

**ITEM 3**  
**TEST CLAIM**  
**FINAL STAFF ANALYSIS**  
**AND**  
**PROPOSED STATEMENT OF DECISION**

Education Code Sections 44225, 44225.7, 44300, 44301, 44326, 44327, 44332, 44830, 44830.3,  
44842, 44885.5, 44901, 45037

Statutes 1975, Chapter 228; Statutes 1981, Chapter 1136; Statutes 1982, Chapter 206; Statutes  
1982, Chapter 434; Statutes 1982, Chapter 471; Statutes 1982, Chapter 1388; Statutes 1983,  
Chapter 498; Statutes 1983, Chapter 536; Statutes 1983, Chapter 1038; Statutes 1983, Chapter  
1302; Statutes 1984, Chapter 482; Statutes 1985, Chapter 747; Statutes 1986, Chapter 989;  
Statutes 1987, Chapter 1468; Statutes 1988, Chapter 1355; Statutes 1989, Chapter 375; Statutes  
1991, Chapter 590; Statutes 1992, Chapter 1050; Statutes 1993, Chapter 378; Statutes 1994,  
Chapter 673; Statutes 1994, Chapter 922; Statutes 1996, Chapter 303; Statutes 1996, Chapter  
948; Statutes 1997, Chapter 934; Statutes 1998, Chapter 533; Statutes 1998, Chapter 547;  
Statutes 1999, Chapter 281; Statutes 1999, Chapter 381; Statutes 2001, Chapter 585; Statutes  
2002, Chapter 1069; and Statutes 2002, Chapter 1087

California Code of Regulations, Title 5, Sections 80005, 80016, 80020.4.1, 80023.1, 80023.2,  
80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6, 80027, 80035, 80035.5, 80036,  
80036.1, 80036.3, 80037, 80037.5, 80038, 80040, 80043, 80045, 80047.2, 80047.4, 80048.2,  
80048.3, 80048.3.1, 80048.4, 80054, 80055.1, 80055.2, 80058.2, 80070.2, 80070.3, 80070.4,  
80070.6, 80071.4, 80413.3, 80435, 80441, 80466, 80556, 80556.1, 80601

Register 75, No. 16 (April 16, 1975); Register 75, No. 25 (June 20, 1975); Register 75, No. 27  
(Aug. 2, 1975); Register 76, No. 5 (Feb. 27, 1976); Register 76, No. 21 (June 20, 1976); Register  
76, No. 49 (Jan. 2, 1977); Register 77, No. 21 (June 19, 1977); Register 77, No. 51 (Jan. 15,  
1978); Register 78, No. 10 (April 7, 1978); Register 78, No. 22 (June 29, 1978); Register 78, No.  
48 (Dec. 29, 1978); Register 79, No. 23 (July 5, 1979); Register 80, No. 6 (March 7, 1980);  
Register 80, No. 32 (Sept. 5, 1980); Register 81, No. 15 (May 6, 2001); Register 81, No. 23  
(July 3, 1981); Register 82, No. 41 (Jan. 1, 1983); Register 82, No. 45 (Dec. 2, 1982); Register  
82, No. 48 (Nov. 10, 1982); Register 83, No. 12 (March 15, 1983); Register 83, No. 23 (July 3,  
1983); Register 83, No. 30 (Aug. 21, 1983); Register 83, No. 31 (Aug. 28, 1983); Register 83,  
No. 40 (Sept. 27, 1983); Register 84, No. 8 (Mar. 23, 1984); Register 84, No. 40 (Nov. 3, 1984);  
Register 86, No. 40 (Oct. 31, 1986); Register 86, No. 50 (Jan. 9, 1987); Register 86, No. 52  
(Jan. 1, 1987); Register 89, No. 11 (April 9, 1989); Register 89, No. 12 (April 16, 1989);  
Register 89, No. 46 (Dec. 13, 1989); Register 90, No. 42 (Sept. 4, 1990); Register 92, No. 39  
(Sept. 21, 1992); Register 93, No. 25 (July 15, 1993); Register 94, No. 16 (May 20, 1994);  
Register 94, No. 19 (June 9, 1994); Register 95, No. 9, (Mar. 3, 1995); Register 95, No. 15 (May  
10, 1995); Register 95, No. 32 (Sept. 7, 1995); Register 96, No. 26 (July 27, 1996); Register 96,  
No. 41 (Nov. 10, 1996); Register 97, No. 39 (Oct. 26, 1997); Register 97, No. 51 (Dec. 16,  
1997); Register 98, No. 3 (Jan. 13, 1998); Register 98, No. 12 (April 17, 1998); Register 98, No.  
28 (July 6, 1998); Register 98, No. 32 (Sept. 5, 1998); Register 98, No. 49 (Dec. 2, 1998);  
Register 99, No. 11 (April 10, 1999); Register 99, No. 41 (Nov. 7, 1999); Register 99, No. 46  
(Nov. 12, 1999); Register 99, No. 51 (Jan. 15, 2000); Register 2000, No. 15 (May 14, 2000);  
Register 2000, No. 16 (May 21, 2000); Register 2000, No. 22 (June 20, 2000); Register 2001,

No. 17 (May 25, 2001); Register 2001, No. 24 (June 15, 2001); Register 2001, No. 47 (Oct. 9, 2001); Register 2002, No. 21 (June 20, 2002); Register 2002, No. 50 (Jan. 8, 2002); Register 2002, No. 52 (Jan. 22, 2003); Register 2003, No. 5 (Mar. 1, 2003).

*Teacher Credentialing*  
03-TC-09

San Diego County Office of Education, Claimant

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**TABLE OF CONTENTS**

**Exhibit A**

Test Claim Filing, September 25, 2003 ..... 3

**Exhibit B**

Comments Filed by the California Commission on Teacher Credentialing,  
November 7, 2003..... 489

**Exhibit C**

Supplemental Filing to Test Claim, December 9, 2003..... 500

**Exhibit D**

Comments Filed by Department of Finance, September 22, 2005 ..... 638

**Exhibit E**

Supplemental Filing to Test Claim, June 4, 2008..... 665

**Exhibit F**

Draft Staff Analysis and Supporting Documents..... 672

# SixTen and Associates Mandate Reimbursement Services

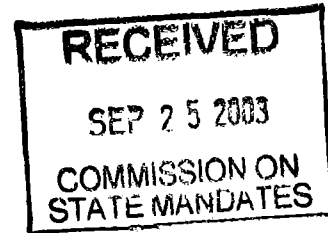
KEITH B. PETERSEN, MPA, JD, President  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

Telephone: (858) 514-8605  
Fax: (858) 514-8645  
E-Mail: Kbpsixten@aol.com

September 23, 2003

Certified Mail : 7001 0360 0000 5999 8928

Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814



Re: TEST CLAIM OF San Diego County Office of Education  
Statutes of 2002/Chapter 1087  
Teacher Credentialing

Dear Ms. Higashi:

Enclosed are the original and seven copies of the San Diego County Office of Education test claim for the above referenced mandate.

I have been appointed by the District as its representative for the test claim. The District requests that all correspondence originating from your office and documents subject to service by other parties be directed to me, with copies to:

Lora Duzyk,  
Executive Director  
San Diego County Office of Education  
6401 Linda Vista Road  
San Diego, California 92111-7309

The Commission regulations provide for an informal conference of the interested parties

Paula Higashi, Executive Director,  
Commission on State Mandates

September 23, 2003

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within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,

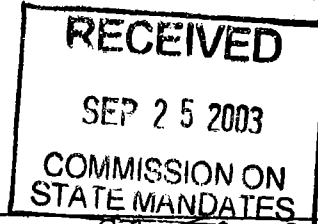


*For* Keith B. Petersen

C: Lora Duzyk, Executive Director  
San Diego County Office of Education

State of California  
COMMISSION ON STATE MANDATES  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562  
CSM 2 (1/91)

For Official Use Only



**TEST CLAIM FORM**

Claim No. 03-TC-09

Local Agency or School District Submitting Claim

**SAN DIEGO COUNTY OFFICE OF EDUCATION**

Contact Person

Telephone Number

Keith B. Petersen, President  
SixTen and Associates

Voice: 858-514-8605  
Fax: 858-514-8645

Claimant Address

San Diego Office of Education  
6401 Linda Vista Road  
San Diego, California 92111-7309

Representative Organization to be Notified

Dr. Carol Berg, Consultant,  
Education Mandated Cost Network  
c/o School Services of California  
1121 L Street, Suite 1060  
Sacramento, CA 95814

Voice: 916-446-7517  
Fax: 916-446-2011

This claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code citation(s) within the chaptered bill, if applicable.

**Teacher Credentialing**  
(See Attached)

**IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING TEST CLAIM ON THE REVERSE SIDE.**

Name and Title of Authorized Representative

Telephone No.

Lora Duzyk  
Executive Director

Voice (858) 292-3537  
Fax (858) 541-0697

Signature of Authorized Representative

Date

x

September 22, 2003

Attachment to COSM Form CSM 2 (1/91)  
Test Claim of San Diego Office of Education  
Chapter 1087, Statutes of 2002  
Teacher Credentialing

Chapter 1087, Statutes of 2002  
Chapter 1069, Statutes of 2002  
Chapter 585, Statutes of 2001  
Chapter 381, Statutes of 1999  
Chapter 281, Statutes of 1999  
Chapter 547, Statutes of 1998  
Chapter 533, Statutes of 1998  
Chapter 934, Statutes of 1997  
Chapter 948, Statutes of 1996  
Chapter 303, Statutes of 1996  
Chapter 922, Statutes of 1994  
Chapter 673, Statutes of 1994  
Chapter 378, Statutes of 1993  
Chapter 1050, Statutes of 1992  
Chapter 590, Statutes of 1991  
Chapter 375, Statutes of 1989  
Chapter 1355, Statutes of 1988  
Chapter 1468, Statutes of 1987  
Chapter 989, Statutes of 1986  
Chapter 747, Statutes of 1985  
Chapter 482, Statutes of 1984  
Chapter 1302, Statutes of 1983  
Chapter 1038, Statutes of 1983  
Chapter 536, Statutes of 1983  
Chapter 498, Statutes of 1983  
Chapter 1388, Statutes of 1982  
Chapter 471, Statutes of 1982  
Chapter 434, Statutes of 1982  
Chapter 206, Statutes of 1982  
Chapter 1136, Statutes of 1981  
Chapter 228, Statutes of 1975

Education Code Section 44225  
Education Code Section 44225.7  
Education Code Section 44300  
Education Code Section 44301  
Education Code Section 44326  
Education Code Section 44327  
Education Code Section 44332  
Education Code Section 44830  
Education Code Section 44830.3  
Education Code Section 44842  
Education Code Section 44885.5  
Education Code Section 44901  
Education Code Section 45037

Title 5, California Code of Regulations  
Sections 80005, 80016, 80020.4.1,  
80023.1, 80023.2, 80025, 80025.1,  
80025.5, 80026, 80026.1, 80026.5,  
80026.6, 80027, 80035, 80035.5,  
80036, 80036.1, 80036.3, 80037,  
80037.5, 80038, 80040, 80043,  
80045, 80047.2, 80047.4, 80048.2,  
80048.3, 80048.3.1, 80048.4, 80054,  
80055.1, 80055.2, 80058.2, 80070.2,  
80070.3, 80070.4, 80070.6, 80071.4,  
80413.3, 80435, 80441, 80466,  
80556, 80556.1, and 80601

1 Claim Prepared By:  
2 Keith B. Petersen  
3 SixTen and Associates  
4 5252 Balboa Avenue, Suite 807  
5 San Diego, CA 92117  
6 Voice: (858) 514-8605  
7

8 BEFORE THE  
9  
10 COMMISSION ON STATE MANDATES  
11  
12 STATE OF CALIFORNIA  
13

14	Test Claim of:	)	
15		)	No. CSM _____
16	San Diego County	)	
17	Office of Education,	)	Chapter 1087, Statutes of 2002
18		)	Chapter 1069, Statutes of 2002
19		)	Chapter 585, Statutes of 2001
20		)	Chapter 381, Statutes of 1999
21		)	Chapter 281, Statutes of 1999
22		)	Chapter 547, Statutes of 1998
23		)	Chapter 533, Statutes of 1998
24		)	Chapter 934, Statutes of 1997
25		)	Chapter 948, Statutes of 1996
26		)	Chapter 303, Statutes of 1996
27		)	Chapter 922, Statutes of 1994
28		)	Chapter 673, Statutes of 1994
29		)	Chapter 378, Statutes of 1993
30		)	Chapter 1050, Statutes of 1992
31		)	Chapter 590, Statutes of 1991
32		)	Chapter 375, Statutes of 1989
33		)	Chapter 1355, Statutes of 1988
34		)	Chapter 1468, Statutes of 1987
35		)	Chapter 989, Statutes of 1986
36	Test Claimant.	)	Chapter 747, Statutes of 1985
37		)	Chapter 482, Statutes of 1984
38		)	Chapter 1302, Statutes of 1983
39		)	Chapter 1038, Statutes of 1983
40		)	Chapter 536, Statutes of 1983
41		)	Chapter 498, Statutes of 1983
42		)	(cont. on next page)
43		)	
44		)	<u>Teacher Credentialing</u>
45		)	
46		)	

TEST CLAIM FILING

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1		
2	)	Chapter 1388, Statutes of 1982
3	)	Chapter 471, Statutes of 1982
4	)	Chapter 434, Statutes of 1982
5	)	Chapter 206, Statutes of 1982
6	)	Chapter 1136, Statutes of 1981
7	)	Chapter 228, Statutes of 1975
8	)	
9	)	Education Code Sections 44225,
10	)	44225.7, 44300, 44301, 44326
11	)	44327, 44332, 44830, 44830.3,
12	)	44842, 44885.5, 44901, and 45037
13	)	
14	)	Title 5, California Code of Regulations
15	)	Sections 80005, 80016, 80020.4.1,
16	)	80023.1, 80023.2, 80025, 80025.1,
17	)	80025.5, 80026, 80026.1, 80026.5,
18	)	80026.6, 80027, 80035, 80035.5,
19	)	80036, 80036.1, 80036.3, 80037,
20	)	80037.5, 80038, 80040, 80043,
21	)	80045, 80047.2, 80047.4, 80048.2,
22	)	80048.3, 80048.3.1, 80048.4, 80054,
23	)	80055.1, 80055.2, 80058.2, 80070.2,
24	)	80070.3, 80070.4, 80070.6, 80071.4,
25	)	80413.3, 80435, 80441, 80466,
26	)	80556, 80556.1, and 80601
27	)	

PART 1. AUTHORITY FOR THE CLAIM

The Commission on State Mandates has the authority pursuant to Government Code section 17551(a) to "...hear and decide upon a claim by a local agency or school district that the local agency or school district is entitled to be reimbursed by the state for costs mandated by the state as required by Section 6 of Article XIII B of the California Constitution." San Diego County Office of Education is a "school district" as defined in



1 Government Code section 17519.<sup>1</sup>

2  
3 **PART II. LEGISLATIVE HISTORY OF THE CLAIM**

4 This test claim alleges mandated costs reimbursable by the state for school  
5 districts and county offices of education to implement the state's credentialing laws.

6 **SECTION 1. LEGISLATIVE HISTORY PRIOR TO JANUARY 1, 1975**

7 Education Code Section 13114<sup>2</sup> provided the powers and duties of the

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<sup>1</sup> Government Code Section 17519, as added by Chapter 1459/84:

"School District" means any school district, community college district, or county superintendent of schools."

<sup>2</sup> Education Code Section 13114, added by Chapter 557, Statutes of 1970, Section 3:

"The duties of the commission shall be to implement this chapter, to establish and promulgate standards and procedures for certifying educational personnel as qualified for a license to practice in the public schools of California, and to support, facilitate, and delineate functions and programs of preparation for the teaching profession.

The commission, consistent with the terms and provisions of this article, shall have the following powers and duties:

(a) To develop standards and procedures for the certification of educational personnel.

(b) To promulgate appropriate rules and regulations.

(c) To issue credentials upon certification to the State Board of Education.

(d) To provide leadership and to coordinate resources for the improvement of teacher education.

(e) To establish advisory committees consisting of representatives from various elements of the teaching profession related to each subject specialization which will help formulate performance standards for general teaching and other educational specialties.

(f) To develop and recommend to the Legislature for its approval alternative ways in which to demonstrate qualifications for licensing which are adapted to individual differences in candidates, preparing institutions, and performance requirements, while at the same time protecting against incompetence.

1 commission, which consisted of implementing, establishing and promulgating  
2 standards and procedures for certifying educational personnel as qualified for a license  
3 to practice in the public schools of California, and to support, facilitate, and delineate  
4 functions and programs of preparation for the teaching profession.

5 Education Code Section 13163.2<sup>3</sup> provided that each county or city and county  
6 board of education could issue temporary certificates for the purpose of authorizing  
7 salary payments to certified employees whose credential applications were being

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differences in candidates, preparing institutions, and performance requirements, while at the same time protecting against incompetence.

(g) To develop objective, independently verifiable standards of measurement and evaluation of teaching competence as it relates to teacher licensing.

(h) To develop new or employ existing objective examinations as a measure of subject matter knowledge for the purpose of certifying educational personnel.

(i) To develop objective standards for the identification of specialist teachers.

(j) To monitor and evaluate the results of its action as it relates to the performance of teachers licensed under this article.

(k) To develop and recommend to the Legislature for its consideration, any necessary or desirable legislation to require the continuing education of certified personnel and the issuance of life credentials.”

<sup>3</sup> Education Code Section 13163.2, added by Chapter 557, Statutes 1970, Section 3:

“Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children’s centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission.”

1 processed or to personnel employed in children's centers or other preschool educational  
2 programs whose permit applications were being processed.

3 Education Code Section 13251<sup>4</sup> provided that governing boards of public school  
4 districts shall employ, in positions for which certification qualifications are established by  
5 this code, only such persons who were certificated in accordance with the provisions of  
6 this code.

7 Education Code Section 13260<sup>5</sup> provided that permanent employees were  
8 required to notify the governing board of a school district prior to July 1<sup>st</sup> of their intention  
9 to remain in the service of the district, or they were deemed to have declined  
10 employment.

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<sup>4</sup> Education Code Section 13251, as amended by Chapter 1009, Statutes of 1974, Section 18.8:

"Governing boards of public school districts shall employ in positions for which certification qualifications are established by this code only such persons as are certificated in accordance with the provisions of this code."

<sup>5</sup> Education Code Section 13260, as amended by Chapter 291, Statutes of 1973, Section 1:

"If, without good cause, a permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him, or mailed to him by United States certified mail with return receipt requested to his last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, he may be deemed to have declined employment and his services as an employee of the district may be terminated on June 30th of that year."

1 Education Code Section 13320<sup>6</sup> provided the requirements for the acquisition of  
2 permanent status of an employee who had served in more than one district.

3 SECTION 2. LEGISLATIVE HISTORY AFTER DECEMBER 31, 1974:

4 Chapter 228, Statutes of 1975, Section 2, amended Education Code Section  
5 13163.2 to make technical changes.

6 Chapter 1010, Statutes of 1976, Section 2, renumbered and recodified the  
7 following cited Education Code Sections as follows:

8	<u>Original</u>	<u>Renumbered</u>
9	13114	44225
10	13163.2	44332
11	13251	44830

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<sup>6</sup> Education Code Section 13320, as amended by Chapter 1778, Statutes of 1961, Section 7:

“A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.”

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1           13260           44842

2           13320           44901

3           Chapter 1136, Statutes of 1981, Section 3, amended Education Code Section  
4 44332<sup>7</sup>, to require, for the first time, the recipient of a temporary certificate demonstrate  
5 proficiency in basic reading, writing, and mathematic skills. Other technical changes  
6 were also made.

7           Chapter 1136, Statutes of 1981, Section 13, amended Education Code Section  
8 44830<sup>8</sup> which lettered the former Section 44830 as subdivision (a), and added new

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<sup>7</sup> Education Code Section 44332, (former Section 13163.2, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 1136, Statutes 1981, Section 3:

"Except where such service is provided by a school district authorized to register certification documents pursuant to Section ~~13163.2~~ 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed, if the individual has demonstrated proficiency in basic reading, writing, and mathematic skills. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission."

<sup>8</sup> Education Code Section 44830, (former Section 13274, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 1136, Statutes of 1981, Section 13:

"(a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or

1 subdivisions (b) and (c). Subdivision (b), for the first time, requires a certificated job  
2 applicant to demonstrate proficiency in basic reading, writing, and mathematic skills in the  
3 English language. Subdivision (b)(1) requires the superintendent, in conjunction with the  
4 commission and local governing boards, to take steps necessary to insure the effective  
5 implementation of this subdivision. Subdivision (b)(3) provides that if a certificated  
6 person does not pass a proficiency assessment in basic skills pursuant to this section, he  
7 or she shall be given one year to master these basic skills, and then shall be given one  
8 additional opportunity to be reassessed. Failure to pass an assessment in basic skills on

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persons charged, by ~~said the~~ governing boards, with the responsibility of recommending such persons for employment by ~~said the~~ boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of ~~said the~~ applicants for such employment.

(b) Commencing on March 1, 1982, no certificated person shall be hired initially to serve in any school district on a permanent, temporary, or substitute basis, unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language.

(1) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

(2) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(3) If a certificated person does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year to master these basic skills, and then shall be given one additional opportunity to be reassessed. Failure to pass an assessment in basic skills on the second opportunity shall be grounds for dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(c) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment."

1 the second opportunity shall be grounds for dismissal under procedures established in  
2 Article 3 (commencing with Section 44930) of Chapter 4.

3 Chapter 206, Statutes of 1982, Section 5, amended Education Code Section  
4 44332 to make technical changes.

5 Chapter 206, Statutes of 1982, Section 6, amended Education Code Section  
6 44830<sup>9</sup> to add a new subdivision (b)(1) which allows the governing board of a school

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<sup>9</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2) as amended by Chapter 206, Statutes of 1982, Section 6:

“(a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on ~~March 1, 1982~~ February 1, 1983, ~~no certificated person-school district governing board shall be initially hired to serve in any school district on a permanent, temporary, or substitute basis; a certificated person seeking employment in the capacity designated in his or her credential unless the that person has demonstrated basic skills proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), and (f).~~

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

~~(2)~~ The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests.

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

1 district, with the authorization of the Commission on Teacher Preparation and Licensing,  
2 to administer the basic skills proficiency test required under the provisions of Sections  
3 44252 and 44252.5. Former subdivision (b)(1) was renumbered as subdivision (b)(2)  
4 and was amended to state that it is the intent of the Legislature that, in effectively  
5 implementing the provisions of this subdivision, school district governing boards shall  
6 direct superintendents of schools to prepare for emergencies by developing a pool of  
7 qualified emergency substitute teachers. This preparation shall include public notice of

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District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

~~(3) If a certificated person does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year to master these basic skills, and then shall be given one additional opportunity to be reassessed. Failure to pass an assessment in basic skills on the second opportunity shall be grounds for dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4. Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.~~

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(ed) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(f) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment."



1 the test requirements and of the dates and locations of administrations of the tests.  
2 District governing boards shall make special efforts to encourage individuals who are  
3 known to be qualified in other respects as substitutes to take the state basic skills  
4 proficiency test at its earliest administration. Former subdivision (b)(3) was deleted and a  
5 new subdivision (b)(3) was added to provide that demonstration of proficiency in reading,  
6 writing, and mathematics by any person pursuant to Section 44252 shall satisfy the  
7 requirements of this subdivision. New subdivisions (c), (e) and (f) were added to create  
8 exceptions to the rule, former subdivision (c) was relettered subdivision (d), and other  
9 technical changes were also made.

10 Chapter 434, Statutes of 1982, Section 1, amended Education Code Section  
11 44842<sup>10</sup> to add a new subdivision (b), which, for the first time, provides that if an

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<sup>10</sup> Education Code Section 44842, (former Section 13260, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 434, Statutes of 1982, Section 1:

"(a) If, without good cause, a probationary or permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, he may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30th of that year.

(b) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 employee of a school district fails to report for duty at the beginning of a school year after  
2 having notified the governing board of his or her intention of returning, the employee may  
3 be deemed to have declined employment and may be terminated. The school district is  
4 required, before terminating the employee, to notify the employee at least five days in  
5 advance, of the time and place at which the employee was to report to work. Other  
6 technical changes were also made.

7 Chapter 471, Statutes of 1982, Section 1, amended Education Code Section  
8 44332<sup>11</sup>, for the first time, to allow the 120 school day period to be extended for a period

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district may be terminated on the day following the 20<sup>th</sup> consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year."

<sup>11</sup> Education Code Section 44332, (former Section 13163.2, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), as amended by Chapter 471, Statutes of 1982, Section 1:

"Except where such service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for such a temporary certificate shall make a statement under oath that he or she has duly filed his an application for a credential or permit together with the required fee and that to the best of his or her knowledge no reason exists why ~~he should not be issued~~ a certificate or permit should not be issued. Such certificate or permit shall be valid for not more than 120 schooldays;

1 of 60 school days due to delays in processing a credential application.

2 Chapter 1388, Statutes of 1982, Section 5, amended Education Code Section

3 44830<sup>12</sup> to add new subdivisions (f) and (h). Subdivision (f) provides that if the holder of

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~~and only until the credential or permit originally requested is either issued or denied by the commission.~~

The period of 120 schooldays may be extended once for a period of not more than 60 schooldays due to delays in processing a credential application, except when the commission certifies in writing to the county or city and county board of education before the end of the period of 120 schooldays that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application, in either of which cases no extension shall be granted. Failure of the commission to so certify before the end of the 120-schoolday extension period shall be construed to mean that the applicant possesses adequate academic qualifications and does not have a criminal record which would disqualify the application.

