 2022.
7. For retired classified and certificated personnel who have attained the normal retirement age at the time the compensation was earned, the 180-day break in service requirement under subdivision (g) of Government Code section 7522.56 is suspended for compensation earned from the public employers identified in Education Code section 26113(a)(1) and (3) through March 31, 2022.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of January 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State



CODED CORRESPONDENCE

DATE:

January 13, 2022

NUMBER:

22-01

TO:

All Individuals and Groups Interested in the
Activities of the Commission on Teacher
Credentialing

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

SUBJECT: Executive Order N-3-22 and New Staffing Flexibilities

Summary:

On January 11, 2022, Governor Gavin Newsom signed Executive Order (EO) N-3-22 which immediately enacted staffing flexibilities to help alleviate staffing issues due to the Omicron-driven rise in Covid-19 cases. The EO allows individuals who do not currently hold an Emergency 30-Day Substitute Teaching Permit to receive a Temporary County Certificate (TCC) to serve in an emergency substitute assignment immediately, if the individual holds a Bachelor's or higher degree and a valid Certificate of Clearance or other Commission issued document, and the individual meets the Basic Skills Requirement. The requirements for the individual to submit an Emergency 30-Day Substitute Teaching Permit application and fee to the Commission are temporarily suspended. In addition, the service limitation for long-term and day-to-day substitute assignments is extended to 120 days. These provisions expire March 31, 2022.

Key Provisions:***Candidate Requirements for Issuance of a Temporary County Certificate for Emergency Substitute Teaching Under EO N-3-22***

Pursuant to Education Code section 44332(a), a County Office of Education (COE) may issue TCCs that allow the holder to provide services in a California public school while their application is pending review with the Commission on Teacher Credentialing. Per the Executive Order, COEs may, through March 31, 2022, issue a TCC authorizing an individual to serve as an emergency substitute teacher without submission of an application and fee for an Emergency

Day Substitute Teaching Permit to the Commission. To issue such a TCC, the COE must still verify and maintain records of the following:

1. The TCC candidate holds a Bachelor's degree or higher from a regionally accredited institution of higher education.
2. The TCC candidate has met the Basic Skills Requirement through one of the options outlined in [Commission Leaflet CL-667](#).
3. The TCC candidate holds a current, valid [Certificate of Clearance](#) (COC), [Activity Supervisor Clearance Certificate](#) (ASCC), or other Commission-issued document providing current, valid fingerprint clearance with the Commission.

Individuals issued a TCC on or before March 31, 2022, under this flexibility may serve as an emergency substitute teacher on the TCC for its entire validity. TCCs are valid for one year.

Extension of Service Limitation for Substitute Permit Holders

The EO further extends the substitute service limitation for long-term and day-to-day substitute teaching assignments serving in general education classrooms to 120 days for any one teacher of record issued, effective through March 31, 2022. This extension does not apply to special education classrooms.

Local Employing Agency Requirements

To use the flexibilities granted by the EO, a school district or COE must verify that the candidate has met the requirements outlined above and must make a "written finding" of the need to impose the flexibilities. The written statement must be signed by the school district superintendent, county superintendent of schools, or charter school leader, or such official's designee. It must meet the following criteria:

1. The statement must include an attestation that the "temporary staffing flexibility will support the school district, county office of education, or charter school in maintaining in-person services for students despite staffing shortages caused by the Omicron-drive rise in COVID-19 cases."
2. The statement must be retained by the local employing agency (LEA) and be made available upon request by any member of the public.

Strategies for Immediate use of the EO Flexibilities

The EO flexibility will allow LEAs to identify individuals who may currently be employed and have fingerprint clearance with the Commission through a valid COC, ASCC, or other Commission-issued document, as potential substitutes. This may include athletic coaches, before and after school program employees, or other existing staff. If such staff have met the Basic Skills Requirement and hold a Bachelor's or higher degree, then they may begin serving as a substitute immediately upon issuance of a TCC by the COE.

Additionally, LEAs may recruit parents and other volunteers to employ as emergency substitutes on a TCC, if they have met the Basic Skills Requirement and hold a qualifying degree. Parents and other volunteers who have gone through the local district or county fingerprinting process must still complete the Live Scan fingerprinting process for the Commission and must apply for the COC or ASCC via CTC Online. Information on completing the fingerprinting process can be found at [Fingerprint Information \(ca.gov\)](#), and details on how to apply for a COC or ASCC can be found at [Online Application Information](#).

Timeline for Substitute Assignments

The various flexibilities created through both the Executive Order and the 2021 Budget Trailer Bill affect the number of cumulative days in which the holder can serve as a substitute for any one teacher of record's classroom. Details on the timelines are provided below:

Credentials and Permits that Authorize Substitute Teaching

- Standard Authorization:
 - 20 days for Special Education classes
 - 30 days for General Education classes
- 2021 Budget Trailer Bill:
 - 60 days for both General and Special Education classes
 - Effective through June 30, 2022
- Executive Order N-3-22:
 - 120 days for General Education classes
 - Effective through March 31, 2022

Additional Flexibilities Addresses by EO N-3-22

In addition to the flexibilities addressed in the details above, the EO included further options designed to help mitigate the current hardships that LEAs are facing related to staffing. Questions on these additional opportunities for flexibility should be directed to the State agency contacts identified below:

California Department of Education

California State Teachers Retirement System

California Public Employees Retirement System

Important Dates:

The Executive Order was signed and took effect January 11, 2022.

Flexibilities related to the TCC and to the extended service period of 120 days for long-term and day-to-day substitute teaching assignments expire March 31, 2022.

The 120-day extended service period must begin on or before March 31, 2022.

Sources:

Executive Order N-3-22

<https://www.gov.ca.gov/wp-content/uploads/2022/01/1.11.21-N-3-22-School-Staffing-EO-signed.pdf>

Basic Skills Requirement Leaflet CL-667

[https://www.ctc.ca.gov/credentials/leaflets/basic-skills-requirement-\(cl-667\)](https://www.ctc.ca.gov/credentials/leaflets/basic-skills-requirement-(cl-667))

Fingerprint Information

<https://www.ctc.ca.gov/credentials/fee-and-fingerprint>

Online Application Information

<https://www.ctc.ca.gov/credentials/submit-online>

Contact Information:

Questions regarding credential requirements and application submissions may be directed to the Commission's Information Services Unit by email at credentials@ctc.ca.gov. Questions regarding the fingerprinting process and professional fitness review may be directed to DPPinfo@ctc.ca.gov.