In no event shall a temporary certificate or permit be valid beyond the time that the commission either issues or denies the originally requested credential or permit."

<sup>12</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2) as amended by Chapter 1388, Statutes of 1982, Section 5:

"(a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), ~~and (f), and (g).~~

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective

implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(f) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

~~(f)~~(g) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(h) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement

1 a vocational designated subject credential does not pass the basic skills test, he or she  
2 shall be given one year to retake and pass the test, if not, he or she shall be subject to  
3 dismissal. Subdivision (h) allows school districts to hire a teacher credentialed in another  
4 state who has not taken the state basic skills test if, at a public meeting, the school  
5 district governing board certifies that no person who meets the credentialing  
6 requirements and who has satisfied the basic skills requirement specified in Section  
7 44261.5 is available to fill the position.

8 Chapter 498, Statutes of 1983, Section 25.5, added Education Code Section  
9 44326<sup>13</sup> which limits teacher trainees to teach in the subject in which they earned an  
10 undergraduate degree, and requires the district to provide the supervision of a mentor  
11 teacher.

12 Chapter 498, Statutes of 1983, Section 25.5, added Education Code Section

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attesting to the failure of those attempts. Such certification shall be submitted to the  
commission with the name of the teacher the board intends to employ pursuant to this  
section. The commission shall issue an emergency credential pursuant to paragraph 3  
of subdivision (b) of Section 44252, upon receipt of this documentation."

<sup>13</sup> Education Code Section 44326, added by Chapter 498, Statutes of 1983,  
Section 25.5 :

"Persons holding teacher trainee certificates issued by the commission under  
Section 44325 shall only be authorized to teach in the subject areas in which they  
completed an undergraduate academic major or minor and shall be required to teach  
with the assistance and guidance of certificated employees of the district who have been  
classified as mentor teachers under the provisions of Article 4 (commencing with  
Section 44490) of Chapter 3 of this part."

1 44327<sup>14</sup> which allows the commission to suggest alternative models of professional  
2 development plans for teacher trainees for consideration and adoption by school districts.  
3 Chapter 498, Statutes of 1983, Section 45, added Education Code Section  
4 44830.3<sup>15</sup>, subdivision (a), which requires the governing board of a school district, prior to

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<sup>14</sup> Education Code Section 44327, added by Chapter 498, Statutes of 1983,  
Section 25.5 :

“The commission may suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts. The models may include provisions for collaboration between school districts and accredited institutions of higher education on behalf of certificated teacher trainees and mentor teachers.”

<sup>15</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983,  
Section 45:

“(a) The governing board of any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, may employ persons authorized by the Commission on Teacher Credentialing to provide service as teacher trainees to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a teacher trainee, the governing board shall certify to the commission that insufficient fully credentialed teachers are available. The governing board shall require that each teacher trainee be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part.

(b) The governing board of each school district employing certificated teacher trainees shall develop and implement a professional development plan for each teacher trainee in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the teacher trainee.
  - (2) As the governing board determines necessary, a description of courses to be completed by the teacher trainee, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.
  - (3) Any other criteria that may be required by the governing board.
- (c) Upon completion of two years of service, the governing board may

1 employing any person as a teacher trainee, to certify to the commission that insufficient  
2 fully credentialed teachers are available. The governing board shall also require that  
3 each teacher trainee be assisted and guided by a certificated employee of the school  
4 district who has been designated by the governing board as a mentor teacher.

5 Subdivision (b) requires the governing board of a school district employing certificated  
6 teacher trainees to develop and implement a professional development plan for each  
7 teacher trainee in consultation with an accredited institution of higher education offering  
8 an approved program of pedagogical preparation, which shall include,

9 (1) Provisions for an annual evaluation of the teacher trainee,

10 (2) A description of courses to be completed by the teacher trainee, if any, and  
11 a plan for the completion of preservice or other clinical training, if any, including  
12 student training, and

13 (3) Any other criteria which may be required by the governing board.

14 Subdivision (c), provides that, upon completion of two years of service, the governing  
15 board may recommend to the Commission on Teacher Credentialing that the teacher  
16 trainee be credentialed in the manner prescribed by section 44328.

17 Chapter 498, Statutes of 1983, Section 48, added Education Code Section  
18 44885.5<sup>16</sup>, subdivision (a), which requires any school district maintaining grades 9 to 12,

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recommend to the Commission on Teacher Credentialing that the teacher trainee be  
credentialed in the manner prescribed by Section 44328."

<sup>16</sup> Education Code Section 44885.5, added by Chapter 498, Statutes of 1983,  
Section 48:

1 inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, to  
2 classify as a probationary employee of the district any person while that person is  
3 employed as a teacher trainee pursuant to Section 44830.3 and any person who has  
4 completed two years of service in the district as a teacher trainee pursuant to Section  
5 44830.3 and is reelected for the next succeeding school year to a position requiring  
6 certification qualifications. Subdivision (b) requires the governing board to notify the  
7 employee, on or before March 15 of the employee's third complete consecutive school  
8 year of employment by the district as a probationary employee, of the decision to reelect  
9 or not reelect the employee for the next succeeding school year to such a position. In the

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“(a) Any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, shall classify as a probationary employee of the district any person while that person is employed as a teacher trainee pursuant to Section 44830.3 and any person who has completed two years of service in the district as a teacher trainee pursuant to Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948.

(b) Every employee of a school district maintaining grades 9 to 12, inclusive, or maintaining grade 7 and 8 in a departmentalized junior high school, who, after having been employed as a probationary employee by the district for three complete consecutive school years, composed of two years of service as a teacher trainee pursuant to Section 44830.3 and one year in a position requiring certification qualifications, is reelected for the next succeeding year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's third complete consecutive school year of employment by the district as a probationary employee, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.”



1 event the governing board does not give notice pursuant to this section on or before  
2 March 15, the employee shall be deemed reelected for the next succeeding school year.  
3 Chapter 498, Statutes of 1983 Section 49, amended Education Code Section  
4 44901<sup>17</sup>, to add subdivision (b), which requires the governing board to notify the

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<sup>17</sup> Education Code Section 44901, (former Section 13320, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 498, Statutes of 1983, Section 49:

“(a) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of two complete consecutive school years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the third consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for two complete consecutive school

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 employee serving in two or more districts, on or before March 15 of the employee's  
2 second complete consecutive school year of employment, of any decision to reelect or  
3 not reelect the employee for the next succeeding school year to such a position. In the  
4 event that the governing board does not give notice pursuant to this section on or before  
5 March 15, the employee shall be deemed reelected for the next succeeding school year.

6 Chapter 536, Statutes of 1983, Section 3, amended Education Code Section  
7 44830<sup>18</sup> to add new subdivisions (e), (f), (g), (k), (m), and (n), and reletter the former

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years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the third consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the districts in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

<sup>18</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), as amended by Chapter 536, Statutes of 1983, Section 3:

"(a) ~~A~~ Governing boards of a school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It ~~shall be~~ is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking

employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), ~~(g), (h), (i), (j), (k), (l), and (m).~~

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

~~(e)(h)~~ If the basic skills proficiency test is not administered at the time of hiring, the

1 subdivisions (e), (f), (g), and (h) to new subdivisions (h), (i), (j), and (l), respectively.

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holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

~~(f)(i)~~ If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

~~(g)(i)~~ Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(k) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

~~(h)(l)~~ A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(m) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

(n) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied."

1 These amendments added additional exceptions to the rule.

2 Chapter 1038, Statutes of 1983, Section 2, amended Education Code Section  
3 44830<sup>19</sup> to reletter former subdivisions (j) through (n) to new subdivisions (k) through

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<sup>19</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), as amended by Chapter 1038, Statutes of 1983, Section 2:

“(a) A governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills

proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(j)(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is

1 (o). A new subdivision (j) was added to provide that the holder of a vocational  
2 designated subject credential is not required to pass the state basic skills proficiency test.  
3 However, the governing board of each school district, or each governing board of a  
4 consortium of school districts, or each governing board involved in a joint powers  
5 agreement, which employs the holder of a vocational designated subject credential, shall  
6 establish its own basic skills proficiency for these credentials and shall arrange for those  
7 individuals to be assessed. The basic skills proficiency criteria established by the

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employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

~~(k)~~(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

~~(j)~~(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

~~(m)~~(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

~~(n)~~(o) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied."

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 governing board shall be at least equivalent to the test required by the district, or in the  
2 case of a consortium or a joint powers agreement, by any of the participating districts, for  
3 graduation from high school.

4 Chapter 1302, Statutes of 1983, Section 15.1, amended Education Code Section  
5 44885.5<sup>20</sup> to change the referenced section from Section 44948 to Section 44948.3.

6 Chapter 482, Statutes of 1984, Section 9.5, amended Education Code Section

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<sup>20</sup> Education Code Section 44885.5, added by Chapter 498, Statutes of 1983, Section 48, as amended by Chapter 1302, Statutes of 1983, Section 15.1:

“(a) Any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, shall classify as a probationary employee of the district any person while that person is employed as a teacher trainee pursuant to Section 44830.3 and any person who has completed two years of service in the district as a teacher trainee pursuant to Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948.3.

(b) Every employee of a school district maintaining grades 9 to 12, inclusive, or maintaining grade 7 and 8 in a departmentalized junior high school, who, after having been employed as a probationary employee by the district for three complete consecutive school years, composed of two years of service as a teacher trainee pursuant to Section 44830.3 and one year into a position requiring certification qualifications, is reelected for the next succeeding year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's third complete consecutive school year of employment by the district as a probationary employee, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.”



1 44327<sup>21</sup>, to provide that on or before August 1, 1984, the commission shall inform each  
2 school district regarding teacher trainee options and shall report to the Legislature on the  
3 methods employed to inform school districts.

4 Chapter 482, Statutes of 1984, Section 10.5, amended Education Code Section  
5 44830.3<sup>22</sup> to add grade 6 to the former junior high school department, and to make other

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<sup>21</sup> Education Code Section 44327, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 482, Statutes of 1984, Section 9.5 :

“On or before August 1, 1984, the commission shall inform each school district regarding teacher trainee options and shall report to the Legislature on the methods employed to inform school districts. The commission may suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts. The models may include provisions for collaboration between school districts and accredited institutions of higher education on behalf of certificated teacher trainees and mentor teachers.”

<sup>22</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 482, Statutes of 1984, Section 10.5:

“(a) The governing board of any school district that maintaining grades 9 to 12, inclusive, or maintaining grades ~~76 and to 8, inclusive~~, in a departmentalized junior-high school program, may employ persons authorized by the Commission on Teacher Credentialing to provide service as teacher trainees to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a teacher trainee, the governing board shall certify to the commission that insufficient fully credentialed teachers are available. The governing board shall require that each teacher trainee be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part.

(b) The governing board of each school district employing certificated teacher trainees shall develop and implement a professional development plan for each teacher trainee in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the teacher trainee.
- (2) As the governing board determines necessary, a description of courses

1 technical changes.

2 Chapter 747, Statutes of 1985, Section 1, amended Education Code Section  
3 44830<sup>23</sup>, subdivision (c), to provide that a person holding a valid California credential,  
4 who has not been employed in a position requiring certification in any school district  
5 within 39 months prior to employment and who has not taken the state basic skills  
6 proficiency test, but who has passed a basic skills proficiency examination which has  
7 been developed and administered by the school district offering that person employment,  
8 may be employed by the governing board of that school district on a temporary basis on  
9 the condition that he or she will take the state basic skills proficiency test within one year

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to be completed by the teacher trainee, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Any other criteria that may be required by the governing board.

(c) Upon completion of two years of service, the governing board may recommend to the Commission on Teacher Credentialing that the teacher trainee be credentialed in the manner prescribed by Section 44328.”

<sup>23</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), as amended by Chapter 747, Statutes of 1985, Section 1:

“ ...

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

...”

1 of the date of his or her employment.

2 Chapter 989, Statutes of 1986, Section 5, amended Education Code Section  
3 44830<sup>24</sup> to delete subdivision (o)

4 Chapter 1468, Statutes of 1987, Section 4, amended Education Code Section  
5 44326<sup>25</sup> to change the certificate from "teacher trainee" to "district intern", to include

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<sup>24</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), as amended by Chapter 989, Statutes of 1986, Section 5:

" ...  
~~(o) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied.~~"

<sup>25</sup> Education Code Section 44326, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 1468, Statutes of 1987, Section 4:

"Persons holding ~~teacher trainee~~ district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they completed an undergraduate academic major or minor ~~and~~. Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades, or classes. These persons shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers."

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 grades 6 to 12 and departmentalized bilingual classes as grades that district interns are  
2 authorized to teach, and to make other technical changes.

3 Chapter 1468, Statutes of 1987, Section 5, amended Education Code Section  
4 44327<sup>26</sup> which requires the commission, on or before July 1, 1988, in consultation with  
5 participating school districts and other affected organizations, to adopt standards related  
6 to the quality of the training, support, evaluation, and performance of district interns.

7 Chapter 1468, Statutes of 1987, Section 8, amended Education Code Section  
8 44830.3<sup>27</sup> to change the term from "teacher trainee" to "district intern", and to add to the

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<sup>26</sup> Education Code Section 44327, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 1468, Statutes of 1987, Section 5:

"(a) On or before August July 1, 1984 1988, the commission, in consultation with participating school districts and other affected organizations, shall adopt standards related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) Commencing July 1, 1989, the commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern programs. On or before March 15, 1988, the commission shall inform each-all school districts regarding teacher trainee options in the state of the district intern program option, and shall report to the Legislature on the methods employed to inform school districts. The commission may suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts. The models may include provisions for collaboration between school districts and accredited institutions of higher education on behalf of certificated teacher trainees and mentor teachers. disseminate its recommended standards to all districts."

<sup>27</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983, Section 45, as amended by Chapter 1468, Statutes of 1987, Section 8:

“(a) The governing board of any school district that ~~maintaining~~ maintains kindergarten or grades 91 to 12, inclusive, or ~~maintaining grades 6 to 8, inclusive, in a departmentalized program that maintains classes in bilingual education,~~ may employ persons authorized by the Commission on Teacher Credentialing to provide service as ~~teacher trainees~~ district interns to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a ~~teacher-trainee~~ district intern, the governing board shall certify to the commission that insufficient fully credentialed teachers are available. The governing board shall require that each ~~teacher-trainee~~ district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 ~~of this part or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers.~~

(b) The governing board of each school district employing ~~certificated teacher trainees~~ district interns shall develop and implement a professional development plan for ~~each teacher-trainee~~ district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the ~~teacher-trainee~~ district intern.
- (2) As the governing board determines necessary, a description of courses to be completed by the ~~teacher-trainee~~ district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.
- (3) Mandatory preservice training for district interns teaching in kindergarten or grades 1 to 12, inclusive, tailored to the grade level to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The completion, prior to service by the intern in any classroom, of six semester units of college or university coursework designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

1 professional development plan preservice training, instruction on child development, and  
2 instruction in the culture and methods of teaching bilingual children. Other technical  
3 changes were also made.

4 Chapter 1468, Statutes of 1987, Section 9, amended Education Code Section  
5 44885.5<sup>28</sup> to change the title of "teacher trainee" to "district intern", and to include any

field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(36) Any other criteria that may be required by the governing board.

(c) Each district intern and each district teacher assigned to supervise the district intern during the pre-service period, shall be compensated for the pre-service period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(e)(d) Upon completion of two years of service or three years of service for those teaching in bilingual classes, the governing board may recommend to the Commission on Teacher Credentialing that the teacher-trainee-district intern be credentialed in the manner prescribed by Section 44328."

<sup>28</sup> Education Code Section 44885.5, added by Chapter 498, Statutes of 1983, Section 48, as amended by Chapter 1468, Statutes of 1987, Section 9:

"(a) Any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, shall classify as a probationary employee of the district any person while that person who is employed as a teacher trainee-district intern pursuant to Section 44830.3 and any person who has completed two years of service in the district as a teacher-trainee-district intern pursuant to subdivision (b) of Section 44325 and Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948 or 44948.3 as applicable.

(b) Every certificated employee of a school district maintaining grades 9 to 12;

1 school district instead of only certain grades from employing a district intern. The  
2 amendment also gave guidelines for making a probationary district intern employee a  
3 permanent employee of the district.

4 Chapter 1355, Statutes of 1988, Section 5, repealed former Education Code  
5 Section 44225, and Section 6 of the same chapter added a new Education Code Section  
6 44225<sup>29</sup> which provides requirements for the commission in issuing credentials.

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~~inclusive, or maintaining grade 7 and 8 in a departmentalized junior high school, who, after having been employed as a probationary employee by the district for three complete consecutive school years, composed of two years of service as a teacher trainee, who has completed service as a district intern pursuant to subdivision (b) of Section 44325 and pursuant to Section 44830.3 and one year to a position requiring certification qualifications, who is further reelected and employed during for the next succeeding school year to a position requiring certification qualifications as described in subdivision (a) shall, at the commencement of upon reelection for the next succeeding school year, to a position requiring certification qualifications, be classified as and become a permanent employee of the district.~~

The governing board shall notify the employee, on or before March 15 of the employee's third last complete consecutive school year of probationary employment in a position requiring certification qualification as described in this subdivision, ~~by the district as a probationary employee~~, of the decision to reelect or not reelect the employee for the next succeeding school year to such this type of a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year."

<sup>29</sup> Education Code Section 44225, added by Chapter 1355, Statutes of 1988, Section 6:

"The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other

than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article 6 (commencing with Section 44270). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional preparation, as specified by this paragraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematics skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to students, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to subparagraph (1) of this subdivision shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this subparagraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets



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the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

(1) Are academically talented.

(2) Are knowledgeable of the subjects to be taught in the classroom.

(3) Are creative and energetic.

(4) Have the human skills to motivate and inspire students to achieve their goals.

(5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.

(6) Be willing to relate the educational process and their instructional strategies to meet students' needs.

(7) Are able to work effectively with and motivate students from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all students regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization.

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One such alternative

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method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.

(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44300).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and assessments in conjunction with each other, and in conjunction with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes

that were in effect on December 31, 1988, to candidates who, prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the credential candidate or candidates affected. No provision in this chapter may be waived under Section 33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire students, and willingness to relate education to students with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar

1 Subdivision (m) requires the commission to review requests from school districts, private  
2 schools, postsecondary institutions, and individual applicants for the waiver of one or  
3 more of the provisions of this chapter.

4 Chapter 1355, Statutes of 1988, Section 17, added Education Code Section  
5 44300<sup>30</sup>. Subdivision (a)(3) requires a school district, when applying for an

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throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article 10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.”

<sup>30</sup> Education Code Section 44300, added by Chapter 1355, Statutes of 1988, Section 17:

“(a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) Successful passage of the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher

1 emergency permit, to justify the application with documentation showing that the district

candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of insufficiency based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(c) Commencing January 1, 1990, the commission may issue and renew emergency permits corresponding to the credential types specified in paragraphs (2), (3), and (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit.

(d) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall teach only with the assistance and guidance of a certificated employee of the district who has completed at least four years of full-time teaching experience, or the equivalent thereof. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(e) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(f) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(g) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

(h) This article is repealed on July 1, 1994, or on the date that the commission certifies to the Legislature, whichever occurs later, that the alternative methods of teacher certification established by the commission under subdivision (g) of Section 44225, when combined with the supply of fully certificated teachers who did not pursue alternative paths to certification, are adequate to meet the needs of school districts."

1 has made a diligent search for a sufficient number of certificated teachers, including  
2 teacher candidates pursuing full certification through internship, district internship, or  
3 other alternative routes established by the commission, and requires the governing board  
4 or the county board of education to adopt a motion, which provides the form by which a  
5 declaration of insufficiency based on the documentation set forth in subparagraph (A), is  
6 to be submitted to the commission.

7 Chapter 1355, Statutes of 1988, Section 17, added Education Code Section  
8 44301<sup>31</sup>. Subdivision (b) requires a district, in order to be issued an emergency multiple

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<sup>31</sup> Education Code Section 44301, added by Chapter 1355, Statutes of 1988,  
Section 17:

“(a) Any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, as determined by the commission, before he or she may be initially issued an emergency multiple- or single-subject teaching permit, except an emergency substitute teaching permit, authorizing him or her to teach a subject that is specified by the commission.

(b) The commission may issue an emergency multiple- or single-subject teaching permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had the opportunity to take the test.

(2) The applicant will take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency shall discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching permit issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency permits, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.

(d) The commission shall waive the requirements of this section for each applicant for each of the following:

1 or single-subject teaching permit for an applicant who has not taken the appropriate  
2 subject matter competency test, to certify all of the following to the commission:

- 3 (1) The applicant has not had the opportunity to take the test.  
4 (2) The applicant will take the appropriate subject matter competency test at  
5 its next regularly scheduled administration.  
6 (3) The employing agency will discontinue employment of the person 8 weeks  
7 after the date on which the test is administered if he or she does not pass.

8 Chapter 1355, Statutes of 1988, Section 18, amended Education Code Section  
9 44332<sup>32</sup> to change the extension period for the temporary certificate or permit, from 60 to

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(1) An emergency single-subject teaching permit, if the applicant has successfully completed at least 18 semester units, or nine semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in the subject area to be taught.

(2) An emergency multiple-subjects permit, if the applicant has successfully completed at least 40 semester units, or the equivalent, at a regionally accredited institution of postsecondary education, in the subjects that are commonly taught in elementary schools, as determined by the commission.

(e) On or before December 1, 1990, the commission shall submit a written report to the Legislature on the anticipated effect on the ability of school districts to staff classrooms by requiring successful passage of the subject matter examination as a condition for the renewal of emergency permits.”

<sup>32</sup> Education Code Section 44332, (former Section 13163.2, recodified and renumbered by Chapter 1010, Statutes of 1977, Section 2), Statutes of 1988, Section 18:

“Except where ~~such that~~ service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the

- 1 80 days, and to make other technical changes.
- 2 Chapter 375, Statutes of 1989, Section 1, amended Education Code Section
- 3 44225 to make technical changes.
- 4 Chapter 590, Statutes of 1991, Section 2, amended Education Code Section
- 5 44332<sup>33</sup> to delete the previous validation period of temporary certificates or permits from
- 

individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for ~~such~~ the a temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that to the best of his or her knowledge, no reason exists why certificate or permit should not be issued. ~~Such~~ The certificate or permit shall be valid for not more than 120 schooldays.

The period of 120 schooldays may be extended once for a period of not more than ~~60~~ 80 schooldays due to delays in processing a credential application, except when the commission certifies in writing to the county or city and county board of education before the end of the period of 120 schooldays that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application, in either of which cases no extension shall be granted. Failure of the commission to so certify before the end of the 120-schoolday extension period shall be construed to mean that the applicant possesses adequate academic qualifications and does not have a criminal record which would disqualify the application.

In no event shall a temporary certificate or permit be valid beyond the time that the commission either issues or denies the originally requested credential or permit.”

<sup>33</sup> Education Code Section 44332, (former Section 13163.2, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 590, Statutes of 1991, Section 2:

“Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make



1 120 school days to one calendar year, and requires the commission to notify the school  
2 district in writing if the applicant does not possess the requirements of the certificate or  
3 permit. Other technical changes were also made.

4 Chapter 1050, Statutes of 1992, Section 2, amended Education Code Section  
5 44225<sup>34</sup>, subdivision (m), to add county offices of education to the list of institutions

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a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why certificate or permit should not be issued. The certificate or permit shall be valid for not more than ~~120 schooldays~~ one calendar year from the date of issuance.

~~The period of 120 schooldays may be extended once for a period of not more than 80 schooldays due to delays in processing a credential application, except when the commission certifies in writing to the county or city and county board of education before the end of the period of 120 schooldays shall cancel the temporary certificate or permit immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record which that would disqualify the application applicant. , in either of which cases no extension shall be granted. Failure of the commission to so certify before the end of the 120-schoolday extension period shall be construed to mean that the applicant possesses adequate academic qualifications and does not have a criminal record which would disqualify the application.~~

In no event shall a temporary certificate or issued to a permit applicant be valid beyond the time that the commission either issues or denies the originally requested credential or permit. In no event shall a temporary certificate issued to a credential applicant be valid beyond the time that the commission provides written notification to the county or city and county board of education that the applicant apparently does not possess adequate qualifications, that the commission has received facts that may cause denial of the application, or issues or denies the originally requested credential."

<sup>34</sup> Education Code Section 44225, added by Chapter 1355, Statutes of 1988, Section 6, as amended by Chapter 1050, Statutes of 1992, Section 2:

" ...  
(m) Review requests from school districts, county offices of education, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or

1 allowed to submit requests to the commission for waivers.

2 Chapter 378, Statutes of 1993, Section 1, amended Education Code Section  
3 44225<sup>35</sup>, subdivision (m), to add that the commission may grant a waiver necessary to  
4 accomplish any of the following:

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licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the credential candidate or candidates affected. No provision in this chapter may be waived under Section 33050 and 33051, after June 30, 1994, by the State Board of Education.

..."

<sup>35</sup> Education Code Section 44225, added by Chapter 1355, Statutes of 1988, Section 6, as amended by Chapter 378, Statutes of 1993, Section 1:

" ...

(m) Review requests from school districts, county offices of education, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be, or has been, completed by the credential candidate or candidates affected or that a waiver is necessary to accomplish any of the following:

(1) Give a local education agency one semester or less to address unanticipated, immediate, short-term shortages of fully qualified educators by assigning a teacher who holds a basic teaching credential to teach outside of his or her credential authorization, with the teacher's consent.

(2) Provide credential candidates additional time to complete a credential requirement.

(3) Allow local school districts or schools to implement an education reform or restructuring plan.

(4) Temporarily exempt from a specified credential requirement small, geographically isolated regions with severely limited ability to develop personnel.

(5) Provide other temporary exemptions when deemed appropriate by the commission.

No provision in this chapter may be waived under Section 33050 and 33051, after June 30, 1994, by the State Board of Education.

..."

1 (1) Give a local education agency one semester or less to address  
2 unanticipated, immediate, short-term shortages of fully qualified educators by  
3 assigning a teacher who holds a basic teaching credential to teach outside of his  
4 or her credential authorization, with the teacher's consent.

5 (2) Provide credential candidates additional time to complete a credential  
6 requirement.

7 (3) Allow local school districts or schools to implement an education reform or  
8 restructuring plan.

9 (4) Temporarily exempt from a specified credential requirement small,  
10 geographically isolated regions with severely limited ability to develop personnel.

11 (5) Provide other temporary exemptions when deemed appropriate by the  
12 commission.

13 Chapter 378, Statutes of 1993, Section 5, amended Education Code Section  
14 44300<sup>36</sup>, subdivision (a)(3), to require a declaration of need for fully qualified educators

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<sup>36</sup> Education Code Section 44300, added by Chapter 1355, Statutes of 1988, Section 17, as amended by Chapter 378, Statutes of 1993, Section 5:

“(a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) Successful passage of the state basic skills proficiency test as provided for in Section 44252.

1 rather than a declaration of insufficiency.

2 Chapter 673, Statutes of 1994, Section 3, amended Education Code Section

3 44326<sup>37</sup> to add a subdivision (c), which provides that prior to teaching pupils with mild

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(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of insufficiency need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

...”

<sup>37</sup> Education Code Section 44326, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 673, Statutes of 1994, Section 3:

“(a) Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they completed an undergraduate academic major or minor.

(b) Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades or classes.

(c) Prior to assignment to teach pupils with mild and moderate disabilities, persons holding district intern certificates issued by the commission under Section 44325 to teach those pupils shall meet the requirements of either subdivision (a) or (b) and shall teach in the capacity described in either subdivision (a) or (b) for one complete school year. Upon successful completion of that school year, any person holding that certificate may be assigned to teach special education pupils with mild and moderate

1 and moderate disabilities, a district intern shall meet the requirements of Section 44235.  
2 Other technical changes were also made. The former paragraphs were lettered as (a),  
3 (b), and (c), respectively.

4 Chapter 673, Statutes of 1994, Section 4, amended Education Code Section  
5 44327<sup>38</sup>, subdivision (a), to change the deadline date to July 1, 1995, and to require that

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disabilities.

(d) Each district intern ~~These persons~~ shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under the provisions of Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level or of the same type of credential as the district interns they serve."

<sup>38</sup> Education Code Section 44327, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 673, Statutes of 1994, Section 4:

"(a) On or before July 1, ~~1988~~ 1995, the commission, in consultation with participating school districts and other affected organizations, shall revise existing standards, and adopt additional standards, as necessary, related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. Each school district with a district intern program is responsible for maintaining appropriate records of the program so that the credit earned by each district intern is transferable to his or her academic record in the same manner as if the intern had participated in a college or university program. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) Commencing July 1, 1989, the commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern programs. On or before March 15, 1988, the commission shall inform all school districts in the state of the district intern program option, and shall disseminate its recommended standards to all districts. On or before March 15, 1995, the commission shall inform school districts of

1 each school district with a district intern program be responsible for maintaining  
2 appropriate records of the program. Other technical changes were also made.

3 Chapter 673, Statutes of 1994, Section 8, amended Education Code Section  
4 44830.3<sup>39</sup> to add three more criteria that shall be included in the professional

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the current district intern program options.”

<sup>39</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983, Section 45, as amended by Chapter 673, Statutes of 1994, Section 8:

“(a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. Prior to employing any person as a district intern, the governing board shall certify to the commission that an insufficient number of fully credentialed teachers are available. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the district intern.
- (2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.
- (3) ~~Mandatory preservice training for district interns teaching in kindergarten or grades 1 to 12, inclusive,~~ tailored to the grade level or class to be

taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The completion, prior to service by the intern in any classroom, of six semester units of ~~college or university~~ coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory preservice training and orientation, which shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327 of the Education Code.

(c) Each district intern and each district teacher assigned to supervise the district intern during the pre-service period, shall be compensated for the pre-service period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that

1 development plan, and to make technical changes.  
2 Chapter 922, Statutes of 1994, Section 85, amended Education Code Section  
3 44301<sup>40</sup> to delete subdivision (e), which imposed a 1990 deadline for the commission to

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which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for those ~~teaching in bilingual classes, interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities,~~ the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328."

<sup>40</sup> Education Code Section 44301, added by Chapter 1355, Statutes of 1988, Section 17, as amended by Chapter 922, Statutes of 1994, Section 85:

"(a) Any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, as determined by the commission, before he or she may be initially issued an emergency multiple- or single-subject teaching permit, except an emergency substitute teaching permit, authorizing him or her to teach a subject that is specified by the commission.

(b) The commission may issue an emergency multiple- or single-subject teaching permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had the opportunity to take the test.

(2) The applicant will take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency shall discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching permit issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency permits, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.

(d) The commission shall waive the requirements of this section for each applicant for each of the following:



1 file its report to the Legislature.

2 Chapter 303, Statutes of 1996, Section 1, amended Education Code Section

3 44830.3<sup>41</sup>, subdivision (a), to delete the requirement that the governing board of a school

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(1) An emergency single-subject teaching permit, if the applicant has successfully completed at least 18 semester units, or nine semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in the subject area to be taught.

(2) An emergency multiple-subjects permit, if the applicant has successfully completed at least 40 semester units, or the equivalent, at a regionally accredited institution of postsecondary education, in the subjects that are commonly taught in elementary schools, as determined by the commission.

~~(e) On or before December 1, 1990, the commission shall submit a written report to the Legislature on the anticipated effect on the ability of school districts to staff classrooms by requiring successful passage of the subject matter examination as a condition for the renewal of emergency permits."~~

<sup>41</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983, Section 45, as amended by Chapter 303, Statutes of 1996, Section 1:

"(a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may, in consultation with an accredited public institution of higher education offering an approved program of pedagogical teacher preparation, employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. ~~Prior to employing any person as a district intern, the governing board shall certify to the commission that an insufficient number of fully credentialed teachers are available.~~ The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

..."

1 district certify to the commission that an insufficient number of fully credentialed teachers  
2 are available. Other technical changes were also made.

3 Chapter 948, Statutes of 1996, Section 2, amended Education Code Section  
4 44830<sup>42</sup>, subdivision (c), to number the first paragraph (1), and add subparagraph (2)  
5 which provides that a certificated person who is employed for purposes of the class size

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<sup>42</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 948, Statutes of 1996, Section 2:

“ ...

(c) (1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.

...”

1 reduction program shall not be required to take the state basic skills proficiency test if he  
2 or she has been employed in a position requiring certification in any school district within  
3 39 months prior to employment with the district.

4 Chapter 948, Statutes of 1996, Section 3, amended Education Code Section  
5 44830.3 to make technical changes.

6 Chapter 934, Statutes of 1997, Section 2, amended Education Code Section  
7 44300<sup>43</sup> to add a new subdivision (b), which states the intent of the Legislature for

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<sup>43</sup> Education Code Section 44300, added by Chapter 1355, Statutes of 1988, Section 17, as amended by Chapter 934, Statutes of 1997, Section 2:

“(a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) ~~Successful passage of~~ The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

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(b) It is the intent of the Legislature that all of the following occur:

(1) The commission shall issue pre-intern certificates in place of emergency teaching permits as sufficient resources are made available to school districts to provide services pursuant to Article 5.6 (commencing with Section 44305) to pre-interns pursuing multiple subject or single subject teaching credentials.

(2) If the examination of the Pre-internship Teaching Program required by this chapter demonstrates that the program should continue because it has been successful in better preparing and retaining pre-intern teachers than the emergency permit system, sufficient resources to fully fund the Pre-Internship Teaching Program shall be appropriated by July 2002. For the purposes of this paragraph, two thousand dollars (\$2,000) in state funding per pre-intern shall be deemed to be sufficient resources.

(3) The commission shall continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

~~(b) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).~~

(c) Commencing January 1, 1990, the commission may issue and renew reissue emergency permits corresponding to the credential types specified in paragraphs (2), ~~(3), and~~ (4) of subdivision (b) of Section 44225. ~~The commission shall establish appropriate standards for each type of emergency permit.~~

(d) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

~~(de)~~ Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(ef) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying

1 pre-intern certificates. Former subdivisions (b), (d), (e), (f), and (g) were relettered  
2 subdivisions (d), (e), (f), (g), and (h), respectively, and other technical changes were also  
3 made.

4 Chapter 533, Statutes of 1998, Section 1, amended Education Code Section  
5 44842<sup>44</sup>, to add a new subdivision (b), which provides that the request for notice sent to

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to renew their emergency permits are meeting these ongoing training requirements.

(fg) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(gh) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

~~(h) This article is repealed on July 1, 1994, or on the date that the commission certifies to the Legislature, whichever occurs later, that the alternative methods of teacher certification established by the commission under subdivision (g) of Section 44225, when combined with the supply of fully certificated teachers who did not pursue alternative paths to certification, are adequate to meet the needs of school districts.<sup>2</sup>~~

<sup>44</sup> Education Code Section 44842, (former Section 13260, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2) as amended by Chapter 533, Statutes of 1998, Section 1:

“(a) Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30th of that year.

(b) (1) In the case of an employee of a year-round school serving in a track that starts within 14 days of July 1, and serves in a position requiring certification qualifications, if the school district has, by April 30, requested that the employee

1 the employee by the school district pursuant to this subdivision shall be in writing and  
2 shall, along with a copy of this section, be either personally served upon the employee, or  
3 mailed to him or her by United States certified mail with return receipt requested to his or  
4 her last known address, by the clerk or secretary of the governing board of the school  
5 district. Former subdivision (b) was relettered subdivision (c) and other technical  
6 changes were made.

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notify the school district by June 1, of that year of his or her intention to remain or not to remain in the service of the school district for the following school year, and the employee, without good cause, fails to provide that notice, the school district may deem the employee to have declined employment and may terminate his or her services as an employee of the school district on June 30 of that year. An employee who gives notice of resignation pursuant to this paragraph after May 31, but before June 30, shall be released from his or her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first.

(2) The request for notice sent to the employee by the school district pursuant to this subdivision shall be in writing and shall, along with a copy of this section, be either personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

(bc) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20<sup>th</sup> consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.”

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 Chapter 547, Statutes of 1998, Section 6, amended Education Code Section  
2 44830<sup>45</sup> to delete former subdivision (m). Former subdivision (n) was relettered  
3 subdivision (m).

4 Chapter 281, Statutes of 1999, Section 2, amended Education Code Section  
5 44332<sup>46</sup> to letter all previous paragraphs as subdivisions (a), (b), and (c), and to add

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<sup>45</sup> Education Code Section 44830, (former Section 13251, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 547, Statutes of 1998, Section 6:

“  
...  
~~(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.~~

~~(nm)~~ Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.”

<sup>46</sup> Education Code Section 44332, (former Section 13163.2, recodified and renumbered by Chapter 1010, Statutes of 1976, Section 2), as amended by Chapter 281, Statutes of 1999, Section 2:

“(a) Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool

1 subdivision (d) which provides that a county or city and county board of education may  
2 not issue a temporary certificate to an applicant whose teaching credential is revoked or  
3 suspended, and other technical changes were also made.

4 Chapter 381, Statutes of 1999, Section 3, added Education Code Section  
5 44225.7<sup>47</sup>. Subdivision (a), requires a school district, in order for the commission to

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educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

(b) The county or city and county board of education shall cancel the temporary certificate or permit immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record that would disqualify the applicant.

(c) ~~In no event shall a~~ A temporary certificate issued to a permit applicant ~~be is~~ is not valid beyond the time that the commission either issues or denies the originally requested permit. ~~In no event shall a~~ A temporary certificate issued to a credential applicant ~~be is not~~ is not valid beyond the time that the commission provides written notification to the county or city and county board of education that the applicant apparently does not possess adequate qualifications, that the commission has received facts that may cause denial of the application, or issues or denies the originally requested credential.

(d) A county or city and county board of education may not issue a temporary certificate to an applicant whose teaching credential is revoked or suspended.

<sup>47</sup> Education Code Section 44225.7, added by Chapter 381, Statutes of 1999, Section 3:

“(a) The commission may approve a school district request for the assignment of an individual pursuant to subdivision (m) of Section 44225 or Section 44300 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. If a suitable fully prepared teacher is not available to the school district, the district shall make reasonable efforts to



1 approve a request for the assignment of an individual, to certify by an annual resolution  
2 of the governing board that it has made reasonable efforts to recruit a fully prepared  
3 teacher. If a suitable fully prepared teacher is not available to the school district, the  
4 district shall make reasonable efforts to recruit an individual for the assignment, in the  
5 following order:

- 6 (1) A candidate who is scheduled to complete initial preparation requirements  
7 within six months.  
8 (2) A candidate who is qualified to participate in an approved internship

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recruit an individual for the assignment, in the following order:

- (1) A candidate who is scheduled to complete initial preparation requirements within six months.  
(2) A candidate who is qualified to participate in an approved internship program in the region of the school district.  
(b) If a suitable individual who meets the priorities listed in subdivision (a) is not available to the school district, the district may, as a last resort, request approval for the assignment of a person who does not meet that criteria.  
(c) As the supply of teaching interns increases as a result of legislative efforts to expand the Alternative Certification Program, the commission shall notify school districts that state policy directs the assignment of interns to classrooms when available in a given region, with decreased reliance on persons serving on emergency permits or credential waivers.  
(d) As the supply of fully prepared teachers increases as a result of the Legislature's efforts to recruit and retain qualified teachers for California classrooms, the commission shall notify school districts that state policy directs the assignment of fully prepared teachers to California classrooms, with the use of permits or waivers only when school districts are geographically isolated from teacher preparation programs or in the case of unanticipated, short-term need for the assignment of personnel.  
(e) As used in this section, a "fully prepared teacher" means an individual who has completed a teacher preparation program. For purposes of this subdivision, a "teacher preparation program" means either a set of courses, including supervised field experience, or an equivalent alternative program, that provides a curriculum of systematic preparation for serving as an educator in California public schools."

1 program in the region of the school district.

2 Subdivision (b) provides that if a suitable individual who meets the priorities listed in  
3 subdivision (a) is not available to the school district, the district may, as a last resort,  
4 request approval for the assignment of a person who does not meet that criteria.

5 Subdivision (c) provides that as the supply of teaching interns increases as a result of  
6 legislative efforts to expand the Alternative Certification Program, the commission shall  
7 notify school districts that state policy directs the assignment of interns to classrooms  
8 when available in a given region, with decreased reliance on persons serving on  
9 emergency permits or credential waivers. Subdivision (d) provides that as the supply of

10 fully prepared teachers increases as a result of the Legislature's efforts to recruit and  
11 retain qualified teachers for California classrooms, the commission shall notify school  
12 districts that state policy directs the assignment of fully prepared teachers to California  
13 classrooms, with the use of permits or waivers only when school districts are  
14 geographically isolated from teacher preparation programs or in the case of

15 unanticipated, short-term need for the assignment of personnel. Subdivision (e) defines  
16 the term "fully prepared teacher" to mean an individual who has completed a teacher  
17 preparation program and a "teacher preparation program" to mean either a set of  
18 courses, including supervised field experience, or an equivalent alternative program, that  
19 provides a curriculum of systematic preparation for serving as an educator in California  
20 public schools.

21 Chapter 585, Statutes of 2001, Section 1, amended Education Code Section

1 44300<sup>48</sup>, subdivision (a)(3)(A), to require annual documentation that the district has

<sup>48</sup> Education Code Section 44300, added by Chapter 1355, Statutes of 1988, Section 17, as amended by Chapter 585, Statutes of 2001, Section 1:

“(a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Annual Documentation that the district has made implemented in policy and practices a process for conducting a diligent search for; that shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching As A Priority Block Grant established pursuant to Section 44735, participating in the state and regional recruitment centers established pursuant to Sections 44751 and 90530, and participating in job fairs in this state, but has been unable to recruit; a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The commission may deny a request for an emergency permit that does not meet the justification set forth in subparagraph (A) of paragraph (3) of subdivision (a).

(bc) It is the intent of the Legislature that all of the following occur:

(1) The commission shall issue ~~pre-intern~~ preintern certificates in place of emergency teaching permits as sufficient resources are made available to school

1 implemented in policy and practices a process for conducting a diligent search that shall

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districts to provide services pursuant to Article 5.6 (commencing with Section 44305) to ~~pre-interns~~preinterns pursuing multiple subject or single subject teaching credentials.

(2) If the examination of the Pre-~~i~~nternship Teaching Program required by this chapter demonstrates that the program should continue because it has been successful in better preparing and retaining ~~pre-intern~~preintern teachers than the emergency permit system, sufficient resources to fully fund the Pre-Internship Teaching Program shall be appropriated by July 2002. For the purposes of this paragraph, two thousand dollars (\$2,000) in state funding per ~~pre-intern~~ preintern shall be deemed to be sufficient resources.

(3) The commission shall continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

(~~e~~) Commencing January 1, 1990, the commission may issue and reissue emergency permits corresponding to the credential types specified in paragraph (4) of subdivision (b) of Section 44225.

(~~e~~) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(~~e~~) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(~~f~~) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(~~g~~) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(~~h~~) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements."

1 include, but is not limited to, distributing job announcements, contacting college and  
2 university placement centers, advertising in local newspapers, exploring the incentives  
3 included in the Teaching As A Priority Block Grant, established pursuant to Section  
4 44735, participating in the state and regional recruitment centers established pursuant to  
5 Sections 44751 and 90530, and participating in job fairs in the state. A new subdivision  
6 (b) was added allowing the commission to deny a request for an emergency permit that  
7 does not meet the justifications provided, and former subdivisions (b), (c), (d), (e), (f), (g)  
8 and (h) were relettered as subdivisions (c), (d), (e), (f), (g), (h) and (i) respectively.

9 Chapter 1069, Statutes of 2002, Section 2, added Education Code Section  
10 45037<sup>49</sup>. Subdivision (a) provides that when a person renders service as a teacher in

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<sup>49</sup> Education Code Section 45037, added by Chapter 1069, Statutes of 2002,  
Section 2:

“(a) Except as provided in Section 45036, for the fiscal year 2001-02 and for any  
fiscal year thereafter in which a person renders service as a teacher in kindergarten or  
any of grades 1 to 12, inclusive, who does not have a valid certification document, the  
school district or county office of education in which the person is employed shall be  
assessed a penalty that shall be in lieu of any loss of funding that would otherwise result  
under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be  
calculated as provided in subdivision (b) and withheld from state funding otherwise due  
to the district or county office of education.

(1) Notwithstanding Section 46300, the attendance of the noncertificated  
person's pupils during the period of service shall be included in the computation  
of average daily attendance.

(2) The noncertificated person's period of service shall not be excluded  
from the determination of eligibility for incentive funding for a longer instructional  
day or year, or both, pursuant to Article 8 (commencing with Section 46200) of  
Chapter 2 of Part 26.

(b) (1) For each person who rendered service in the employment of the district  
or county office of education as a teacher in kindergarten or any of grades 1 to  
12, inclusive, during the fiscal year, add the total number of schooldays on which

1 kindergarten or any of grades 1 to 12, inclusive, and does not have a valid certification  
2 document, the school district or county office of education in which the person is  
3 employed shall be assessed a penalty that shall be in lieu of any loss of funding that  
4 would otherwise result. The penalty shall be calculated as provided in subdivision (b).

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the person rendered any amount of the service.

(2) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, for a period of service during which the person did not have a valid certification document, add the number of schooldays on which the person rendered any amount of the service without a valid certification document.

(3) Divide the number determined in paragraph (2) by the number determined in paragraph (1) and carry the result to four decimal places.

(4) Multiply a school district's revenue limit entitlement for the fiscal year, calculated pursuant to Section 42238, or it's funding amount calculated pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24, as applicable, or a county office of education's funding for the fiscal year, for the program in which the noncertificated person rendered service by the number determined in paragraph (3).

(c) Beginning in 2002-03, if a county office of education draws an order for a warrant in favor of a person for whom a period of school district service is included in the calculation set forth in paragraph (2) of subdivision (b), the county office shall be assessed a penalty. The penalty assessed to a county office for any fiscal year in which one or more district teachers did not have a valid certification document shall be equal to the lesser of three amounts as follows:

(1) Fifty percent of all penalties assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).

(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when two or fewer districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part."

1 Subdivision (c) provides that, beginning in 2002-03, if a county office of education draws  
2 an order for a warrant in favor of a person for whom a period of school district service is  
3 included in the calculation set forth in paragraph (2) of subdivision (b), the county office  
4 shall be assessed a penalty.

5 Chapter 1087, Statutes of 2002, Section 2, amended Education Code Section  
6 44326<sup>50</sup> to delete the requirements that persons holding district intern certificates teach in

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<sup>50</sup> Education Code Section 44326, added by Chapter 498, Statutes of 1983, Section 25.5, as amended by Chapter 1087, Statutes of 2002, Section 2:

“(a) Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they completed an undergraduate academic major or minor.

(b) Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades or classes.

(c) Prior to assignment to teach pupils with mild and moderate disabilities, persons holding district intern certificates issued by the commission under Section 44325 to teach those pupils shall meet the requirements of either subdivision (a) or (b) ~~and shall teach in the capacity described in either subdivision (a) or (b) for one complete school year. Upon successful completion of that school year, any person holding that certificate may be assigned to teach special education pupils with mild and moderate disabilities.~~

(d) Each district intern shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level or of the same type of credential as the

1 the capacity described in either subdivision (a) or (b) for one complete school year, and  
2 upon successful completion of that school year, any person holding that certificate may  
3 be assigned to teach special education pupils with mild and moderate disabilities.

4 Chapter 1087, Statutes of 2002, Section 5, amended Education Code Section  
5 44830.3<sup>51</sup>, subdivision (a), to delete the provision that included only the Los Angeles

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district interns they serve.”

<sup>51</sup> Education Code Section 44830.3, added by Chapter 498, Statutes of 1983, Section 45, as amended by Chapter 1087, Statutes of 2002, Section 5:

“(a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education; or ~~in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may;~~ in consultation with an accredited public institution of higher education offering an approved program of pedagogical teacher preparation; employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the district intern.
- (2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.
- (3) Mandatory preservice training for district interns tailored to the grade



level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development, classroom organization and management, pedagogy, and methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. In addition, persons holding district intern certificates issued by the commission pursuant to Section 44325 shall receive orientation in methods of teaching pupils with mild and moderate disabilities. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes and, for persons holding district intern certificates issued by the commission pursuant to Section 44325, special education programs for pupils with mild and moderate disabilities at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes and, for persons holding district intern certificates issued by the commission pursuant to Section 44325, instruction in the etiology and methods of teaching children with mild and moderate disabilities.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory ~~preservice training and orientation, which supervised fieldwork that shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children instructional practices, and the procedures and pedagogy of both general education programs and special education programs that teach pupils with disabilities.~~

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation which shall include, but

1 Unified School District. Subdivision (b)(3)(A) requires that the mandatory preservice  
2 training include classroom organization and management and pedagogy.

3 SECTION 3. TITLE 5, CALIFORNIA CODE OF REGULATIONS<sup>52</sup>

4 **Division 8 - Commission of Teacher Credentialing**

5 **Article 1 (General Provisions and Definitions)**

6 Section 80005 (added in 2000), subdivision (b), requires a district or county office  
7 of education to determine if a teacher has the requisite knowledge and skills to teach  
8 subject-matter classes which do not fall within or are not directly related to the broad  
9 subject areas listed in subdivision (a), and keep verification of this decision on file in its  
10 office for purposes of the monitoring of certificated assignments pursuant to Education  
11 Code Section 44258.9(b).

12 Section 80016 (added in 2001), subdivision (a)(3), requires a school district or

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not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the pre-service period, shall be compensated for the pre-service period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328."

<sup>52</sup> Copies of the Title 5 Regulations Sections cited below are attached hereto as Exhibit 4 and are incorporated herein by reference.

1 county office of education to verify completion of the necessary staff development  
2 program for persons applying for a Certificate of Completion of Staff Development to  
3 teach English language development and/or specially designated academic instruction  
4 delivered in English to limited-English-proficient students.

5 Section 80020.4.1 (added in 2000 and last amended in 2002), subdivision (e),  
6 requires a district or county office of education to keep on file in its office, verification of  
7 teaching experience for an individual who has developed, directed, implemented, or  
8 coordinated reading programs for a minimum of three years prior to July 1, 2004.

9 **Article 2 (Credential Types, Authorization and Requirements)**

10 Section 80023.1 (added in 1994 and last amended in 1999), subdivision (a),  
11 provides definitions for terms used throughout the Article. "Employing Agency" and  
12 "Local Education Agency" are defined to include the school district or county office of  
13 education which submits an emergency permit application to the Commission.

14 Subdivision (b) requires public school districts and county offices of education or county  
15 superintendents to submit emergency permit requests to the Commission on behalf of the  
16 applicant.

17 Section 80023.2 (added in 1994 and last amended in 1995), subdivision (d),  
18 requires districts and county offices of education, as part of the general requirements for  
19 the initial issuance of emergency permits, to submit a Declaration of Need for Fully  
20 Qualified Educators that satisfies the provisions of Section 80026.

21 Section 80025 (added in 1974 and last amended in 1994), subdivision (c),  
22 requires the Statement of Need for 30-Day Substitute Teachers to (1) describe the  
23 situation or circumstances that necessitate the use of an emergency permit holder, (2)  
24 state that either a credentialed person is not available or that one or more credentialed  
25 persons are available, but do not meet the specified employment criteria established by

1 the district or county office of education, and (3) be prepared and signed by, as  
2 applicable, the superintendent of the employing school district or the superintendent of  
3 the employing county if the service will be rendered in county operated schools.

4 Section 80025.1 (added in 1998), subdivision (a), requires districts and county  
5 offices of education, for the initial issuance of an Emergency Career Substitute Teaching  
6 Permit, to verify either: (A) three consecutive years of at least ninety days per year of  
7 day-to-day substitute teaching in the California school district requesting the permit in the  
8 three years immediately preceding the date of application, or (B) if the county office of  
9 education is responsible for the assignment of day-to-day substitutes for all their school  
10 districts, three consecutive years of at least ninety days per year of day-to-day substitute  
11 teaching accumulated from one or more California school districts in the county  
12 requesting the permit in the three years immediately preceding the date of application.  
13 The superintendent of the employing school district or county office of education must  
14 also submit a statement of endorsement stating that the individual has served  
15 successfully in the district and the district would allow the individual to substitute teach for  
16 up to 60 days for one teacher during the school year. The school district or county office  
17 of education must also verify that it will make available to the permit holder the staff  
18 development activities that are offered to their regular teaching staff.

19 Subdivision (b) provides that the requirements for the reissuance of an Emergency  
20 Career Substitute Teaching Permit include all the following: (1) statement of continued  
21 endorsement from the superintendent of the employing school district or county office of  
22 education and (2) verification that staff development activities that were offered to its  
23 regular teaching staff were made available to the permit holder.

24 Section 80025.5 (added in 1995) provides the requirements for issuance and  
25 reissuance of the Designated Subjects Vocational Education Permit for 30-Day

1 Substitute Teaching Service. Subdivision (b) requires a school district or county office of  
2 education to complete a Statement of Need. Subdivision (c) requires that the Statement  
3 of Need must: (1) describe the situation or circumstances that necessitate the use of an  
4 emergency permit holder, (2) state that either a credentialed person is not available or  
5 that one or more credentialed persons are available, but do not meet the specified  
6 employment criteria established by the school district or county office of education, and  
7 (3) be prepared and signed by, as applicable, the superintendent of the employing school  
8 district or the superintendent of the employing county if the service will be rendered in  
9 county operated schools.

10 Section 80026 (added in 1994 and last amended in 2001), requires a school  
11 district or county office of education to submit a Declaration of Need for Fully Qualified  
12 Educators with an application for the issuance of any emergency permit and/or limited  
13 assignment permit. The Declaration of Need for Fully Qualified Educators shall be  
14 submitted to the Commission on a form to be provided by the Commission, and shall  
15 include all of the following information:

- 16 (a) Estimated Need. This shall include the title(s) and number of each type of  
17 emergency permit and limited assignment permit which the district or county office  
18 of education estimates, based on previous year actual needs and projections of  
19 enrollment, it will need during the year covered by the Declaration.
- 20 (b) Efforts to Recruit Certified Personnel. This shall include a brief  
21 description of efforts that the district or county office of education has undertaken  
22 to locate and recruit individuals who hold the needed credentials, such as dated  
23 copies of written announcements of its vacancy or vacancies which were mailed  
24 to college or university placement centers.
- 25 (c) Efforts to Establish Alternative Training Options. The Declaration shall:

1 (1) identify the names of institutions of higher education co-sponsoring  
2 internships or other certification programs with the district or county office of  
3 education or, if no such programs exist, briefly explain why; (2) if the district or  
4 county office of education participates in pre-internship or internship programs,  
5 estimate the number which the district or county office of education reasonably  
6 expects to employ during the year covered by the Declaration; and (3) indicate  
7 whether the district or county office of education has considered developing a  
8 "Plan to Develop Fully Qualified Educators" in cooperation with other education  
9 agencies in the region pursuant to Section 80026.4 (see below), or if not, briefly  
10 explain why.

11 (d) Stipulation of Insufficiency of Suitable Applicants. The district or county  
12 office of education shall certify that there is an insufficient number of certificated  
13 persons who meet the employing agency's specified employment criteria to fill  
14 necessary positions.

15 (e) Adoption of the Declaration. The Declaration of Need for Fully Qualified  
16 Educators shall be adopted by the governing board of a school district or by the  
17 superintendent of a county office of education.

18 (1) A Declaration of Need for Fully Qualified Educators by a school  
19 district shall be adopted by the governing board in a regularly-scheduled,  
20 public meeting of the board. The entire Declaration of Need for Fully  
21 Qualified Educators shall be included in the board agenda, and shall not  
22 be adopted by the board as part of a consent calendar.

23 (2) A superintendent of a county office shall publicly announce his or  
24 her intent to adopt a Declaration of Need for Fully Qualified Educators at  
25 least 72 hours prior to adopting the Statement.

1 Section 80026.1 (added in 1994 and last amended in 1999) requires the school  
2 district or county office of education to inform each applicant for an emergency permit  
3 specified in Section 80023 of all of the following:

4 (a) That the employing agency will provide the orientation, guidance and  
5 assistance required by Section 80026.5;

6 (b) The name, or if providing the name is not feasible, the position, of the  
7 individual responsible for providing the guidance and assistance required by  
8 Section 80026.5; and

9 (c) That, in order to reissue an emergency permit, the applicant must  
10 complete a minimum of six semester units, or nine quarter units, of approved  
11 course work for the related credential or, for the first reissuance, be participating  
12 in a professional development program, and complete the equivalent as  
13 described in the employing agency's "Plan to Develop Fully Qualified Educators",  
14 unless exceptions for reissuance are listed under the specific requirement for the  
15 type of emergency permit for which application is being made.

16 Section 80026.5 (added in 1994), subdivision (a), requires the school district or  
17 county office of education to provide an orientation to teaching for the holders of the  
18 emergency teaching permits specified in Section 80023 and may vary the nature,  
19 content and duration of the orientation to match the amount of training and experience  
20 previously completed by emergency permit teachers.

21 (1) The orientation to teaching shall include, but not be limited to, an overview  
22 of all of the following topics:

23 (A) The curriculum that the emergency permit teacher is expected to  
24 teach;

25 (B) Effective techniques of classroom instruction at the emergency

1 permit teacher's assigned level: preschool, elementary, middle, secondary,  
2 or adult education; and

3 (C) Effective techniques of classroom management at the emergency  
4 permit teacher's assigned level: elementary or secondary.

5 (2) To the extent reasonably feasible, the orientation to teaching shall occur  
6 before the emergency permit teacher begins his or her teaching assignment.

7 Subdivision (b) requires that the school district or county office of education,  
8 commencing July 1, 1994, assign an experienced educator to guide and assist each  
9 holder of an emergency teaching permit specified in Section 80023. The experienced  
10 educator shall:

11 (1) Be a certificated employee of the employing agency, or a certificated  
12 retiree of a California school district or county office of education; and

13 (2) Have completed at least three years of full-time classroom teaching  
14 experience.

15 Section 80026.6 (added in 1994 and last amended in 2002), subdivision (a),  
16 requires the school district or county office of education to provide verification that  
17 orientation, guidance and assistance have been provided as required in Section  
18 80026.5.

19 Section 80027 (last amended in 2001), subdivision (a), requires school districts  
20 and county offices of education to submit a Declaration of Need for Fully Qualified  
21 Educators when applying for the initial issuance of a Limited Assignment Multiple or  
22 Single Subject Teaching Permit. The applicant must be employed by the school district  
23 or county office of education requesting such assignment and shall be assigned an  
24 experienced educator by the district or county office of education in the subject area of  
25 the Limited Assignment Multiple or Single Subject Teaching Permit who has completed 3



1 years of full-time classroom teaching experience in that subject area. The school district  
2 or county office of education must keep on file a written statement verifying consent of  
3 the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching  
4 Permit. Subdivision (b) provides that the renewal of a Limited Assignment Multiple or  
5 Single Subject Teaching Permit require the applicant to be currently employed by the  
6 local governing board requesting such assignment, and verify the completion of at least  
7 six semester units, or the equivalent quarter units, of course work required for issuance  
8 of the related credential. The school district or county office of education is required to  
9 submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions  
10 of Section 80026. The holder of a Limited Assignment Multiple or Single Subject  
11 Teaching Permit who has previously taught three or more years on a credential other  
12 than an emergency credential or permit is required to submit, in lieu of the required 6  
13 semester units; a Validation of Professional Development Statement, signed by the  
14 school district or county office of education and the permit holder, that includes a brief  
15 description of the content of the teacher's professional development program, a brief  
16 description of the means by which the employing agency validated the quality and  
17 appropriateness of the teacher's professional development program, and a brief  
18 description of the manner in which the results of the teacher's professional development  
19 program were evaluated. The school district or county office of education must keep on  
20 file a written statement verifying consent of the teacher to serve on the Limited  
21 Assignment Multiple or Single Subject Teaching Permit.

22 Section 80034 (added in 1994 and last amended in 1995), subdivision (c), defines  
23 "Local Education Agency" (LEA), as it applies to designated subjects credentials, to  
24 include a California public school district or consortium of school districts; and a  
25 California county superintendent of schools office. "Employing School District" (ESD) is

1 defined to mean a California school district or county superintendent of schools office  
2 that employs holders of designated subjects credentials to teach vocational, adult or  
3 special subjects classes.

4 Section 80035 (added in 1984 and last amended in 1995), subdivision (a),  
5 provides the minimum requirements for the issuance of an initial preliminary full-time  
6 vocational education teaching credential which includes verification, signed by a  
7 Commission-approved LEA, or by an ESD authorized to do so by a Commission-  
8 approved LEA, that the applicant has been fully apprised of the requirements for both  
9 the preliminary and clear credentials, including Level I and Level II requirements of the  
10 program of personalized preparation; and submission of a completed Application for  
11 Credential Authorizing Public School Service; a recommendation, signed by a  
12 Commission-approved LEA or the ESD on a form approved by the Commission;  
13 verification of the applicant's qualifying work experience; verification as specified for  
14 requirements (a)(1) through (a)(5); and, unless clearance is already on file with the  
15 Commission, personal identification on duplicate fingerprint cards and the Application for  
16 Character and Identification Clearance. Subdivision (b) provides the minimum  
17 requirements for the continuance of a preliminary full-time vocational education teaching  
18 credential which includes verification by a Commission-approved LEA to the ESD of the  
19 successful completion of all Level I requirements of a Commission-approved program of  
20 personalized preparation. Subdivision (c) provides that the minimum requirements for  
21 the one-time reissuance of a preliminary full-time vocational education teaching  
22 credential which includes verification by a Commission-approved LEA of completion of  
23 all Level I and Level II requirements of a Commission-approved program of personalized  
24 preparation and a recommendation signed by a Commission-approved LEA and/or the  
25 ESD on a form approved by the Commission. Subdivision (d) provides the minimum

1 requirements for the clear full-time vocational education teaching credential and includes  
2 verification by the ESD of two years of successful teaching in the subject(s) and grade  
3 level(s) authorized by the preliminary vocational education teaching credential while  
4 holding the valid preliminary full-time vocational education teaching credential;  
5 verification by a Commission-approved LEA of completion of all Level I and Level II  
6 requirements of a Commission-approved program of personalized preparation; and a  
7 recommendation signed by a Commission-approved LEA and/or the ESD on a form  
8 approved by the Commission. An initial preliminary full-time vocational education  
9 teaching credential issued on the basis of the applicant's satisfaction of all requirements  
10 specified in subsection (a) shall be valid for five years, but shall authorize service for no  
11 more than two years from the date of issuance of the credential unless the holder  
12 presents verification of having met requirements for continuance, by a  
13 Commission-approved LEA, to his or her ESD, of the successful completion of all Level I  
14 requirements of a Commission-approved program of personalized preparation.

15 Section 80035.5 (added in 1995), lists the subjects in which LEA's and/or ESD's  
16 are required to recommend to applicants for designated subjects vocational education  
17 teaching credentials.

18 Section 80036 (added in 1984 and last amended in 1995), subdivision (a),  
19 provides that the minimum requirements for the issuance of an initial preliminary full-time  
20 adult education teaching credential shall include verification, signed by a Commission-  
21 approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that  
22 the applicant has been fully apprised of the requirements for both the preliminary and  
23 clear credentials, including Level I and Level II requirements of the program of  
24 personalized preparation. Subdivision (b) provides that the minimum requirements for  
25 the continuance of a preliminary full-time adult education teaching credential shall

1 include verification by a Commission-approved LEA to the ESD of the successful  
2 completion of all Level I requirements of a Commission-approved program of  
3 personalized preparation. Subdivision (c) provides that the minimum requirements for  
4 the one-time reissuance of a preliminary full-time adult education teaching credential  
5 shall include verification by a Commission-approved LEA of completion of all Level I and  
6 Level II requirements of a Commission-approved program of personalized preparation  
7 and a recommendation signed by a Commission-approved LEA and/or the ESD on a  
8 form approved by the Commission. Subdivision (d) provides that the minimum  
9 requirements for the clear full-time adult education teaching credential shall include  
10 verification by the ESD of two years of successful teaching adult learners in the  
11 subject(s) authorized by the preliminary adult education teaching credential while holding  
12 the valid preliminary full-time adult education teaching credential, verification by a  
13 Commission-approved LEA of completion of all Level I and Level II requirements of a  
14 Commission-approved program of personalized preparation and a recommendation  
15 signed by the Commission-approved LEA and/or the ESD on a form approved by the  
16 Commission. An initial preliminary full-time adult education teaching credential, issued  
17 on the basis of the applicant's satisfaction of all requirements specified in subsection (a),  
18 shall be valid for five years, but shall authorize service for no more than two years from  
19 the date of issuance of the credential unless the holder presents verification of having  
20 met requirements for continuance, by a Commission-approved LEA, to his or her ESD of  
21 the successful completion of all Level I requirements of a Commission-approved  
22 program of personalized preparation.

23 Section 80036.1 (added in 1984, and last amended in 1995), subdivision (a),  
24 provides that the minimum requirements for the issuance of an initial preliminary  
25 part-time adult education teaching credential shall include verification, signed by a

1 Commission-approved LEA, or by an ESD authorized to do so by a Commission-  
2 approved LEA, that the applicant has been fully apprised of the requirements for both  
3 the preliminary and clear credentials, including the program of personalized preparation;  
4 and a recommendation signed by a Commission-approved LEA or the ESD on a form  
5 approved by the Commission. Subdivision (b) provides that the minimum requirements  
6 for the continuance of a preliminary part-time adult education teaching credential shall  
7 include verification by a Commission-approved LEA to the ESD of the successful  
8 completion of all Level I requirements of a Commission-approved program of  
9 personalized preparation. Subdivision (c) provides that the minimum requirements for  
10 the one-time reissuance of a preliminary part-time adult education teaching credential  
11 shall include verification by a Commission approved LEA of completion of all Level I  
12 requirements of a Commission-approved personalized preparation and submission of a  
13 recommendation signed by a Commission-approved LEA and or the ESD on a form  
14 approved by the Commission. Subdivision (d) provides that the minimum requirements  
15 for the clear part-time adult education teaching credential shall include verification by the  
16 ESD of two years of successful teaching adult learners in the subject(s) authorized by  
17 the preliminary adult education teaching credential and verification by a  
18 Commission-approved LEA of completion of all Level I requirements of a  
19 Commission-approved program of personalized preparation. Subdivision (f) provides  
20 that the period of validity of the preliminary and clear part-time adult education teaching  
21 credentials shall be valid for five years but shall authorize service for no more than two  
22 years from the date of issuance of the credential unless the holder presents verification  
23 of having met requirements for continuance, by a Commission-approved LEA, to his or  
24 her ESD of the successful completion of all Level I requirements of a  
25 Commission-approved program of personalized preparation.

1           Section 80036.3 (added 1984, and last amended in 1995), subdivision (a),  
2 requires LEA's or ESD's to recommend applicants for designated subjects adult  
3 education teaching credentials in subjects contained within the categories listed in this  
4 section .

5           Section 80037 (new section added in 1984), subdivision (a), provides that the  
6 minimum requirements for the preliminary special subjects teaching credential shall  
7 include verification by the Employing School District or a Commission-approved Local  
8 Education Agency that the applicant is aware of the requirements for the clear  
9 credential, including the program of personalized preparation and a recommendation  
10 signed by a Commission-approved LEA or the ESD on a form approved by the  
11 Commission. Subdivision (b) provides that the minimum requirements for the clear  
12 special subjects teaching credential shall include verification by the ESD of two years, or  
13 the equivalent, of successful teaching as defined in subsection 80034(f) and as  
14 authorized by the preliminary special subjects teaching credential, verification by a  
15 Commission-approved LEA of completion of nine semester units or 135 clock hours, in a  
16 Commission-approved program(s) of personalized preparation, and a recommendation  
17 signed by a Commission-approved LEA and/or the ESD on a form approved by the  
18 Commission.

19           Section 80037.5 (added in 1998), subdivision (b), provides that, in order to be  
20 granted preliminary approval or continued approval by the Commission as a subject  
21 matter program for the Designated Subjects Special Subjects Teaching Credential in  
22 Driver Education and Training, the program must be developed, submitted and  
23 implemented by a Local Education Agency (LEA). An LEA, as it applies to subject matter  
24 programs in driver education and training, includes a California public school district or  
25 consortium of school districts and a California county superintendent of schools office.

1           Section 80038 (new section added in 1984), subdivision (a), provides that the  
2 minimum requirements for the designated subjects supervision and coordination  
3 credential shall include verification by the ESD of three years of full-time teaching  
4 experience in the subject named on the designated subjects credential, verification by  
5 an LEA of completion of six semester units or 90 clock hours, in a Commission-  
6 approved personalized preservice program in supervision and coordination as described  
7 in Section 80040.3 and submission of a completed application form signed by a  
8 Commission-approved LEA.

9           Section 80040 (renumbered in 1984 and last amended in 1995), subdivision (a),  
10 provides that a LEA desiring to offer a program of personalized preparation for the  
11 designated subjects teaching credential or for the designated subjects supervision and  
12 coordination credential shall file with the Commission on Teacher Credentialing an  
13 application for approval, signed by the Chief Administrative Officer of the agency or  
14 agencies constituting the LEA. This application shall include a complete description of  
15 how the program will meet each standard of program quality and effectiveness with a  
16 particular focus upon how the LEA proposes to assure that candidates will acquire the  
17 competencies, skills and knowledge required.

18           Section 80043 (added in 1977 and last amended in 2003), subdivision (a),  
19 provides that, upon submitting an application for an Eminence Credential, the employing  
20 school district or county office of education shall demonstrate how the eminent individual  
21 will enrich the educational quality of the school district and not how he or she will fill an  
22 employment need. Subdivision (b) provides that issuance of an Eminence Credential  
23 shall be based upon a recommendation from the governing board of the school district,  
24 a statement of employment, submission of the fee(s) established in Section 80487 and a  
25 verification of the applicant's eminence qualifications. Subdivision (c) provides that if

1 staff denies an application for Eminence Credential, the employing school district  
2 requesting the Eminence Credential may request that staff reconsider its determination  
3 upon submission of new evidentiary material relevant to the reason(s) for denial, that  
4 was not available at the time the application was initially submitted to the Commission.

5 Section 80045 (added in 1977 and last amended in 1999), subdivision (a),  
6 requires the Commission staff to renew an Eminence Credential for three years upon  
7 receipt of an application for renewal with a written statement of support from the  
8 governing board of the school district adopted in a public meeting and submission of the  
9 fee(s) established in Section 80487. Subdivision (b) requires the Commission staff to  
10 issue a Professional Clear Eminence Teaching Credential at the end of five years of  
11 possession of the Eminence Credential with a written statement of support from the  
12 governing board of the school district adopted in a public meeting, submission of an  
13 application and the fee established in Section 80487.

14 Section 80047.2 (added in 1986, and last amended in 1997), subdivision (a),  
15 provides that holders of the listed credentials are authorized to teach children with  
16 disabilities in a special day class in which the primary disability is "serious emotional  
17 disturbance" provided the following conditions have been met: (A) The holder of the  
18 special education credential has taught full-time for at least one year prior to September  
19 1, 1991 in a special day class in which the primary disability was serious emotional  
20 disturbance, and (B) has received a favorable evaluation or recommendation to teach a  
21 special day class with the primary disability of serious emotional disturbance by the local  
22 employing school district or county office of education.

23 Section 80047.4 (added in 1986 and last amended in 1997), subdivision (a)(4),  
24 provides that holders of special education specialist instruction credentials are  
25 authorized to teach children with disabilities in a special day class in which the primary



1 disability is "autism" provided the following conditions have been met: (A) The holder  
2 has taught full-time for at least one year prior to September 1, 1991 in a special day  
3 class in which the primary disability was autism, and has received a favorable evaluation  
4 or recommendation to teach a special day class with the primary disability of autism by  
5 the local employing school district or county office of education.

6 Section 80048.2 (added in 1990 and last amended in 1997), subdivision (a),  
7 provides that the minimum requirements for the preliminary Specialist Instruction  
8 Credential in Special Education shall include written acknowledgement from the  
9 applicant and the employing district that the applicant is responsible for completing the  
10 requirements for the Multiple or Single Subject Teaching Credential, including the  
11 student teaching requirement, during the five-year term of the preliminary credential.  
12 Subdivision (f), provides that holders of a valid preliminary Specialist Instruction  
13 Credential in Special Education may choose to pursue completion of the requirements  
14 for the five-year preliminary level I Education Specialist Instruction Credential in lieu of  
15 completing the requirements for the professional clear Specialist Instruction Credential  
16 as described in subdivision (b) of this section. Applicants may apply directly to the  
17 Commission for the preliminary level I Education Specialist Instruction Credential under  
18 this section. To be eligible for the preliminary level I credential, the holder must complete  
19 a minimum of one semester unit of supervised field experience in regular education  
20 verified by transcript or a minimum of 45 clock hours with non-special education  
21 students verified by the employing school district or county office of education and  
22 verification of employment in a position requiring the Education Specialist Instruction  
23 Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing school  
24 district or county office of education.

25 Section 80048.3 (added in 1997 and last amended in 1999), subdivision (a),

1 provides that the minimum requirements for the preliminary level I Education Specialist  
2 Instruction Credential for applicants who complete a professional preparation program in  
3 California shall include verification of an offer of employment proved by a letter from the  
4 employing school district or county office of education, including a description of the  
5 duties and explanation as to why the position does not require an Education Specialist  
6 Instruction Credential. Subdivision (b) provides that the minimum requirements for the  
7 preliminary level I Education Specialist Instruction Credential for applicants who  
8 complete a professional preparation program outside of California shall include a  
9 minimum of one semester unit of supervised field experience in general education  
10 verified by transcript or 45 clock hours with non-special education students verified by  
11 the employing agency and verification of an offer of employment with a letter from the  
12 employing school district or county office of education verifying the assignment,  
13 including a description of the duties and explanation as to why the position does not  
14 require an Education Specialist Instruction Credential. Subdivision (c) provides that the  
15 requirements for the preliminary level I Education Specialist Instruction Credential  
16 pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of  
17 1997 include an offer of employment from a California school district or county office of  
18 education. If the holder changes employing agencies, he or she and the new employer  
19 must request a change of restrictions on the document. On or before the end of the first  
20 year following the issuance date of the credential (year-one deadline), the credential  
21 holder must pass the California Basic Educational Skills Test (CBEST). If the holder  
22 does not have a passing score on the file with the Commission one month prior to the  
23 year-one deadline, the Commission will send a credential inactivation notice to both the  
24 school district or county office of education employer and the credential holder  
25 specifying the date on which the document will become inactive. The school district or

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 county office of education must then remove the holder from the teaching position no  
2 later than the inactivation date specified in the notification, unless the holder provides  
3 the employer with his or her official CBEST verification transcript as proof of passage of  
4 the examination prior to the specified inactivation date. If the holder is removed from the  
5 teaching position, he or she may be returned to the position as soon as he or she  
6 provides the employer with his or her official CBEST verification transcript as proof of  
7 passage of the examination. The school district or county office of education must then  
8 submit a copy of the CBEST verification transcript to the Commission within ten working  
9 days of returning the holder to the teaching position. The Commission will send the  
10 employer and the holder a letter indicating the document has been reactivated once the  
11 scores are entered into the Commission's computer system. On or before the end of the  
12 fourth year following the issuance date of the credential (year-four deadline), the  
13 credential holder must submit verification that he or she has completed the requirements  
14 for continuation of employment to the Commission. The requirements for continuation of  
15 employment include a minimum of one semester unit of supervised field experience in  
16 general education verified by official transcript or 45 clock hours with non-special  
17 education students verified by the employing school district or county office of education.  
18 If the holder does not verify completion of the year-four requirements to the Commission  
19 at least three months prior to the year-four deadline, the Commission will send a  
20 credential inactivation notice to both the school district or county office of education and  
21 the credential holder specifying the date on which the document will become inactive.  
22 The school district or county office of education must then remove the holder from the  
23 teaching position no later than the inactivation date specified in the notification, unless  
24 the holder provides the employer with verification that all year-four requirements have  
25 been completed prior to the specified inactivation date. If the holder is removed from the

1 teaching position, he or she may be returned to the position as soon as he or she  
2 provides the employer with official verification that all year-four requirements have been  
3 completed. The school district or county office of education must then submit verification  
4 of completion of requirements to the Commission within ten working days of returning  
5 the holder to the teaching position. The Commission will send the employer and the  
6 holder a letter indicating the document has been reactivated once verification has been  
7 entered into the Commission's computer system.

8 Section 80048.3.1 (added in 1999), subdivision (a), provides that the minimum  
9 requirements for the five-year preliminary Level I Education Specialist Instruction  
10 Credential include five years of full-time teaching experience in the disability area of the  
11 credential sought and in a state other than California and rigorous performance  
12 evaluations. Subdivision (c) provides definitions for terms used in this section which  
13 include full-Time Teaching Experience as teaching a minimum of 4 hours a day, unless  
14 the minimum statutory attendance requirement for the students served is less, and  
15 rigorous Performance Evaluations as the teaching effectiveness areas on the  
16 performance evaluations must include, but are not limited to, all of the areas, 1 through  
17 4, below. If these areas are not included in the evaluations, the individual may submit a  
18 supplemental letter, on district letterhead, signed by the individual's principal or  
19 personnel officer in the district in which the evaluations took place. If an evaluation or  
20 supplemental letter cannot be obtained that includes all of the four areas, then the  
21 individual would not qualify under this section. Verification of the authenticity of the  
22 evaluation letters must be given in writing by a personnel officer in the district in which  
23 the evaluations took place and include:

- 24 1. The use of teaching strategies that motivates all students to engage in the  
25 learning process.

1           2.    The ability to establish and maintain high standards for student behavior.

2           3.    A demonstration of deep knowledge of the subject being taught and the use  
3           of appropriate instructional strategies that promote student understanding.

4           4.    An ability to plan and implement a sequence of appropriate instructional  
5           activities.

6           Section 80048.4 (added in 1997), subdivision (a), provides that the minimum  
7           requirements for the professional clear level II Education Specialist Instruction  
8           Credential include alternative training that provides knowledge and related skills  
9           presented by agencies approved jointly by the candidate's employing agency and the  
10          institution of higher education accredited for this program and a minimum of two years of  
11          successful experience in a full-time position in a public school or private school of  
12          equivalent status, while holding the preliminary level I Education Specialist Instruction  
13          Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing school  
14          district or county office of education.

15          Section 80054 (added in 1977 and last amended in 2002), subdivision (a),  
16          provides that the minimum requirements for the preliminary Administrative Services  
17          Credential include verification of one of the following: (A) three years of successful,  
18          full-time teaching experience in the public schools including, but not limited to, service in  
19          state- or county-operated schools, or in private schools of equivalent status; or (B) three  
20          years of successful, full-time experience in the fields of pupil personnel, health, library  
21          media teacher, or clinical or rehabilitative services in the public schools, including, but  
22          not limited to, service in state- or county-operated schools, or in private schools of  
23          equivalent status. Subdivision (d) provides that the minimum requirements for the  
24          professional clear Administrative Services Credential include verification of two years of  
25          successful experience in a full-time administrative position in a California public school

1 or California private school of equivalent status, while holding the preliminary  
2 administrative services credential.

3 Section 80055.1, (renumbered in 1978 and last amended in 1997), subdivision  
4 (a), requires a school district governing board that proposes to employ an exchange  
5 certificated employee to: (1) inform the applicant for the exchange position that an  
6 exchange certificated employee credential may be secured by submitting an application  
7 on the form prescribed by the Commission on Teacher Credentialing and personal  
8 identification cards, and (2) submit both a statement verifying all of the following:

- 9 1. The position in which the governing board proposes to employ the  
10 applicant,
- 11 2. The dates of proposed employment,
- 12 3. Facts showing that the applicant is an employee of a public school as  
13 required by Education Code Section 44853,
- 14 4. The district has given due consideration to the general qualifications and  
15 professional status of the proposed exchange employee as compared to the  
16 general qualifications and professional status of the employee to be exchanged,  
17 and
- 18 5. The district has official verification from the proper authorities mentioned in  
19 Education Code Section 44853 that the applicant is fit to perform the services  
20 required in the position;

21 and passage of the California Basic Educational Skills Test (CBEST), as specified in  
22 Education Code Section 44252(b).

23 Section 80055.2 (added in 1977 and last amended in 1997), subdivision (a),  
24 provides that a sojourn certificated employee credential may be issued to a person  
25 meeting minimum requirements upon submission by a California school district

1 governing board of a completed application to the Commission on Teacher  
2 Credentialing. A completed application shall include certification by the governing board  
3 that the applicant is a bilingual-biliterate teacher fluent both in English and in the target  
4 language and employed as required by Education Code Section 44856 during the  
5 calendar year immediately preceding the date of application and certification by the  
6 governing board that the applicant will be employed by the school district in a teaching  
7 assignment authorized by a sojourn certificated employee credential and that the  
8 applicant has been informed in writing of his or her employment status and renewal  
9 requirements.

10 Section 80058.2 (added in 1978), subdivision (a), allows the employing school  
11 officials, upon request to county school officials, to receive continuance to the end of a  
12 school year of a candidate's preliminary credential which lapses (expires) April 1 or  
13 thereafter of a school year. Subdivision (b) allows the employing school official, upon  
14 request to the county school officials, to receive continuance of the 30-day emergency  
15 substitute teaching credential to the end of the school year if the 30-day authorization is  
16 fulfilled after May 15 of a school year.

17 Section 80070.2 (added in 1980 and last amended in 1983), subdivision (a),  
18 requires that experience shall be verified, on forms provided by the Commission, by the  
19 appropriate administrative official of the district or county office of education.

20 Section 80070.3 (added in 1981), subdivision (a), provides that the requirements  
21 for the preliminary resource specialist certificate of competence on direct applications  
22 shall include verification of three or more years of teaching experience. Experience  
23 shall be verified by the appropriate administrative official of the school district or county  
24 office of education at which the experience took place and a written statement verifying  
25 that the candidate, if granted the Preliminary Resource Specialist Certificate of

1 Competence, will be employed as a Resource Specialist. The written statement of  
2 employment shall be completed and signed by the appropriate administrative official of  
3 the employing school district or county office of education operating "local plans", and  
4 shall include a statement indicating that the candidate shall engage in a course of study  
5 at an institution of higher education approved by the Commission, or in an approved  
6 program of inservice, as described in the local school district's or county office of  
7 education's approved comprehensive plan, designed to provide the skills/knowledge/  
8 experience required to qualify for the clear Certificate of Competence as described in  
9 Section 80070.8.

10 Section 80070.4 (added in 1981), subdivision (a), provides that the requirements  
11 for the clear resource specialist certificate of competence shall include verification of  
12 three or more years of teaching experience, including both regular and special education  
13 teaching experience, as defined in Section 80070.1(c) and experience verified by the  
14 appropriate administrative official of the district, special education services region, or  
15 county office in which the experience took place.

16 Section 80070.6 (added in 1981), subdivision (a), provides that the requirements  
17 for the clear resources specialist certificate of competence shall include verification of  
18 three or more years of teaching experience, including both regular and special education  
19 teaching experience, as defined in Section 80070.1(c) and verification by the director of  
20 the school district or county office of education service region with a comprehensive  
21 "local plan" and approved by the Commission to assess and recommend for the  
22 Resource Specialist Certificate of Competence, that the applicant has successfully  
23 demonstrated all competencies described in Section 80070.8.

24 **Article 3 (Examinations and Subject Matter Programs)**

25 Section 80071.4 (new section added in 1982 and last amended in 2000),



1 subdivision (h), provides that the written request for a special administration of the  
2 California Basic Educational Skills Test (CBEST) shall include a copy of relevant  
3 sections of the official minutes of the district or county governing board and  
4 documentation by the superintendent of the specific facts of the emergency, including  
5 (1) The minutes of the governing board meeting must show that the board accepts the  
6 following conditions:

- 7 (A) An emergency as defined in subsection (g) exists and is unavoidable;  
8 (B) District or county staff will assist in locating or providing space for the  
9 special administration and in the identification of qualified examination proctors, if  
10 such assistance is requested by the Commission or its designated agent;  
11 (C) District or county staff will provide administrative support in accomplishing  
12 the registration process in a manner that will be consistent with the CBEST  
13 registration and reporting system;  
14 (D) The district agrees to pay the full fee required for testing forty persons,  
15 even if fewer than forty actually take the test at a special administration; and  
16 (E) The district or county agrees not to require that the people taking the test  
17 pay any of the excess administrative costs incurred by the district or county.

18 (2) The superintendent of the district or county shall provide the following information as  
19 part of the written request:

- 20 (A) A detailed statement on the cause of the emergency and the reasons it  
21 could not have been anticipated in time to make use of the most recent previous  
22 regular administration;  
23 (B) Documentation on the numbers of substitute or contract teachers needed,  
24 the total number of teachers on contract in the district or county, or the average  
25 daily number of substitutes used in the preceding year as appropriate to the

1 definition of an emergency cited in the governing board minutes;

2 (C) A description of the plans for publicizing the special administration to  
3 insure that it will be maximally effective in attracting people not previously tested  
4 who can meet the emergency needs of the district or county;

5 (D) A definitive statement about whether admission to the special  
6 administration will be limited to people who are potential employees of the district  
7 or county requesting the special administration, or will be open to anyone who  
8 wishes to take the test; and

9 (E) Designation of the county or district having primary responsibility for  
10 administrative arrangements for the special administration, in the event that two  
11 or more counties or districts are participating jointly in the special administration.

12 **Article 1 (General Provisions) of Chapter 4 (Procedure for Application for, Adding**  
13 **Authorization to, and Renewal of Credentials)**

14 Section 80413.3 (added in 1999), subdivision (a), provides that the minimum  
15 requirements for the professional clear Multiple or Single Subject Teaching Credential  
16 are both of the following:

17 (A) A five-year preliminary Multiple or Single Subject Teaching Credential  
18 issued pursuant to subdivision (a)(1), and

19 (B) Completion of 150 clock hours of activities addressing one or more of six  
20 standards. This may be satisfied by staff development, college course work or  
21 other activities related to the standards. When applying for the professional clear  
22 credential, a written list of the activities including a justification stating how each  
23 of the activities relates to the standard must be attached. An individual at the  
24 central office of a California school district or county office of education or at a  
25 California school site who is responsible for curriculum and instruction in the

1 authorization of the teacher's credential must sign the written justification  
2 agreeing that the activities relate to the standard(s) as stated. The individual must  
3 complete this requirement in California while holding the Multiple or Single  
4 Subject Teaching Credential issued pursuant to subdivision (a)(1).

5 Subdivision (b) provides that the minimum requirements for the three-year preliminary  
6 Multiple or Single Subject Teaching Credential include an offer of employment from a  
7 California school district or county office of education that has one of the approved  
8 programs listed in (b)(2)(B) and a statement by the employer verifying intention to enroll  
9 the individual into the program. The teaching effectiveness areas on the performance  
10 evaluations must include, but are not limited to, all of the areas, 1 through 4, below. If  
11 these areas are not included in the evaluations, the individual may submit a  
12 supplemental letter, on district letterhead, signed by the individual's principal or  
13 personnel officer in the district in which the evaluations took place. If an evaluation or  
14 supplemental letter cannot be obtained that includes all of the four areas, then the  
15 individual would not qualify under this section. Verification of the authenticity of the  
16 evaluation letters must be given in writing by a personnel officer in the district in which  
17 the evaluations took place.

- 18 1. The use of teaching strategies that motivates all students to engage in the  
19 learning process.
- 20 2. The ability to establish and maintain high standards for student behavior.
- 21 3. A demonstration of deep knowledge of the subject being taught and the  
22 use of appropriate instructional strategies that promote student understanding.
- 23 4. An ability to plan and implement a sequence of appropriate instructional  
24 activities.

25 **Article 2 (Direct Application to the Commission)**

1           Section 80435 (added in 1983), subdivision (a), provides that for purposes of  
2 authenticity and legibility, official transcripts or verification-of-true-copies will be required  
3 with each application for a credential, certificate or permit submitted on and after  
4 September 1, 1983. Subdivision (b) requires school districts and county offices to meet  
5 this requirement either by submitting official transcripts with an application or by  
6 verification of a copy as a true-copy of the official transcripts by a statement submitted to  
7 the Commission, on a one-time basis, by the school district or county office describing  
8 their internal procedure or policy verifying the authenticity of the transcript, or a  
9 statement or stamp signed or initialed by the designated agency representative verifying  
10 each set of transcripts, that the copy is an authentic duplicate of the official transcript.

11           Section 80441 (added in 1983), subdivision (a), requires the school district or  
12 county superintendent of schools office to specify T.C.C. (Temporary County Certificate)  
13 and the expiration date of the T.C.C. in the space provided on the application form when  
14 the application is filed with them. Subdivision (c) requires the county superintendent of  
15 schools to provide the Commission with a listing of all applicants serving on a T.C.C. for  
16 whom notification, pursuant to subsection (b), has not been received as of ten (10)  
17 school days prior to the expiration date of the T.C.C. This listing shall be forwarded to  
18 the Commission immediately and shall include all of the following information for each  
19 applicant:

- 20           (1) the full name;
- 21           (2) the social security number;
- 22           (3) the birthdate;
- 23           (4) the type of credential, certificate, or permit for which application was  
24           made, when available;
- 25           (5) the date of filing of the application, when available;

- 1 (6) the date the application was submitted to the Commission, when available;
- 2 (7) the effective date of the temporary county certificate; and
- 3 (8) the expiration date of the temporary county certificate.

4 Section 80466 (added in 1979) provides that an applicant who has not completed  
5 a program of professional preparation in accordance with Section 80472 or 80056 may  
6 offer three years of successful full-time teaching experience, all of which has been  
7 completed within ten years prior to the date of application. All such teaching experience  
8 shall have been acquired in grades one through twelve in public schools or private  
9 schools of equivalent status, verified by appropriate administrative officials in the school  
10 district or districts where the experience was acquired.

11 **Article 7 (Requirements and Procedures for Renewing Professional Clear Multiple**  
12 **and Single Subject Teaching Credentials, Service or Specialist Credentials, and**  
13 **Designated Subjects Adult and Vocational Education Teaching Credentials)**

14 Section 80556 (added in 1986 and last amended in 1994), subdivision (a),  
15 requires the chief administrative officer, or his or her designee, of a school district or  
16 county office of education whose employees are required to hold valid teaching  
17 credentials to designate one or more certificated persons to be professional growth  
18 advisors if the agency employs one or more holders of professional clear credentials.  
19 Subdivision (c) requires the employing agency to adopt policies and procedures for the  
20 selection of professional growth advisors which contribute the best possible match  
21 between the credential holder and the advisor. Subdivision (j) requires the chief  
22 administrative officer, or his or her designee, of an employing school district or county  
23 office of education to remove any professional growth advisor who has been determined  
24 by the agency or the Commission to have willfully and arbitrarily violated Education  
25 Code Section 44277 or this article.

1 Section 80556.1 (added in 1994), subdivision (a), allows the chief administrative  
2 officer (or designee) of a school district or county office of education, some of whose  
3 employees are required to hold valid specialist or service credentials, to designate one  
4 or more persons to be professional growth advisors. Subdivision (e) requires a public  
5 agency whose employees are required to hold valid service or specialist credentials to  
6 give each credential holder the names and work locations of any professional growth  
7 advisors who have been designated by the agency for these credential areas.

8 Subdivision (h) requires the chief administrative officer, or his or her designee, of a  
9 public or private school district or county office of education to have the authority to  
10 remove any professional growth advisor who has been determined by the agency or the  
11 Commission to have willfully and arbitrarily violated Education Code Section 44277 or  
12 this article.

13 **Article 1 (Procedure for Validation) of Chapter 5 (Approved Programs)**

14 Section 80600 (added in 1979 and last amended in 1996) requires that the  
15 provisions of this section shall apply to all validation of service requests specified in  
16 Sections 80601, 80603, and 80604. Subdivision (a) provides definition of terms that are  
17 used in Sections 80601, 80603, and 80604. The term "employing agency" means the  
18 school district or county office of education which submits a validation of service request  
19 to the Commission. Subdivision (b) provides that the chief administrative officer of a  
20 public school district and the chief administrative officer of a county office of education  
21 may submit validation of service requests.

22 Section 80601 (added in 1996) provides that when a school district or county  
23 office of education finds that an individual has rendered service in a position requiring  
24 certification during a period in which the individual did not hold the appropriate  
25 certification or a temporary county certificate to cover the service, the school district or

1 county office of education may submit a validation of service request to the Commission.  
2 The employing school district or county office of education must indicate the appropriate  
3 reason for the request for validation and/or include a statement why the applicant was  
4 allowed to begin service and continue to serve without having the appropriate credential  
5 or temporary county certificate. The explanation must be signed by the chief  
6 administrative officer of the district for which the service was rendered or the chief  
7 administrative officer of the county if the service was rendered for the county office of  
8 education. The chief administrative officer or an appropriate representative of the chief  
9 administrative officer of the county office of education must verify whether or not a  
10 temporary county certificate was issued to cover the period of service in question.  
11 Subdivision (c) provides that supporting materials necessary to verify that the individual  
12 qualified for the appropriate certification must be submitted along with the request for  
13 validation of service.

### PART III. STATEMENT OF THE CLAIM

#### SECTION 1. COSTS MANDATED BY THE STATE

16 The Statutes, Education Code sections, and California Code of Regulation  
17 sections referenced in this test claim result in school districts and county offices of  
18 education incurring costs mandated by the state, as defined in Government Code  
19 section 17514<sup>53</sup>, by creating new state-mandated duties related to the uniquely

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<sup>53</sup> Government Code section 17514, as added by Chapter 1459/84:

"Costs mandated by the state" means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

1 governmental function of providing public service and education to students and these  
2 statutes apply to school districts and county offices of education and do not apply  
3 generally to all residents and entities in the state.<sup>54</sup>

4 The new duties mandated by the state upon school districts require state  
5 reimbursement of the direct and indirect costs of labor, materials and supplies, data  
6 processing services and software, contracted services and consultants, equipment and  
7 capital assets, staff and student training and travel to implement the following activities:

- 8 A) Pursuant to Chapter 2 ("Teacher Credentialing"), commencing with Education  
9 Code Section 44200 and Chapter 4 ("Employment - Certificated Employees")  
10 commencing with Education Code Section 44800, developing, adopting and  
11 implementing policies and procedures, and periodically updating those policies  
12 and procedures, for the credentialing of teachers and other education employees.
- 13 B) Pursuant to Education Code Section 44225, subdivision (m), submitting requests  
14 to the Commission when appropriate, necessary or required for the waiver of one  
15 or more of the provisions of the chapter on teacher credentialing or other  
16 provisions governing the preparation or licensing of educators.
- 17 C) Pursuant to Education Code Section 44225.7, subdivision (a), when submitting a  
18 request for the assignment of an individual pursuant to subdivision (m) of Section

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<sup>54</sup> Public schools are a Article XIII B, Section 6 "program," pursuant to Long Beach Unified School District v. State of California, (1990) 225 Cal.App.3d 155; 275 Cal.Rptr. 449:

"In the instant case, although numerous private schools exist, education in our society is considered to be a peculiarly government function. (Cf. Carmel Valley Fire Protection Dist. V. State of California (1987) 190 Cal.App.3d at p.537) Further, public education is administered by local agencies to provide service to the public. Thus public education constitutes a 'program' within the meaning of Section 6."



1 44225 or Section 44300, certifying, by an annual resolution, that reasonable  
2 efforts have been made to recruit a fully prepared teacher for the assignment. If a  
3 suitable fully prepared teacher is not available, making reasonable efforts to  
4 recruit an individual for the assignment in the following order:

5 (1) A candidate who is scheduled to complete initial preparation  
6 requirements within six months.

7 (2) A candidate who is qualified to participate in an approved internship  
8 program in the region of the school district.

9 D) Pursuant to Education Code Section 44225.7, subdivision (b), requesting  
10 approval for the assignment of a person who does not meet specified criteria if a  
11 suitable individual is not available to the district or county office of education.

12 E) Pursuant to Education Code Section 44300, subdivision (a)(3), when necessary  
13 or required, submitting to the commission, justification for issuing an emergency  
14 permit which shall include all of the following:

15 1) Annual documentation of implementing in policy and practices a process  
16 for conducting a diligent search, and

17 2) A declaration of need for fully qualified educators made in the form of a  
18 motion adopted by the governing board of the district or the county board  
19 of education at a regularly scheduled meeting of the governing board or  
20 the county board of education.

21 F) Pursuant to Education Code Section 44300, subdivision (g), verifying that  
22 employees applying to renew their emergency permits are meeting specified  
23 ongoing training requirements.

24 G) Pursuant to Education Code Section 44301, subdivision (b), in order to be issued  
25 an emergency multiple or single-subject teaching permit for an applicant who has

1 not taken the appropriate subject matter competency test, certifying all of the  
2 following to the commission:

- 3 1) The applicant has not had the opportunity to take the test;
- 4 2) The applicant will take the appropriate subject matter competency test at  
5 its next regularly scheduled administration; and
- 6 3) The employing agency will discontinue employment of the person eight  
7 weeks after the date on which the test is administered if he or she does  
8 not pass.

9 H) Pursuant to Education Code Section 44326, subdivision (d), providing mentor  
10 teachers and adopting a competitive process through which a mentor teacher  
11 shall be classified and selected, after consultation with the exclusive teacher  
12 representative unit or by personnel employed by institutions of higher education  
13 to supervise student teachers.

14 I) Pursuant to Education Code Section 44327, subdivision (a), consulting with the  
15 commission and maintaining appropriate records of each district's intern program.

16 J) Pursuant to Education Code Section 44332, subdivision (b), canceling a  
17 temporary certificate or permit immediately upon receipt of certification in writing  
18 from the commission that the applicant does not possess adequate academic  
19 qualifications or has a criminal record that would disqualify the applicant.

20 K) Pursuant to Education Code Section 44830, subdivision (a), employing for  
21 positions requiring certification qualifications, only persons who possess the  
22 qualifications therefor prescribed by law.

23 L) Pursuant to Education Code Section 44830, subdivision (b), requiring an  
24 applicant for a permanent, temporary, or substitute basis to demonstrate basic  
25 skills proficiency.

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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- 1           1)    If authorized by the Commission on Teacher Credentialing, administering  
2                    the basic skills proficiency test required under Sections 44252 and  
3                    44252.5.
- 4           2)    Taking steps necessary to ensure the effective implementation of this  
5                    subdivision.
- 6           3)    Preparing for emergencies by developing a pool of qualified emergency  
7                    substitute teachers, including public notice of the test requirements and of  
8                    the dates and locations of administrations of the tests. Making special  
9                    efforts to encourage individuals who are known to be qualified in other  
10                   respects as substitutes to take the state basic skills proficiency test at its  
11                   earliest administration.
- 12    M)    Pursuant to Education Code Section 44830, subdivision (i), dismissing the holder  
13                   of a vocational designated subject credential if he or she has not passed the  
14                   proficiency assessment in basic skills.
- 15    N)    Pursuant to Education Code Section 44830, subdivision (j), if employing the  
16                   holder of a vocational designated subject credential, establishing a basic skills  
17                   proficiency test for these credentials and arranging for those individuals to be  
18                   assessed.
- 19    O)    Pursuant to Education Code Section 44830.3, subdivision (a), providing each  
20                   district intern assistance and guidance by a certificated employee of the school  
21                   district who has been designated by the governing board as a mentor teacher.
- 22    P)    Pursuant to Education Code Section 44830.3, subdivision (b), developing and  
23                   implementing a professional development plan for district interns in consultation  
24                   with an accredited institution of higher education offering an approved program of  
25                   pedagogical preparation. The professional development plan shall include all of

1 the following:

- 2 1) Provisions for an annual evaluation of the district intern;
- 3 2) A description of courses to be completed by the district intern, if any, and a  
4 plan for the completion of preservice or other clinical training, if any,  
5 including student teaching;
- 6 3) Mandatory preservice training for district interns tailored to the grade level  
7 or class to be taught, through either of the following options:
- 8 a) One hundred twenty clock hours of preservice training and  
9 orientation in the aspects of child development, classroom  
10 organization and management, pedagogy, and methods of teaching  
11 the subject field or fields in which the district intern will be assigned,  
12 which training and orientation period shall be under the direct  
13 supervision of an experienced permanent teacher who shall provide  
14 to the district, at the end of the training period, information regarding  
15 the area that should be emphasized in the future training of the  
16 district intern; or
- 17 b) The successful completion, prior to service by the intern in any  
18 classroom, of six semester units of coursework from a regionally  
19 accredited college or university, designed in cooperation with the  
20 school district to provide instruction and orientation in the aspects of  
21 child development and the methods of teaching the subject field or  
22 fields in which the district intern will be assigned;
- 23 4) Instruction in child development and the methods of teaching during the  
24 first semester of service for district interns teaching in kindergarten or  
25 grades 1 to 6;

- 1           5)    Instruction in the culture and methods of teaching bilingual children during  
2                    the first year of service for district interns teaching children in bilingual  
3                    classes;
- 4           6)    Any other criteria that may be required by the governing board;
- 5           7)    In addition to the requirements set forth above, for district interns teaching  
6                    in special education programs for pupils with mild and moderate  
7                    disabilities, one hundred twenty clock hours of mandatory training and  
8                    supervised fieldwork that shall include, but not be limited to, instructional  
9                    practices, and the procedures and pedagogy of both general education  
10                   programs and special education programs that teach pupils with  
11                   disabilities;
- 12          8)    In addition to the requirements set forth above, for district interns teaching  
13                    in bilingual classes, one hundred twenty clock hours of mandatory training  
14                    and orientation, which shall include, but not be limited to, instruction in  
15                    subject matter relating to bilingual crosscultural language and academic  
16                    development; and
- 17          9)    The professional development plan for district interns teaching in special  
18                    education programs for pupils with mild and moderate disabilities shall be  
19                    based on the standards adopted by the commission as provided in  
20                    subdivision (a) of Section 44327.
- 21    Q)    Pursuant to Education Code Section 44842, subdivision (a), sending a request  
22                    for notice to an employee who fails to notify the district of his or her plans to  
23                    remain in service, in writing, along with a copy of this section, either personally  
24                    serving the notice upon the employee, or mailing it to him or her by certified mail,  
25                    return receipt requested.

- 1 R) Pursuant to Education Code Section 44842, subdivision (b), requesting notice of  
2 intention to remain or not remain in the service of the school district, in writing,  
3 along with a copy of this section, by personal delivery or by certified mail, return  
4 receipt requested.
- 5 S) Pursuant to Education Code Section 44842, subdivision (c), notifying employees,  
6 at least five days in advance, of the time and place at which the employee was to  
7 report to work, before terminating those employees who fail to report for duty at  
8 the beginning of the school year.
- 9 T) Pursuant to Education Code Section 44885.5, subdivision (a), classifying as a  
10 probationary employee of the district any person who is employed as a district  
11 intern pursuant to Section 44830.3 and any person who has completed service in  
12 the district as a district intern pursuant to subdivision (b) of Section 44325 and  
13 Section 44830.3 and is reelected for the next succeeding school year to a  
14 position requiring certification qualifications.
- 15 U) Pursuant to Education Code Section 44885.5, subdivision (b), notifying the  
16 employee who has completed service as a district intern, on or before March 15  
17 of the employee's last complete consecutive school year of probationary  
18 employment in a position requiring certification qualification, of the decision to  
19 reelect or not reelect the employee for the next succeeding school year.
- 20 V) Pursuant to Education Code Section 44901, subdivision (b), notifying a certified  
21 employee serving in two or more districts, on or before March 15 of the  
22 employee's second complete consecutive school year of employment of any  
23 decision to reelect or not reelect the employee for the next succeeding school  
24 year to such a position.
- 25 W) Pursuant to Education Code Section 45037, subdivision (a) (commencing on and

1 after July 1, 2001), paying the penalty, calculated pursuant to subdivision (b),  
2 when a person renders service as a teacher in kindergarten or any of grades 1 to  
3 12, inclusive, who did not have a valid certification document.

- 4 X) Pursuant to Education Code Section 45037, subdivision (c), (commencing on and  
5 after July 1, 2002), for a county office of education, paying a penalty if it draws an  
6 order for a warrant in favor of a person for whom a period of school district  
7 service is included in the calculation set forth in paragraph (2) of subdivision (b).

8 **TITLE 5, CALIFORNIA CODE OF REGULATIONS**

- 9 1) Developing, adopting and implementing policies and procedures, and periodically  
10 amending those policies and procedures to comply with the requirements of  
11 Division 8 of Title 5, California Code of Regulations, on teacher credentialing.

12 **Article 1 (General Provisions and Definitions) of Chapter 1 of Division 8**

- 13 2) Pursuant to Title 5, California Code of Regulations, Section 80005, subdivision  
14 (b), determining if a teacher has the requisite knowledge and skills to teach  
15 subject-matter classes and keep verification of this decision on file.
- 16 3) Pursuant to Title 5, California Code of Regulations, Section 80016, subdivision  
17 (a)(3), verifying completion of necessary staff development programs for persons  
18 applying for a Certificate of Completion of Staff Development to teach English  
19 language development and/or specially designated academic instruction delivered  
20 in English to limited-English-proficient students.
- 21 4) Pursuant to Title 5, California Code of Regulations, Section 80020.4.1,  
22 subdivision (e), keeping on file verification of teaching experience for an individual  
23 who has developed, directed, implemented, or coordinated reading programs for  
24 a minimum of three years prior to July 1, 2004.

25 **Article 2 (Credential Types, Authorization and Requirements)**

- 1 5) Pursuant to Title 5, California Code of Regulations, Section 80023.1, subdivision  
2 (b), submitting emergency permit requests to the Commission on behalf  
3 applicants.
- 4 6) Pursuant to Title 5, California Code of Regulations, Section 80023.2, subdivision  
5 (d), submitting a Declaration of Need for Fully Qualified Educators that satisfies  
6 the provisions of Section 80026 when submitting emergency permit requests to  
7 the Commission on behalf applicants.
- 8 7) Pursuant to Title 5, California Code of Regulations, Section 80025, subdivision  
9 (c), when preparing a Statement of Need for 30-Day Substitute Teachers:
- 10 (1) Describing the situation or circumstances that necessitate the use of an  
11 emergency permit holder,
- 12 (2) Stating that either a credentialed person is not available, or that one or  
13 more credentialed persons are available, but do not meet the specified  
14 employment criteria established by the district or county office of  
15 education, and
- 16 (3) Preparing and having signed by, as applicable, the superintendent of the  
17 employing school district or the superintendent of the employing county if  
18 the service will be rendered in county operated schools.
- 19 8) Pursuant to Title 5, California Code of Regulations, Section 80025.1, subdivision  
20 (a), when applying for the initial issuance of an Emergency Career Substitute  
21 Teaching Permit, to verify either:
- 22 (A) Three consecutive years of at least ninety days per year of day-to-day  
23 substitute teaching in the California school district requesting the permit in  
24 the three years immediately preceding the date of application, or
- 25 (B) If the county office of education is responsible for the assignment of



1 day-to-day substitutes for all their school districts, three consecutive years  
2 of at least ninety days per year of day-to-day substitute teaching  
3 accumulated from one or more California school districts in the county  
4 requesting the permit in the three years immediately preceding the date of  
5 application.

6 And, submitting a statement of endorsement stating that the individual has served  
7 successfully in the district; the district would allow the individual to substitute  
8 teach for up to 60 days for one teacher during the school year; and verifying that  
9 it will make available to the permit holder the staff development activities that are  
10 offered to their regular teaching staff.

11 9) Pursuant to Title 5, California Code of Regulations, Section 80025.1, subdivision  
12 (b), when applying for the reissuance of an Emergency Career Substitute  
13 Teaching Permit including all the following:

- 14 (1) A statement of continued endorsement from the superintendent of the  
15 employing school district or county office of education, and  
16 (2) Verification that staff development activities, that were offered to their  
17 regular teaching staff, were made available to the permit holder.

18 10) Pursuant to Title 5, California Code of Regulations, Section 80025.5, when  
19 applying for the issuance or reissuance of the Designated Subjects Vocational  
20 Education Permit for 30-Day Substitute Teaching Service, submitting a  
21 statement of Need which:

- 22 (1) Describes the situation or circumstances that necessitate the use of an  
23 emergency permit holder,  
24 (2) States that either a credentialed person is not available, or that one or  
25 more credentialed persons are available, but do not meet the specified

- 1 employment criteria established by the employing agency, and
- 2 (3) Is prepared and signed by, as applicable, the superintendent of the
- 3 employing school district or the superintendent of the employing county if
- 4 the service will be rendered in county operated schools.
- 5 11) Pursuant to Title 5, California Code of Regulations, Section 80026, when applying
- 6 for the issuance of any emergency permit and/or limited assignment permit,
- 7 submitting a Declaration of Need for Fully Qualified Educators on a form to be
- 8 provided by the Commission, which shall include all of the following information:
- 9 (a) Estimated Need, which shall include the title(s) and number of each type of
- 10 emergency permit and limited assignment permit which the district or
- 11 county office of education estimates, based on previous year actual needs
- 12 and projections of enrollment, it will need during the year.
- 13 (b) Efforts to Recruit Certified Personnel, which shall include a brief
- 14 description of efforts that the district or county office of education has
- 15 undertaken to locate and recruit individuals who hold the needed
- 16 credentials, such as dated copies of written announcements of its vacancy
- 17 or vacancies which were mailed to college or university placement centers.
- 18 (c) Efforts to Establish Alternative Training Options, which shall:
- 19 (1) Identify the names of institutions of higher education co-sponsoring
- 20 internships or other certification programs with the district or county
- 21 office of education or, if no such programs exist, briefly explain why;
- 22 (2) If the district or county office of education participates in
- 23 pre-internship or internship programs, estimate the number of
- 24 interns which the district or county office of education reasonably
- 25 expects to employ during the year covered by the declaration; and

- 1           (3)     Indicate whether the district or county office of education has  
2                         considered developing a "Plan to Develop Fully Qualified  
3                         Educators" in cooperation with other education agencies in the  
4                         region pursuant to Section 80026.4, or if not, briefly explain why.
- 5         (d)     Stipulation of Insufficiency of Suitable Applicants, which shall certify that  
6                         there is an insufficient number of certificated persons who meet the  
7                         employing agency's specified employment criteria to fill necessary  
8                         positions.
- 9         (e)     Adoption of the Declaration by the governing board of a school district in a  
10                         regularly-scheduled, public meeting of the board and not part of a consent  
11                         calendar; or by the superintendent of a county office of education, after a  
12                         public announcement at least 72 hours prior to adopting the statement.
- 13         12)     Pursuant to Title 5, California Code of Regulations, Section 80026.1,  
14                         informing each applicant for an emergency permit all of the following:
- 15                 (a)     That the employing agency will provide the orientation, guidance and  
16                         assistance required by Section 80026.5;
- 17                 (b)     The name, or if providing the name is not feasible, the position, of the  
18                         individual responsible for providing the guidance and assistance required  
19                         by Section 80026.5; and
- 20                 (c)     That, in order to reissue an emergency permit, the applicant must  
21                         complete a minimum of six semester units, or nine quarter units, of  
22                         approved course work for the related credential or, for the first reissuance,  
23                         be participating in a professional development program.
- 24         13)     Pursuant to Title 5, California Code of Regulations, Section 80026.5, subdivision  
25                         (a), providing a prescribed orientation to teaching for the holders of the

1 emergency teaching permits specified in Section 80023 and, to the extent  
2 reasonably feasible, before the emergency permit teacher begins his or her  
3 teaching assignment.

4 14) Pursuant to Title 5, California Code of Regulations, Section 80026.5, subdivision  
5 (b), assigning an experienced educator to guide and assist each holder of an  
6 emergency teaching permit specified in Section 80023.

7 15) Pursuant to Title 5, California Code of Regulations, Section 80026.6, subdivision  
8 (a), providing verification that orientation, guidance and assistance have been  
9 provided as required in Section 80026.5.

10 16) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
11 (a), submitting a Declaration of Need for Fully Qualified Educators when applying  
12 for the initial issuance of a Limited Assignment Multiple or Single Subject  
13 Teaching Permit showing that the applicant is employed by the school district or  
14 county office of education requesting such assignment and is assigned an  
15 experienced educator by the district or county office of education.

16 17) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
17 (a), keeping on file a written statement verifying consent of the teacher to serve  
18 on the Limited Assignment Multiple or Single Subject Teaching Permit.

19 18) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
20 (b), when submitting an application for renewal of a Limited Assignment Multiple  
21 or Single Subject Teaching Permit, including a Declaration of Need for Fully  
22 Qualified Educators that satisfies the provisions of Section 80026, and when  
23 necessary, submitting a Validation of Professional Development Statement that  
24 includes a brief description of the content of the teacher's professional  
25 development program, a brief description of the means by which the employing

1 agency validated the quality and appropriateness of the teacher's professional  
2 development program, and a brief description of the manner in which the results  
3 of the teacher's professional development program were evaluated. Keeping on  
4 file a written statement verifying consent of the teacher to serve on the Limited  
5 Assignment Multiple or Single Subject Teaching Permit.

6 19) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
7 (a), when submitting an application for the issuance of an initial preliminary  
8 full-time vocational education teaching credential, including a verification, signed  
9 by a Commission-approved LEA or an ESD (authorized to do so by a  
10 Commission-approved LEA) that the applicant has been fully apprised of the  
11 requirements for both the preliminary and clear credentials; a recommendation,  
12 signed by a Commission-approved LEA or the ESD on a form approved by the  
13 Commission; and a verification of the applicant's qualifying work experience;  
14 verification as specified for requirements (a)(1) through (a)(5).

15 20) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
16 (b), when submitting an application for the continuance of a preliminary full-time  
17 vocational education teaching credential, including verification by a  
18 Commission-approved LEA to the ESD of the successful completion of all Level I  
19 requirements of a Commission-approved program of personalized preparation.

20 21) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
21 (c), when submitting an application for the one-time reissuance of a preliminary  
22 full-time vocational education teaching credential, including verification by a  
23 Commission-approved LEA of completion of all Level I and Level II requirements  
24 of a Commission-approved program of personalized preparation and a  
25 recommendation signed by a Commission-approved LEA and/or the ESD on a

- 1 form approved by the Commission.
- 2 22) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
3 (d), when submitting an application for the clear full-time vocational education  
4 teaching credential, including verification by the ESD of two years of successful  
5 teaching in the subject(s) and grade level(s) authorized by the preliminary  
6 vocational education teaching credential while holding the valid preliminary  
7 full-time vocational education teaching credential; verification by a  
8 Commission-approved LEA of completion of all Level I and Level II requirements  
9 of a Commission-approved program of personalized preparation; and a  
10 recommendation signed by a Commission-approved LEA and/or the ESD on a  
11 form approved by the Commission.
- 12 23) Pursuant to Title 5, California Code of Regulations, Section 80035.5,  
13 recommending to applicants for designated subjects vocational education  
14 teaching credentials the subjects listed therein.
- 15 24) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
16 (a), when submitting an application for the issuance of an initial preliminary  
17 full-time adult education teaching credential, including verification, signed by a  
18 Commission-approved LEA or an ESD (authorized to do so by a Commission-  
19 approved LEA) that the applicant has been fully apprised of the requirements for  
20 both the preliminary and clear credentials.
- 21 25) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
22 (b), when submitting an application for the continuance of a preliminary full-time  
23 adult education teaching credential, including verification by a Commission-  
24 approved LEA to the ESD of the successful completion of all Level I requirements  
25 of a Commission-approved program of personalized preparation.

- 1 26) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
2 (c), when submitting an application for the one-time reissuance of a preliminary  
3 full-time adult education teaching credential, including verification by a  
4 Commission-approved LEA of completion of all Level I and Level II requirements  
5 of a Commission-approved program of personalized preparation and a  
6 recommendation signed by a Commission-approved LEA and/or the ESD on a  
7 form approved by the Commission.
- 8 27) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
9 (d), when submitting an application for the clear full-time adult education teaching  
10 credential, including verification by the ESD of two years of successful teaching  
11 adult learners in the subject(s) authorized by the preliminary adult education  
12 teaching credential while holding the valid preliminary full-time adult education  
13 teaching credential; verification by a Commission-approved LEA of completion of  
14 all Level I and Level II requirements of a Commission-approved program of  
15 personalized preparation; and a recommendation signed by the  
16 Commission-approved LEA and/or the ESD on a form approved by the  
17 Commission.
- 18 28) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
19 (a), when submitting an application for the issuance of an initial preliminary  
20 part-time adult education teaching credential, including verification, signed by a  
21 Commission-approved LEA or an ESD authorized to do so by a Commission-  
22 approved LEA, that the applicant has been fully apprised of the requirements for  
23 both the preliminary and clear credentials, including the program of personalized  
24 preparation; and a recommendation signed by a Commission-approved LEA or  
25 the ESD on a form approved by the Commission.

- 1 29) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
2 (b), when submitting an application for the continuance of a preliminary part-time  
3 adult education teaching credential, including verification by a Commission-  
4 approved LEA to the ESD of the successful completion of all Level I requirements  
5 of a Commission-approved program of personalized preparation.
- 6 30) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
7 (c), when submitting an application for the one-time reissuance of a preliminary  
8 part-time adult education teaching credential, including verification by a  
9 Commission approved LEA of completion of all Level I requirements of a  
10 Commission-approved of personalized preparation and a recommendation signed  
11 by a Commission-approved LEA and/or the ESD on a form approved by the  
12 Commission.
- 13 31) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
14 (d), when submitting an application for the clear part-time adult education  
15 teaching credential, including verification by the ESD of two years of successful  
16 teaching adult learners in the subject(s) authorized by the preliminary adult  
17 education teaching credential and verification by a Commission-approved LEA of  
18 completion of all Level I requirements of a Commission-approved program of  
19 personalized preparation.
- 20 32) Pursuant to Title 5, California Code of Regulations, Section 80036.3, subdivision  
21 (a), recommending applicants for designated subject adult education teaching  
22 credentials in subjects contained within the categories listed.
- 23 33) Pursuant to Title 5, California Code of Regulations, Section 80037, subdivision  
24 (a), when submitting an application for the preliminary special subjects teaching  
25 credential, including verification by the Employing School District (ESD) or a



1 Commission-approved Local Education Agency (LEA) that the applicant is aware  
2 of the requirements for the clear credential, including the program of personalized  
3 preparation and a recommendation signed by a Commission-approved LEA or the  
4 ESD on a form approved by the Commission.

5 34) Pursuant to Title 5, California Code of Regulations, Section 80037, subdivision  
6 (b), when submitting an application for the clear special subjects teaching  
7 credential, including verification by the ESD of two years, or the equivalent, of  
8 successful teaching as defined in subsection 80034(f) and as authorized by the  
9 preliminary special subjects teaching credential; verification by a Commission-  
10 approved LEA of completion of nine semester units, or 135 clock hours, in a  
11 Commission-approved program(s) of personalized preparation; and a  
12 recommendation signed by a Commission-approved LEA and/or the ESD on a  
13 form approved by the Commission.

14 35) Pursuant to Title 5, California Code of Regulations, Section 80037.5, subdivision  
15 (b), when submitting an application for preliminary approval or continued approval  
16 by the Commission as a subject matter program for the Designated Subjects  
17 Special Subjects Teaching Credential in Driver Education and Training,  
18 developing, submitting and implementing an approved program.

19 36) Pursuant to Title 5, California Code of Regulations, Section 80038, subdivision  
20 (a), when submitting an application for the designated subjects supervision and  
21 coordination credential, including verification by the ESD of three years of  
22 full-time teaching experience in the subject named on the designated subjects  
23 credential; verification by an LEA of completion of six semester units, or 90 clock  
24 hours, in a Commission-approved personalized preservice program in supervision  
25 and coordination as described in Section 80040.3; and submission of a

- 1 completed application form signed by a Commission-approved LEA.
- 2 37) Pursuant to Title 5, California Code of Regulations, Section 80040, subdivision  
3 (a), when desiring to offer a program of personalized preparation for the  
4 designated subjects teaching credential or for the designated subjects  
5 supervision and coordination credential, filing with the Commission an application  
6 for approval, signed by the Chief Administrative Officer of the agency or agencies  
7 constituting the LEA.
- 8 38) Pursuant to Title 5, California Code of Regulations, Section 80043, subdivision  
9 (a), when submitting an application for an Eminence Credential, demonstrating  
10 how the eminent individual will enrich the educational quality of the school district  
11 and not how he or she will fill an employment need. Pursuant to subdivision (b),  
12 submitting a recommendation from the governing board of the school district, a  
13 statement of employment, submission of the fee(s) established in Section 80487  
14 and a verification of the applicant's eminence qualifications. Pursuant to  
15 subdivision (c), requesting that staff reconsider its denial of an application for  
16 eminence based upon new evidentiary material relevant to the reason(s) for  
17 denial, that was not available at the time the application was initially submitted to  
18 the Commission.
- 19 39) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
20 (a), applying for renewal of an Eminence Credential with a written statement of  
21 support from the governing board of the school district adopted in a public  
22 meeting and submission of the fee(s) established in Section 80487.
- 23 40) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
24 (b), when requesting issuance of a Professional Clear Eminence Teaching  
25 Credential with a written statement of support from the governing board of the

1 school district adopted in a public meeting, submission of an application and the  
2 fee established in Section 80487.

3 41) Pursuant to Title 5, California Code of Regulations, Section 80047.2, subdivision  
4 (a), when appropriate, providing a favorable evaluation or recommendation to  
5 teach a special day class with the primary disability of serious emotional  
6 disturbance.

7 42) Pursuant to Title 5, California Code of Regulations, Section 80047.4, subdivision  
8 (a)(4), when appropriate, providing a favorable evaluation or recommendation for  
9 holders of special education specialist instruction credentials to teach a special  
10 day class with the primary disability of autism.

11 43) Pursuant to Title 5, California Code of Regulations, Section 80048.2, subdivision  
12 (a), providing written acknowledgment that an applicant is responsible for  
13 completing the requirements for the Multiple or Single Subject Teaching  
14 Credential, including the student teaching requirement, during the five-year term  
15 of the preliminary credential.

16 44) Pursuant to Title 5, California Code of Regulations, Section 80048.2, subdivision  
17 (f), verifying by transcript or a minimum of 45 clock hours with non-special  
18 education students and verifying employment in a position requiring the  
19 Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and  
20 (b)(9).

21 45) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
22 (a), verifying an offer of employment proved by a letter, including a description of  
23 the duties and explanation as to why the position does not require an Education  
24 Specialist Instruction Credential.

25 46) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision

1 (b), verifying a minimum of one semester unit of supervised field experience in  
2 general education by transcript or 45 clock hours with non-special education  
3 students and verifying an offer of employment, including a description of the  
4 duties and explanation as to why the position does not require an Education  
5 Specialist Instruction Credential.

6 47) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
7 (c), verifying an offer of employment to a holder of a preliminary level 1 Education  
8 Specialist Instruction Credential. Removing him or her from a teaching position  
9 upon receipt of a credential inactive notice, unless the holder provides the district  
10 with his or her official CBEST verification transcript as proof of passage of the  
11 examination prior to the specified inactivation date. Returning him or her to the  
12 position as soon as he or she provides the district with his or her official CBEST  
13 verification transcript as proof of passage of the examination. Submitting a copy  
14 of the CBEST verification transcript to the Commission within ten working days of  
15 returning the holder to the teaching position. On or before the end of the fourth  
16 year following the issuance date of the credential (year-four deadline), submitting  
17 verification that the credential holder has completed a minimum of one semester  
18 unit of supervised field experience in general education, by official transcript or 45  
19 clock hours with non-special education students. Removing the holder from any  
20 teaching position upon receipt of an inactivation letter no later than the  
21 inactivation date specified in the notification, unless the holder provides the  
22 employer with verification that all year-four requirements have been completed  
23 prior to the specified inactivation date. Returning the person to the teaching  
24 position as soon as he or she provides the district with official verification that all  
25 year-four requirements have been completed. Submitting verification of

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1 completion of requirements to the Commission within ten working days of  
2 returning the holder to the teaching position.

3 48) Pursuant to Title 5, California Code of Regulations, Section 80048.3.1,  
4 subdivision (a), providing a letter on district letterhead, signed by the individual's  
5 principal or personnel officer, verifying five years of full-time teaching experience  
6 in the disability area of the credential sought in a state other than California and  
7 rigorous performance evaluations. Verification of the authenticity of the evaluation  
8 letters must be given in writing by a personnel officer in the district in which the  
9 evaluations took place.

10 49) Pursuant to Title 5, California Code of Regulations, Section 80048.4, subdivision  
11 (a), verifying alternative training that provides knowledge and related skills and a  
12 minimum of two years of successful experience in a full-time position, while  
13 holding the preliminary level I Education Specialist Instruction Credential, as  
14 outlined in 80048.3(a)(8) and (b)(9).

15 50) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
16 (a), verifying either: (A) three years of successful, full-time teaching experience in  
17 the public schools, including, but not limited to, service in state- or  
18 county-operated schools, or (B) three years of successful, full-time experience in  
19 the fields of pupil personnel, health, library media teacher, or clinical or  
20 rehabilitative services.

21 51) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
22 (d), verifying two years of successful experience in a full-time administrative  
23 position, while holding the preliminary administrative services credential.

24 52) Pursuant to Title 5, California Code of Regulations, Section 80055.1, subdivision  
25 (a), informing an applicant for an exchange position that an exchange certificated

1 employee credential may be secured by submitting an application, on the form  
2 prescribed by the Commission on Teacher Credentialing, and personal  
3 identification cards, and by submitting a statement verifying all of the following:

- 4 1. The position in which the governing board proposes to employ the applicant,
- 5 2. The dates of proposed employment,
- 6 3. Facts showing that the applicant is an employee of a public school as required by  
7 Education Code Section 44853,
- 8 4. The district has given due consideration to the general qualifications and  
9 professional status of the proposed exchange employee as compared to the  
10 general qualifications and professional status of the employee to be exchanged,  
11 and
- 12 5. The district has official verification from the proper authorities mentioned in  
13 Education Code Section 44853 that the applicant is fit to perform the services  
14 required in the position;

15 and by submitting to the Commission verification of passage of the California Basic  
16 Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).

- 17 53) Pursuant to Title 5, California Code of Regulations, Section 80055.2, subdivision  
18 (a), submission of a completed application, including certification by the governing  
19 board that an applicant is a bilingual-biliterate teacher fluent both in English and  
20 in the target language and employed as required by Education Code Section  
21 44856 during the calendar year immediately preceding the date of application.  
22 Also submitting certification that the applicant will be employed by the school  
23 district in a teaching assignment authorized by a sojourn certificated employee  
24 credential and that the applicant has been informed in writing of his or her  
25 employment status and renewal requirements.

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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- 1 54) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision  
2 (a), requesting continuance to the end of a school year of a candidate's  
3 preliminary credential which lapses (expires) April 1 or thereafter.
- 4 55) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision  
5 (b), requesting continuance of a 30-day emergency substitute teaching credential  
6 to the end of the school year if the 30-day authorization is fulfilled after May 15 of  
7 a school year.
- 8 56) Pursuant to Title 5, California Code of Regulations, Section 80070.2, subdivision  
9 (a), verifying experience on forms provided by the Commission, by the  
10 appropriate administrative official of the district or county office of education.
- 11 57) Pursuant to Title 5, California Code of Regulations, Section 80070.3, subdivision  
12 (a), verifying three or more years of teaching experience by the appropriate  
13 administrative official at which the experience took place and providing a written  
14 statement verifying that the candidate, if granted the Preliminary Resource  
15 Specialist Certificate of Competence, will be employed as a Resource Specialist.
- 16 58) Pursuant to Title 5, California Code of Regulations, Section 80070.4, subdivision  
17 (a), verifying three or more years of teaching experience, including both regular  
18 and special education teaching experience, as defined in Section 80070.1(c).
- 19 59) Pursuant to Title 5, California Code of Regulations, Section 80070.6, , subdivision  
20 (a), verifying three or more years of teaching experience, including both regular  
21 and special education teaching experience, as defined in Section 80070.1(c) and  
22 verification that the applicant has successfully demonstrated all competencies  
23 described in Section 80070.8.

24 **Article 3 (Examinations and Subject Matter Programs)**

- 25 60) Pursuant to Title 5, California Code of Regulations, Section 80071.4, subdivision

1 (h), when requesting a special administration of the California Basic Educational  
2 Skills Test (CBEST), including a copy of relevant sections of the official minutes  
3 of the district or county governing board and documentation by the  
4 superintendent of the specific facts of the emergency. The minutes of the  
5 governing board meeting must show that the board accepts the following  
6 conditions:

- 7 (A) An emergency as defined in subsection (g) exists and is unavoidable;
- 8 (B) District or county staff will assist in locating or providing space for the special  
9 administration and in the identification of qualified examination proctors, if such  
10 assistance is requested by the Commission or its designated agent;
- 11 (C) District or county staff will provide administrative support in accomplishing the  
12 registration process in a manner that will be consistent with the CBEST  
13 registration and reporting system;
- 14 (D) The district agrees to pay the full fee required for testing forty persons, even if  
15 fewer than forty actually take the test at a special administration; and
- 16 (E) The district or county agrees not to require that the people taking the test pay any  
17 of the excess administrative cost incurred by the district or county.

18 In addition, the superintendent of the district or county shall provide the following  
19 information as part of the written request:

- 20 (A) A detailed statement on the cause of the emergency and the reasons it could not  
21 have been anticipated in time to make use of the most recent previous regular  
22 administration;
- 23 (B) Documentation on the numbers of substitute or contract teachers needed, the  
24 total number of teachers on contract in the district or county, or the average daily  
25 number of substitutes used in the preceding year as appropriate to the definition



1 of an emergency cited in the governing board minutes;

2 (C) A description of the plans for publicizing the special administration to insure that it  
3 will be maximally effective in attracting people not previously tested who can meet  
4 the emergency needs of the district or county;

5 (D) A definitive statement about whether admission to the special administration will  
6 be limited to people who are potential employees of the district or county  
7 requesting the special administration, or will be open to anyone who wishes to  
8 take the test; and

9 (E) Designation of the county or district having primary responsibility for  
10 administrative arrangements for the special administration, in the event that two  
11 or more counties or districts are participating jointly in the special administration.

12 **Chapter 4 (Procedure for, Adding Authorization to, and Renewal of Credentials)**

13 **Article 1 ( General Provisions)**

14 61) Pursuant to Title 5, California Code of Regulations, Section 80413.3, subdivision  
15 (a), signing a written justification stating how each of the activities claimed by an  
16 applicant relates to the six standards by an individual at the central office of a  
17 California school district or county office of education, or at a California school  
18 site who is responsible for curriculum and instruction in the authorization of the  
19 teacher's credential.

20 62) Pursuant to Title 5, California Code of Regulations, Section 80413.3, subdivision  
21 (b), providing an offer of employment that has one of the approved programs  
22 listed in (b)(2)(B) and a statement verifying intention to enroll the individual into  
23 the program. When necessary providing a supplemental letter, on district  
24 letterhead, signed by the individual's principal or personnel officer in the district in  
25 which the evaluations took place. Verification of the authenticity of the evaluation

1 letters must be given in writing by a personnel officer in the district in which the  
2 evaluations took place.

3 **Article 2 (Direct Application to the Commission)**

4 63) Pursuant to Title 5, California Code of Regulations, Section 80435, subdivision  
5 (b), submitting either official transcripts with an application (or verifying a copy as  
6 a true-copy of the official transcripts with a statement describing the district's  
7 internal procedure or policy verifying the authenticity of the transcript) or a  
8 statement or stamp signed or initialed by the designated agency representative  
9 verifying each set of transcripts, that the copy is an authentic duplicate of the  
10 official transcript.

11 64) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
12 (a), specifying T.C.C. (Temporary County Certificate) and the expiration date of  
13 the T.C.C. in the space provided on the application form when the application is  
14 filed with them.

15 65) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
16 (c), providing a listing of all applicants serving on a T.C.C. for whom notification,  
17 pursuant to subsection (b), has not been received as of ten (10) school days prior  
18 to the expiration date of the T.C.C., which shall include all of the following  
19 information for each applicant:

- 20 (1) The full name;
- 21 (2) The social security number;
- 22 (3) The birthdate;
- 23 (4) The type of credential, certificate, or permit for which application was  
24 made, when available;
- 25 (5) The date of filing of the application, when available;

1 (6) The date the application was submitted to the Commission, when  
2 available;

3 (7) The effective date of the temporary county certificate; and

4 (8) The expiration date of the temporary county certificate.

5 66) Pursuant to Title 5, California Code of Regulations, Section 80466 verifying three  
6 years of successful full-time teaching experience, all of which has been  
7 completed within ten years prior to the date of application.

8 **Article 7 (Requirements and Procedures for Renewing Professional Clear Multiple**  
9 **and Single Subject Teaching Credentials, Service or Specialist Credentials, and**  
10 **Designated Subjects Adult and Vocational Education Teaching Credentials)**

11 67) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
12 (a), designating one or more certificated persons to be professional growth  
13 advisors if the district or county office of education employs one or more holders  
14 of professional clear credentials.

15 68) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
16 (c), adopting policies and procedures for the selection of professional growth  
17 advisors which contribute the best possible match between the credential holder  
18 and the advisor.

19 69) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
20 (j), removing any professional growth advisor who has been determined by the  
21 agency or the Commission to have willfully and arbitrarily violated Education  
22 Code Section 44277 or this article.

23 70) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
24 (a), designating one or more persons to be professional growth advisors if the  
25 district or county office of education employs one or more holders of valid

1 specialist or service credentials.

2 71) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
3 (e), giving each credential holder the names and work locations of any  
4 professional growth advisors who have been designated for these credential  
5 areas.

6 72) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
7 (h), removing any professional growth advisor who has been determined by the  
8 agency or the Commission to have willfully and arbitrarily violated Education  
9 Code Section 44277 or this article.

10 **Chapter 5 - Approved Programs**

11 **Article 1 (Procedure for Validation) of Chapter 5 (Approved Programs)**

12 73) Pursuant to Title 5, California Code of Regulations, Section 80601, when  
13 necessary, submitting a validation of service request to the Commission,  
14 indicating the appropriate reason for the request for validation and/or include a  
15 statement why the applicant was allowed to begin service and continue to serve  
16 without having the appropriate credential or temporary county certificate.

17 74) Pursuant to Title 5, California Code of Regulations, Section 80601, verifying  
18 whether or not a temporary county certificate was issued to cover the period of  
19 service in question.

20 75) Pursuant to Title 5, California Code of Regulations, Section 80601, subdivision  
21 (c), submitting supporting materials necessary to verify that the individual  
22 qualified for the appropriate certification along with the request for validation of  
23 service.

24 **SECTION 2. EXCEPTIONS TO MANDATE REIMBURSEMENT**

1           None of the Government Code Section 17556<sup>55</sup> statutory exceptions to a finding  
2 of costs mandated by the state apply to this test claim. Note, that to the extent school  
3 districts may have previously performed functions similar to those mandated by the  
4 referenced code sections, such efforts did not establish a preexisting duty that would  
5 relieve the state of its constitutional requirement to later reimburse school districts when

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<sup>55</sup> Government Code section 17556, as last amended by Chapter 589, Statutes of 1989:

“The commission shall not find costs mandated by the state, as defined in Section 17514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:

(a) The claim is submitted by a local agency or school district which requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the governing body or a letter from a delegated representative of the governing body of a local agency or school district which requests authorization for that local agency or school district to implement a given program shall constitute a request within the meaning of this paragraph.

(b) The statute or executive order affirmed for the state that which had been declared existing law or regulation by action of the courts.

(c) The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.

(d) The local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

(f) The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a statewide election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.”

1 these activities became mandated.<sup>56</sup>

2 SECTION 3. FUNDING PROVIDED FOR THE MANDATED PROGRAM

3 No funds are appropriated by the state for reimbursement of these costs  
4 mandated by the state and there is no other provision of law for recovery of costs from  
5 any other source.

6 PART IV. ADDITIONAL CLAIM REQUIREMENTS

7 The following elements of this claim are provided pursuant to Section 1183, Title  
8 2, California Code of Regulations:

9 Exhibit 1: Declaration of XXX

10 Exhibit 2: Copies of Statutes Cited

11 Chapter 1087, Statutes of 2002

12 Chapter 1069, Statutes of 2002

13 Chapter 585, Statutes of 2001

14 Chapter 381, Statutes of 1999

15 Chapter 281, Statutes of 1999

16 Chapter 547, Statutes of 1998

17 Chapter 533, Statutes of 1998

18 Chapter 934, Statutes of 1997

19 Chapter 948, Statutes of 1996

20 Chapter 303, Statutes of 1996

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<sup>56</sup> Government Code section 17565, added by Chapter 879, Statutes of 1986:

“If a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate.”

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1	Chapter 922, Statutes of 1994
2	Chapter 673, Statutes of 1994
3	Chapter 378, Statutes of 1993
4	Chapter 1050, Statutes of 1992
5	Chapter 590, Statutes of 1991
6	Chapter 375, Statutes of 1989
7	Chapter 1355, Statutes of 1988
8	Chapter 1468, Statutes of 1987
9	Chapter 989, Statutes of 1986
10	Chapter 747, Statutes of 1985
11	Chapter 482, Statutes of 1984
12	Chapter 1302, Statutes of 1983
13	Chapter 1038, Statutes of 1983
14	Chapter 536, Statutes of 1983
15	Chapter 498, Statutes of 1983
16	Chapter 1388, Statutes of 1982
17	Chapter 471, Statutes of 1982
18	Chapter 434, Statutes of 1982
19	Chapter 206, Statutes of 1982
20	Chapter 1136, Statutes of 1981
21	Chapter 898, Statutes of 1978
22	Chapter 228, Statutes of 1975
23	<b><u>Exhibit 3:</u> Copies of Code Sections Cited</b>
24	Education Code Section 44225
25	Education Code Section 44225.7

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1	Education Code Section 44300
2	Education Code Section 44301
3	Education Code Section 44326
4	Education Code Section 44327
5	Education Code Section 44332
6	Education Code Section 44830
7	Education Code Section 44830.3
8	Education Code Section 44842
9	Education Code Section 44885.5
10	Education Code Section 44901
11	Education Code Section 45037
12	<b><u>Exhibit 4</u> Copies of Title 5, California Code of Regulations</b>
13	Section 80005
14	Section 80016
15	Section 80020.4.1
16	Section 80023.1
17	Section 80023.2
18	Section 80025
19	Section 80025.1
20	Section 80025.5
21	Section 80026
22	Section 80026.1
23	Section 80026.5
24	Section 80026.6
25	Section 80027



Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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1	Section 80035
2	Section 80035.5
3	Section 80036
4	Section 80036.1
5	Section 80036.3
6	Section 80037
7	Section 80037.5
8	Section 80038
9	Section 80040
10	Section 80043
11	Section 80045
12	Section 80047.2
13	Section 80047.4
14	Section 80048.2
15	Section 80048.3
16	Section 80048.3.1
17	Section 80048.4
18	Section 80054
19	Section 80055.1
20	Section 80055.2
21	Section 80058.2
22	Section 80070.2
23	Section 80070.3
24	Section 80070.4
25	Section 80070.6

Test Claim of San Diego County Office of Education  
Chapter 1087/2002 - Teacher Credentialing

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- 1                   Section 80071.4
- 2                   Section 80435
- 3                   Section 80441
- 4                   Section 80466
- 5                   Section 80556
- 6                   Section 80556.1
- 7                   Section 80601
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PART V. CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 22, 2003, at San Diego, California by:

  
\_\_\_\_\_  
Lora Duzyk  
Executive Director  
District Financial Services  
San Diego County Office of Education

Voice: (858) 292-3537  
Fax: (858) 541-0697

PART VI. APPOINTMENT OF REPRESENTATIVE

San Diego Office of Education appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.

  
\_\_\_\_\_  
Lora Duzyk  
Executive Director  
District Financial Services  
San Diego County Office of Education

9/22/03  
\_\_\_\_\_  
Date

**EXHIBIT 1  
DECLARATIONS**

1 **DECLARATION OF CYNTHIA FREE**

2  
3 **San Diego County Office of Education**

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5  
6 Test Claim of San Diego County Office of Education

7  
8 COSM No. \_\_\_\_\_

9  
10 Chapter 1087, Statutes of 2002  
11 Chapter 1069, Statutes of 2002  
12 Chapter 585, Statutes of 2001  
13 Chapter 381, Statutes of 1999  
14 Chapter 281, Statutes of 1999  
15 Chapter 547, Statutes of 1998  
16 Chapter 533, Statutes of 1998  
17 Chapter 934, Statutes of 1997  
18 Chapter 948, Statutes of 1996  
19 Chapter 303, Statutes of 1996  
20 Chapter 922, Statutes of 1994  
21 Chapter 673, Statutes of 1994  
22 Chapter 378, Statutes of 1993  
23 Chapter 1050, Statutes of 1992  
24 Chapter 590, Statutes of 1991  
25 Chapter 375, Statutes of 1989  
26 Chapter 1355, Statutes of 1988  
27 Chapter 1468, Statutes of 1987  
28 Chapter 989, Statutes of 1986  
29 Chapter 747, Statutes of 1985  
30 Chapter 482, Statutes of 1984  
31 Chapter 1302, Statutes of 1983  
32 Chapter 1038, Statutes of 1983  
33 Chapter 536, Statutes of 1983  
34 Chapter 498, Statutes of 1983  
35 Chapter 1388, Statutes of 1982  
36 Chapter 471, Statutes of 1982  
37 Chapter 434, Statutes of 1982  
38 Chapter 206, Statutes of 1982  
39 Chapter 1136, Statutes of 1981  
40 Chapter 228, Statutes of 1975  
41  
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Education Code Section 44225  
Education Code Section 44225.7  
Education Code Section 44300  
Education Code Section 44301  
Education Code Section 44326  
Education Code Section 44327  
Education Code Section 44332  
Education Code Section 44830  
Education Code Section 44830.3  
Education Code Section 44842  
Education Code Section 44885.5  
Education Code Section 44901  
Education Code Section 45037

Title 5, California Code of Regulations  
Sections 80005, 80016, 80020.4.1,  
80023.1, 80023.2, 80025, 80025.1,  
80025.5, 80026, 80026.1, 80026.5,  
80026.6, 80027, 80035, 80035.5,  
80036, 80036.1, 80036.3, 80037,  
80037.5, 80038, 80040, 80043,  
80045, 80047.2, 80047.4, 80048.2,  
80048.3, 80048.3.1, 80048.4, 80054,  
80055.1, 80055.2, 80058.2, 80070.2,  
80070.3, 80070.4, 80070.6, 80071.4,  
80413.3, 80435, 80441, 80466,  
80556, 80556.1, and 80601

43 **Teacher Credentialing**

44  
45 I, Cynthia Free, Credentials Supervisor, San Diego County Office of Education,

1 make the following declaration and statement.

2 In my capacity as Credentials Supervisor, I am responsible for applications for  
3 certain temporary and emergency teaching credentials for employees of the districts. I  
4 am familiar with the provisions and requirements of the Statutes, Education Code  
5 sections and Title 5 California Code of Regulations sections enumerated above.

6 These Statutes, Education Code sections and Title 5 regulations require the San  
7 Diego County Office of Education to:

- 8 A) Pursuant to Chapter 2 ("Teacher Credentialing"), commencing with Education  
9 Code Section 44200 and Chapter 4 ("Employment - Certificated Employees")  
10 commencing with Education Code Section 44800, developing, adopting and  
11 implementing policies and procedures, and periodically updating those policies  
12 and procedures, for the credentialing of teachers and other education employees.
- 13 B) Pursuant to Education Code Section 44225, subdivision (m), submitting requests  
14 to the Commission when appropriate, necessary or required for the waiver of one  
15 or more of the provisions of the chapter on teacher credentialing or other  
16 provisions governing the preparation or licensing of educators.
- 17 C) Pursuant to Education Code Section 44225.7, subdivision (b), requesting  
18 approval for the assignment of a person who does not meet specified criteria if a  
19 suitable individual is not available to the district or county office of education.
- 20 D) Pursuant to Education Code Section 44300, subdivision (a)(3), when necessary  
21 or required, submitting to the commission, justification for issuing an emergency

1 permit which shall include all of the following:

2 1) Annual documentation of implementing in policy and practices a process  
3 for conducting a diligent search, and

4 2) A declaration of need for fully qualified educators made in the form of a  
5 motion adopted by the governing board of the district or the county board  
6 of education at a regularly scheduled meeting of the governing board or  
7 the county board of education.

8 E) Pursuant to Education Code Section 44300, subdivision (g), verifying that  
9 employees applying to renew their emergency permits are meeting specified  
10 ongoing training requirements.

11 F) Pursuant to Education Code Section 44332, subdivision (b), canceling a  
12 temporary certificate or permit immediately upon receipt of certification in writing  
13 from the commission that the applicant does not possess adequate academic  
14 qualifications or has a criminal record that would disqualify the applicant.

15 G) Pursuant to Education Code Section 44830, subdivision (a), employing for  
16 positions requiring certification qualifications, only persons who possess the  
17 qualifications therefor prescribed by law.

18 H) Pursuant to Education Code Section 45037, subdivision (a) (commencing on and  
19 after July 1, 2001), paying a penalty, calculated pursuant to subdivision (b), when  
20 a person renders service as a teacher in kindergarten or any of grades 1 to 12,  
21 inclusive, who did not have a valid certification document.

- 1) Pursuant to Education Code Section 45037, subdivision (c), (commencing on and after July 1, 2002), for a county office of education, paying a penalty if it draws an order for a warrant in favor of a person subject to paragraph (2) of subdivision (b). This requires county offices to:
- (a) Review credential monitoring data bases periodically for the current status of persons receiving those warrants,
  - (b) Withhold warrants from those persons for whom a period of school district service is subject to paragraph (2) of subdivision (b),
  - (c) Dock the pay of those persons for whom a period of school district service is subject to paragraph (2) of subdivision (b),
  - (d) Send notices to those persons from whom warrants have been withheld or those whose pay has been docked,
  - (e) Issue new warrants when those persons have been restored to conforming status, and
  - (f) Update data bases when those persons have been restored to conforming status.

**TITLE 5, CALIFORNIA CODE OF REGULATIONS**

- 1) Pursuant to Title 5, California Code of Regulations, Section 80026, when applying for the issuance of any emergency permit and/or limited assignment permit, submitting a Declaration of Need for Fully Qualified Educators on a form to be provided by the Commission, which shall include all of the following information:



- 1           (a)    Estimated Need, which shall include the title(s) and number of each type of  
2                    emergency permit and limited assignment permit which the district or  
3                    county office of education estimates, based on previous year actual needs  
4                    and projections of enrollment, it will need during the year.
- 5           (b)    Efforts to Recruit Certified Personnel, which shall include a brief  
6                    description of efforts that the district or county office of education has  
7                    undertaken to locate and recruit individuals who hold the needed  
8                    credentials, such as dated copies of written announcements of its vacancy  
9                    or vacancies which were mailed to college or university placement centers.
- 10          (c)    Adoption of the Declaration by the governing board of a school district in a  
11                    regularly-scheduled, public meeting of the board and not part of a consent  
12                    calendar; or by the superintendent of a county office of education, after a  
13                    public announcement at least 72 hours prior to adopting the statement.
- 14    2)    Pursuant to Title 5, California Code of Regulations, Section 80043, subdivision  
15            (a), when submitting an application for an Eminence Credential, demonstrating  
16            how the eminent individual will enrich the educational quality of the school district  
17            and not how he or she will fill an employment need. Pursuant to subdivision (b),  
18            submitting a recommendation from the governing board of the school district, a  
19            statement of employment, submission of the fee(s) established in Section 80487  
20            and a verification of the applicant's eminence qualifications. Pursuant to  
21            subdivision (c), requesting that staff reconsider its denial of an application for

1 eminence based upon new evidentiary material relevant to the reason(s) for  
2 denial, that was not available at the time the application was initially submitted to  
3 the Commission.

4 3) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
5 (a), applying for renewal of an Eminence Credential with a written statement of  
6 support from the governing board of the school district adopted in a public  
7 meeting and submission of the fee(s) established in Section 80487.

8 4) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
9 (b), when requesting issuance of a Professional Clear Eminence Teaching  
10 Credential with a written statement of support from the governing board of the  
11 school district adopted in a public meeting, submission of an application and the  
12 fee established in Section 80487.

13 5) Pursuant to Title 5, California Code of Regulations, Section 80048.2, subdivision  
14 (a), providing written acknowledgment that an applicant is responsible for  
15 completing the requirements for the Multiple or Single Subject Teaching  
16 Credential, including the student teaching requirement, during the five-year term  
17 of the preliminary credential.

18 6) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
19 (c), verifying an offer of employment to a holder of a preliminary level 1 Education  
20 Specialist Instruction Credential. Removing him or her from a teaching position  
21 upon receipt of a credential inactive notice, unless the holder provides the district

1 with his or her official CBEST verification transcript as proof of passage of the  
2 examination prior to the specified inactivation date. Returning him or her to the  
3 position as soon as he or she provides the district with his or her official CBEST  
4 verification transcript as proof of passage of the examination. Submitting a copy  
5 of the CBEST verification transcript to the Commission within ten working days of  
6 returning the holder to the teaching position. On or before the end of the fourth  
7 year following the issuance date of the credential (year-four deadline), submitting  
8 verification that the credential holder has completed a minimum of one semester  
9 unit of supervised field experience in general education, by official transcript or 45  
10 clock hours with non-special education students. Removing the holder from any  
11 teaching position upon receipt of an inactivation letter no later than the  
12 inactivation date specified in the notification, unless the holder provides the  
13 employer with verification that all year-four requirements have been completed  
14 prior to the specified inactivation date. Returning the person to the teaching  
15 position as soon as he or she provides the district with official verification that all  
16 year-four requirements have been completed. Submitting verification of  
17 completion of requirements to the Commission within ten working days of  
18 returning the holder to the teaching position.

- 19 7) Pursuant to Title 5, California Code of Regulations, Section 80048.3.1,  
20 subdivision (a), providing a letter on district letterhead, signed by the individual's  
21 principal or personnel officer, verifying five years of full-time teaching experience

1 in the disability area of the credential sought in a state other than California and  
2 rigorous performance evaluations. Verification of the authenticity of the evaluation  
3 letters must be given in writing by a personnel officer in the district in which the  
4 evaluations took place.

5 8) Pursuant to Title 5, California Code of Regulations, Section 80048.4, subdivision  
6 (a), verifying alternative training that provides knowledge and related skills and a  
7 minimum of two years of successful experience in a full-time position, while  
8 holding the preliminary level I Education Specialist Instruction Credential, as  
9 outlined in 80048.3(a)(8) and (b)(9).

10 9) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
11 (a), verifying either: (A) three years of successful, full-time teaching experience in  
12 the public schools, including, but not limited to, service in state- or  
13 county-operated schools, or (B) three years of successful, full-time experience in  
14 the fields of pupil personnel, health, library media teacher, or clinical or  
15 rehabilitative services.

16 10) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
17 (d), verifying two years of successful experience in a full-time administrative  
18 position, while holding the preliminary administrative services credential.

19 11) Pursuant to Title 5, California Code of Regulations, Section 80055.1, subdivision  
20 (a), informing an applicant for an exchange position that an exchange certificated  
21 employee credential may be secured by submitting an application, on the form

1 prescribed by the Commission on Teacher Credentialing, and personal  
2 identification cards, and by submitting a statement verifying all of the following:

- 3 1. The position in which the governing board proposes to employ the  
4 applicant,
- 5 2. The dates of proposed employment,
- 6 3. Facts showing that the applicant is an employee of a public school as  
7 required by Education Code Section 44853,
- 8 4. The district has given due consideration to the general qualifications and  
9 professional status of the proposed exchange employee as compared to  
10 the general qualifications and professional status of the employee to be  
11 exchanged, and
- 12 5. The district has official verification from the proper authorities mentioned in  
13 Education Code Section 44853 that the applicant is fit to perform the  
14 services required in the position;

15 and by submitting to the Commission verification of passage of the California  
16 Basic Educational Skills Test (CBEST), as specified in Education Code Section  
17 44252(b).

- 18 12) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision  
19 (a), requesting continuance to the end of a school year of a candidate's  
20 preliminary credential which lapses (expires) April 1 or thereafter.
- 21 13) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision

1 (b), requesting continuance of a 30-day emergency substitute teaching credential  
2 to the end of the school year if the 30-day authorization is fulfilled after May 15 of  
3 a school year.

4 14) Pursuant to Title 5, California Code of Regulations, Section 80070.3, subdivision  
5 (a), verifying three or more years of teaching experience by the appropriate  
6 administrative official at which the experience took place and providing a written  
7 statement verifying that the candidate, if granted the Preliminary Resource  
8 Specialist Certificate of Competence, will be employed as a Resource Specialist.

9 15) Pursuant to Title 5, California Code of Regulations, Section 80070.4, subdivision  
10 (a), verifying three or more years of teaching experience, including both regular  
11 and special education teaching experience, as defined in Section 80070.1(c).

12 16) Pursuant to Title 5, California Code of Regulations, Section 80070.6, , subdivision  
13 (a), verifying three or more years of teaching experience, including both regular  
14 and special education teaching experience, as defined in Section 80070.1(c) and  
15 verification that the applicant has successfully demonstrated all competencies  
16 described in Section 80070.8.

17 **Chapter 4 (Procedure for, Adding Authorization to, and Renewal of Credentials)**

18 **Article 2 (Direct Application to the Commission)**

19 17) Pursuant to Title 5, California Code of Regulations, Section 80435, subdivision  
20 (b), submitting either official transcripts with an application (or verifying a copy as  
21 a true-copy of the official transcripts with a statement describing the district's

1 internal procedure or policy verifying the authenticity of the transcript) or a  
2 statement or stamp signed or initialed by the designated agency representative  
3 verifying each set of transcripts, that the copy is an authentic duplicate of the  
4 official transcript.

5 18) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
6 (a), specifying T.C.C. (Temporary County Certificate) and the expiration date of  
7 the T.C.C. in the space provided on the application form when the application is  
8 filed with them.

9 19) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
10 (c), providing a listing of all applicants serving on a T.C.C. for whom notification,  
11 pursuant to subsection (b), has not been received as of ten (10) school days prior  
12 to the expiration date of the T.C.C., which shall include all of the following  
13 information for each applicant:

- 14 (1) The full name;
- 15 (2) The social security number;
- 16 (3) The birth date;
- 17 (4) The type of credential, certificate, or permit for which application was  
18 made, when available;
- 19 (5) The date of filing of the application, when available;
- 20 (6) The date the application was submitted to the Commission, when  
21 available;

1 (7) The effective date of the temporary county certificate; and

2 (8) The expiration date of the temporary county certificate.

3 **Chapter 5 - Approved Programs**

4 **Article 1 (Procedure for Validation) of Chapter 5 (Approved Programs)**

5 20) Pursuant to Title 5, California Code of Regulations, Section 80601, when  
6 necessary, submitting a validation of service request to the Commission,  
7 indicating the appropriate reason for the request for validation and/or include a  
8 statement why the applicant was allowed to begin service and continue to serve  
9 without having the appropriate credential or temporary county certificate.

10 21) Pursuant to Title 5, California Code of Regulations, Section 80601, verifying  
11 whether or not a temporary county certificate was issued to cover the period of  
12 service in question.

13 22) Pursuant to Title 5, California Code of Regulations, Section 80601, subdivision  
14 (c), submitting supporting materials necessary to verify that the individual  
15 qualified for the appropriate certification along with the request for validation of  
16 service.

17 It is estimated that the San Diego County Office of Education incurred more than  
18 \$1,000 in staffing and other costs for the period from July 1, 2002 through June 30,  
19 2003 to implement these new duties mandated by the state for which the county office  
20 has not been reimbursed by any federal, state, or local government agency, and for  
21 which it cannot otherwise obtain reimbursement.



Declaration of Cynthia Free  
San Diego County Office of Education

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1           The foregoing facts are known to me personally and, if so required, I could testify  
2 to the statements made herein. I hereby declare under penalty of perjury under the laws  
3 of the State of California that the foregoing is true and correct except where stated upon  
4 information and belief and where so stated I declare that I believe them to be true.

5           EXECUTED this 22 day of September, 2003, at San Diego, California

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\_\_\_\_\_  
Cynthia Free  
Credentials Supervisor  
San Diego County Office of Education

1 **DECLARATION OF BRIAN C. SMITH**

2  
3 **Grossmont Union High School District**

4  
5  
6 Test Claim of San Diego Office of Education

7  
8 COSM No. \_\_\_\_\_

- 9
- 10 Chapter 1087, Statutes of 2002 Education Code Section 44225
- 11 Chapter 1069, Statutes of 2002 Education Code Section 44225.7
- 12 Chapter 585, Statutes of 2001 Education Code Section 44300
- 13 Chapter 381, Statutes of 1999 Education Code Section 44301
- 14 Chapter 281, Statutes of 1999 Education Code Section 44326
- 15 Chapter 547, Statutes of 1998 Education Code Section 44327
- 16 Chapter 533, Statutes of 1998 Education Code Section 44332
- 17 Chapter 934, Statutes of 1997 Education Code Section 44830
- 18 Chapter 948, Statutes of 1996 Education Code Section 44830.3
- 19 Chapter 303, Statutes of 1996 Education Code Section 44842
- 20 Chapter 922, Statutes of 1994 Education Code Section 44885.5
- 21 Chapter 673, Statutes of 1994 Education Code Section 44901
- 22 Chapter 378, Statutes of 1993 Education Code Section 45037
- 23 Chapter 1050, Statutes of 1992
- 24 Chapter 590, Statutes of 1991 Title 5, California Code of Regulations
- 25 Chapter 375, Statutes of 1989 Sections 80005, 80016, 80020.4.1,
- 26 Chapter 1355, Statutes of 1988 80023.1, 80023.2, 80025, 80025.1,
- 27 Chapter 1468, Statutes of 1987 80025.5, 80026, 80026.1, 80026.5,
- 28 Chapter 989, Statutes of 1986 80026.6, 80027, 80035, 80035.5,
- 29 Chapter 747, Statutes of 1985 80036, 80036.1, 80036.3, 80037,
- 30 Chapter 482, Statutes of 1984 80037.5, 80038, 80040, 80043,
- 31 Chapter 1302, Statutes of 1983 80045, 80047.2, 80047.4, 80048.2,
- 32 Chapter 1038, Statutes of 1983 80048.3, 80048.3.1, 80048.4, 80054,
- 33 Chapter 536, Statutes of 1983 80055.1, 80055.2, 80058.2, 80070.2,
- 34 Chapter 498, Statutes of 1983 80070.3, 80070.4, 80070.6, 80071.4,
- 35 Chapter 1388, Statutes of 1982 80413.3, 80435, 80441, 80466,
- 36 Chapter 471, Statutes of 1982 80556, 80556.1, and 80601
- 37 Chapter 434, Statutes of 1982
- 38 Chapter 206, Statutes of 1982
- 39 Chapter 1136, Statutes of 1981
- 40 Chapter 228, Statutes of 1975

41  
42  
43 **Teacher Credentialing**

44  
45 I, Brian C. Smith, Assistant Superintendent, Human Resources, Grossmont Union

1 High School District, make the following declaration and statement.

2 In my capacity as Assistant Superintendent, Human Resources, I am responsible  
3 for applications for certain temporary and emergency teaching credentials for employees  
4 of the district. I am familiar with the provisions and requirements of the Statutes,  
5 Education Code sections and Title 5 California Code of Regulations sections  
6 enumerated above.

7 These Statutes, Education Code sections and Title 5 regulations require the  
8 Grossmont Union High School District to:

- 9 A) Pursuant to Chapter 2 ("Teacher Credentialing"), commencing with Education  
10 Code Section 44200 and Chapter 4 ("Employment - Certificated Employees")  
11 commencing with Education Code Section 44800, developing, adopting and  
12 implementing policies and procedures, and periodically updating those policies  
13 and procedures, for the credentialing of teachers and other education employees.
- 14 B) Pursuant to Education Code Section 44225, subdivision (m), submitting requests  
15 to the Commission when appropriate, necessary or required for the waiver of one  
16 or more of the provisions of the chapter on teacher credentialing or other  
17 provisions governing the preparation or licensing of educators.
- 18 C) Pursuant to Education Code Section 44225.7, subdivision (a), when submitting a  
19 request for the assignment of an individual pursuant to subdivision (m) of Section  
20 44225 or Section 44300, certifying, by an annual resolution, that reasonable  
21 efforts have been made to recruit a fully prepared teacher for the assignment. If a

1 suitable fully prepared teacher is not available, making reasonable efforts to  
2 recruit an individual for the assignment in the following order:

3 (1) A candidate who is scheduled to complete initial preparation  
4 requirements within six months.

5 (2) A candidate who is qualified to participate in an approved internship  
6 program in the region of the school district.

7 D) Pursuant to Education Code Section 44225.7, subdivision (b), requesting  
8 approval for the assignment of a person who does not meet specified criteria if a  
9 suitable individual is not available to the district or county office of education.

10 E) Pursuant to Education Code Section 44300, subdivision (a)(3), when necessary  
11 or required, submitting to the commission, justification for issuing an emergency  
12 permit which shall include all of the following:

13 1) Annual documentation of implementing in policy and practices a process  
14 for conducting a diligent search, and

15 2) A declaration of need for fully qualified educators made in the form of a  
16 motion adopted by the governing board of the district or the county board  
17 of education at a regularly scheduled meeting of the governing board or  
18 the county board of education.

19 F) Pursuant to Education Code Section 44300, subdivision (g), verifying that  
20 employees applying to renew their emergency permits are meeting specified  
21 ongoing training requirements.

1 G) Pursuant to Education Code Section 44301, subdivision (b), in order to be issued  
2 an emergency multiple or single-subject teaching permit for an applicant who has  
3 not taken the appropriate subject matter competency test, certifying all of the  
4 following to the commission:

- 5 1) The applicant has not had the opportunity to take the test;
- 6 2) The applicant will take the appropriate subject matter competency test at  
7 its next regularly scheduled administration; and
- 8 3) The employing agency will discontinue employment of the person eight  
9 weeks after the date on which the test is administered if he or she does  
10 not pass.

11 H) Pursuant to Education Code Section 44326, subdivision (d), providing mentor  
12 teachers and adopting a competitive process through which a mentor teacher  
13 shall be classified and selected, after consultation with the exclusive teacher  
14 representative unit or by personnel employed by institutions of higher education  
15 to supervise student teachers.

16 I) Pursuant to Education Code Section 44327, subdivision (a), consulting with the  
17 commission and maintaining appropriate records of each district's intern program.

18 J) Pursuant to Education Code Section 44332, subdivision (b), canceling a  
19 temporary certificate or permit immediately upon receipt of certification in writing  
20 from the commission that the applicant does not possess adequate academic  
21 qualifications or has a criminal record that would disqualify the applicant.

- 1 K) Pursuant to Education Code Section 44830, subdivision (a), employing for  
2 positions requiring certification qualifications, only persons who possess the  
3 qualifications therefor prescribed by law.
- 4 L) Pursuant to Education Code Section 44830, subdivision (b), requiring an  
5 applicant for a permanent, temporary, or substitute basis to demonstrate basic  
6 skills proficiency.
- 7 1) If authorized by the Commission on Teacher Credentialing, administering  
8 the basic skills proficiency test required under Sections 44252 and  
9 44252.5.
- 10 2) Taking steps necessary to ensure the effective implementation of this  
11 subdivision.
- 12 3) Preparing for emergencies by developing a pool of qualified emergency  
13 substitute teachers, including public notice of the test requirements and of  
14 the dates and locations of administrations of the tests. Making special  
15 efforts to encourage individuals who are known to be qualified in other  
16 respects as substitutes to take the state basic skills proficiency test at its  
17 earliest administration.
- 18 M) Pursuant to Education Code Section 44830, subdivision (l), dismissing the holder  
19 of a vocational designated subject credential if he or she has not passed the  
20 proficiency assessment in basic skills.
- 21 N) Pursuant to Education Code Section 44830, subdivision (j), if employing the

1 holder of a vocational designated subject credential, establishing a basic skills  
2 proficiency test for these credentials and arranging for those individuals to be  
3 assessed.

4 O) Pursuant to Education Code Section 44830.3, subdivision (a), providing each  
5 district intern assistance and guidance by a certificated employee of the school  
6 district who has been designated by the governing board as a mentor teacher.

7 P) Pursuant to Education Code Section 44830.3, subdivision (b), developing and  
8 implementing a professional development plan for district interns in consultation  
9 with an accredited institution of higher education offering an approved program of  
10 pedagogical preparation. The professional development plan shall include all of  
11 the following:

- 12 1) Provisions for an annual evaluation of the district intern;
- 13 2) A description of courses to be completed by the district intern, if any, and a  
14 plan for the completion of preservice or other clinical training, if any,  
15 including student teaching;
- 16 3) Mandatory preservice training for district interns tailored to the grade level  
17 or class to be taught, through either of the following options:
  - 18 a) One hundred twenty clock hours of preservice training and  
19 orientation in the aspects of child development, classroom  
20 organization and management, pedagogy, and methods of teaching  
21 the subject field or fields in which the district intern will be assigned,

1                   which training and orientation period shall be under the direct  
2                   supervision of an experienced permanent teacher who shall provide  
3                   to the district, at the end of the training period, information regarding  
4                   the area that should be emphasized in the future training of the  
5                   district intern; or

6                   b)    The successful completion, prior to service by the intern in any  
7                   classroom, of six semester units of coursework from a regionally  
8                   accredited college or university, designed in cooperation with the  
9                   school district to provide instruction and orientation in the aspects of  
10                  child development and the methods of teaching the subject field or  
11                  fields in which the district intern will be assigned;

12                4)    Instruction in child development and the methods of teaching during the  
13                  first semester of service for district interns teaching in kindergarten or  
14                  grades 1 to 6;

15                5)    Instruction in the culture and methods of teaching bilingual children during  
16                  the first year of service for district interns teaching children in bilingual  
17                  classes;

18                6)    Any other criteria that may be required by the governing board;

19                7)    In addition to the requirements set forth above, for district interns teaching  
20                  in special education programs for pupils with mild and moderate  
21                  disabilities, one hundred twenty clock hours of mandatory training and



1 supervised fieldwork that shall include, but not be limited to, instructional  
2 practices, and the procedures and pedagogy of both general education  
3 programs and special education programs that teach pupils with  
4 disabilities;

5 8) In addition to the requirements set forth above, for district interns teaching  
6 in bilingual classes, one hundred twenty clock hours of mandatory training  
7 and orientation, which shall include, but not be limited to, instruction in  
8 subject matter relating to bilingual crosscultural language and academic  
9 development; and

10 9) The professional development plan for district interns teaching in special  
11 education programs for pupils with mild and moderate disabilities shall be  
12 based on the standards adopted by the commission as provided in  
13 subdivision (a) of Section 44327.

14 Q) Pursuant to Education Code Section 44842, subdivision (a), sending a request  
15 for notice to an employee who fails to notify the district of his or her plans to  
16 remain in service, in writing, along with a copy of this section, either personally  
17 serving the notice upon the employee, or mailing it to him or her by certified mail,  
18 return receipt requested.

19 R) Pursuant to Education Code Section 44842, subdivision (b), requesting notice of  
20 intention to remain or not remain in the service of the school district, in writing,  
21 along with a copy of this section, by personal delivery or by certified mail, return

1 receipt requested.

2 S) Pursuant to Education Code Section 44842, subdivision (c), notifying employees,  
3 at least five days in advance, of the time and place at which the employee was to  
4 report to work, before terminating those employees who fail to report for duty at  
5 the beginning of the school year.

6 T) Pursuant to Education Code Section 44885.5, subdivision (a), classifying as a  
7 probationary employee of the district any person who is employed as a district  
8 intern pursuant to Section 44830.3 and any person who has completed service in  
9 the district as a district intern pursuant to subdivision (b) of Section 44325 and  
10 Section 44830.3 and is reelected for the next succeeding school year to a  
11 position requiring certification qualifications.

12 U) Pursuant to Education Code Section 44885.5, subdivision (b), notifying the  
13 employee who has completed service as a district intern, on or before March 15  
14 of the employee's last complete consecutive school year of probationary  
15 employment in a position requiring certification qualification, of the decision to  
16 reelect or not reelect the employee for the next succeeding school year.

17 V) Pursuant to Education Code Section 44901, subdivision (b), notifying a certified  
18 employee serving in two or more districts, on or before March 15 of the  
19 employee's second complete consecutive school year of employment of any  
20 decision to reelect or not reelect the employee for the next succeeding school  
21 year to such a position.

1 W) Pursuant to Education Code Section 45037, subdivision (a) (commencing on and  
2 after July 1, 2001), paying the penalty, calculated pursuant to subdivision (b),  
3 when a person renders service as a teacher in kindergarten or any of grades 1 to  
4 12, inclusive, who did not have a valid certification document.

5 X) Pursuant to Education Code Section 45037, subdivision (c), (commencing on and  
6 after July 1, 2002), for a county office of education, paying a penalty if it draws an  
7 order for a warrant in favor of a person for whom a period of school district  
8 service is included in the calculation set forth in paragraph (2) of subdivision (b).

9 **TITLE 5, CALIFORNIA CODE OF REGULATIONS**

10 1) Developing, adopting and implementing policies and procedures, and periodically  
11 amending those policies and procedures to comply with the requirements of  
12 Division 8 of Title 5, California Code of Regulations, on teacher credentialing.

13 **Article 1 (General Provisions and Definitions) of Chapter 1 of Division 8**

14 2) Pursuant to Title 5, California Code of Regulations, Section 80005, subdivision  
15 (b), determining if a teacher has the requisite knowledge and skills to teach  
16 subject-matter classes and keep verification of this decision on file.

17 3) Pursuant to Title 5, California Code of Regulations, Section 80016, subdivision  
18 (a)(3), verifying completion of necessary staff development programs for persons  
19 applying for a Certificate of Completion of Staff Development to teach English  
20 language development and/or specially designated academic instruction delivered  
21 in English to limited-English-proficient students.

- 1 4) Pursuant to Title 5, California Code of Regulations, Section 80020.4.1,  
2 subdivision (e), keeping on file verification of teaching experience for an individual  
3 who has developed, directed, implemented, or coordinated reading programs for  
4 a minimum of three years prior to July 1, 2004.

5 **Article 2 (Credential Types, Authorization and Requirements)**

- 6 5) Pursuant to Title 5, California Code of Regulations, Section 80023.1, subdivision  
7 (b), submitting emergency permit requests to the Commission on behalf  
8 applicants.

- 9 6) Pursuant to Title 5, California Code of Regulations, Section 80023.2, subdivision  
10 (d), submitting a Declaration of Need for Fully Qualified Educators that satisfies  
11 the provisions of Section 80026 when submitting emergency permit requests to  
12 the Commission on behalf applicants.

- 13 7) Pursuant to Title 5, California Code of Regulations, Section 80025, subdivision  
14 (c), when preparing a Statement of Need for 30-Day Substitute Teachers:

- 15 (1) Describing the situation or circumstances that necessitate the use of an  
16 emergency permit holder,  
17 (2) Stating that either a credentialed person is not available, or that one or  
18 more credentialed persons are available, but do not meet the specified  
19 employment criteria established by the district or county office of  
20 education, and  
21 (3) Preparing and having signed by, as applicable, the superintendent of the

1           employing school district or the superintendent of the employing county if  
2           the service will be rendered in county operated schools.

3    8)    Pursuant to Title 5, California Code of Regulations, Section 80025.1, subdivision  
4           (a), when applying for the initial issuance of an Emergency Career Substitute  
5           Teaching Permit, to verify either:

6           (A)   Three consecutive years of at least ninety days per year of day-to-day  
7                 substitute teaching in the California school district requesting the permit in  
8                 the three years immediately preceding the date of application, or

9           (B)   If the county office of education is responsible for the assignment of  
10                day-to-day substitutes for all their school districts, three consecutive years  
11                of at least ninety days per year of day-to-day substitute teaching  
12                accumulated from one or more California school districts in the county  
13                requesting the permit in the three years immediately preceding the date of  
14                application.

15           And, submitting a statement of endorsement stating that the individual has served  
16                successfully in the district; the district would allow the individual to substitute  
17                teach for up to 60 days for one teacher during the school year; and verifying that  
18                it will make available to the permit holder the staff development activities that are  
19                offered to their regular teaching staff.

20    9)    Pursuant to Title 5, California Code of Regulations, Section 80025.1, subdivision  
21           (b), when applying for the reissuance of an Emergency Career Substitute

1 Teaching Permit including all the following:

2 (1) A statement of continued endorsement from the superintendent of the  
3 employing school district or county office of education, and

4 (2) Verification that staff development activities, that were offered to their  
5 regular teaching staff, were made available to the permit holder.

6 10) Pursuant to Title 5, California Code of Regulations, Section 80025.5, when  
7 applying for the issuance or reissuance of the Designated Subjects Vocational  
8 Education Permit for 30-Day Substitute Teaching Service, submitting a  
9 statement of Need which:

10 (1) Describes the situation or circumstances that necessitate the use of an  
11 emergency permit holder,

12 (2) States that either a credentialed person is not available, or that one or  
13 more credentialed persons are available, but do not meet the specified  
14 employment criteria established by the employing agency, and

15 (3) Is prepared and signed by, as applicable, the superintendent of the  
16 employing school district or the superintendent of the employing county if  
17 the service will be rendered in county operated schools.

18 11) Pursuant to Title 5, California Code of Regulations, Section 80026, when applying  
19 for the issuance of any emergency permit and/or limited assignment permit,  
20 submitting a Declaration of Need for Fully Qualified Educators on a form to be  
21 provided by the Commission, which shall include all of the following information:

- 1           (a)    Estimated Need, which shall include the title(s) and number of each type of  
2                    emergency permit and limited assignment permit which the district or  
3                    county office of education estimates, based on previous year actual needs  
4                    and projections of enrollment, it will need during the year.
- 5           (b)    Efforts to Recruit Certified Personnel, which shall include a brief  
6                    description of efforts that the district or county office of education has  
7                    undertaken to locate and recruit individuals who hold the needed  
8                    credentials, such as dated copies of written announcements of its vacancy  
9                    or vacancies which were mailed to college or university placement centers.
- 10          (c)    Efforts to Establish Alternative Training Options, which shall:
- 11                (1)    Identify the names of institutions of higher education co-sponsoring  
12                    internships or other certification programs with the district or county  
13                    office of education or, if no such programs exist, briefly explain why;
- 14                (2)    If the district or county office of education participates in  
15                    pre-internship or internship programs, estimate the number of  
16                    interns which the district or county office of education reasonably  
17                    expects to employ during the year covered by the declaration; and
- 18                (3)    Indicate whether the district or county office of education has  
19                    considered developing a "Plan to Develop Fully Qualified  
20                    Educators" in cooperation with other education agencies in the  
21                    region pursuant to Section 80026.4, or if not, briefly explain why.

- 1           (d)    Stipulation of Insufficiency of Suitable Applicants, which shall certify that  
2                    there is an insufficient number of certificated persons who meet the  
3                    employing agency's specified employment criteria to fill necessary  
4                    positions.
- 5           (e)    Adoption of the Declaration by the governing board of a school district in a  
6                    regularly-scheduled, public meeting of the board and not part of a consent  
7                    calendar; or by the superintendent of a county office of education, after a  
8                    public announcement at least 72 hours prior to adopting the statement.
- 9           12)    Pursuant to Title 5, California Code of Regulations, Section 80026.1,  
10                   informing each applicant for an emergency permit all of the following:
- 11           (a)    That the employing agency will provide the orientation, guidance and  
12                   assistance required by Section 80026.5;
- 13           (b)    The name, or if providing the name is not feasible, the position, of the  
14                   individual responsible for providing the guidance and assistance required  
15                   by Section 80026.5; and
- 16           (c)    That, in order to reissue an emergency permit, the applicant must  
17                   complete a minimum of six semester units, or nine quarter units, of  
18                   approved course work for the related credential or, for the first reissuance,  
19                   be participating in a professional development program.
- 20           13)    Pursuant to Title 5, California Code of Regulations, Section 80026.5, subdivision  
21                   (a), providing a prescribed orientation to teaching for the holders of the



1 emergency teaching permits specified in Section 80023 and, to the extent  
2 reasonably feasible, before the emergency permit teacher begins his or her  
3 teaching assignment.

4 14) Pursuant to Title 5, California Code of Regulations, Section 80026.5, subdivision  
5 (b), assigning an experienced educator to guide and assist each holder of an  
6 emergency teaching permit specified in Section 80023.

7 15) Pursuant to Title 5, California Code of Regulations, Section 80026.6, subdivision  
8 (a), providing verification that orientation, guidance and assistance have been  
9 provided as required in Section 80026.5.

10 16) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
11 (a), submitting a Declaration of Need for Fully Qualified Educators when applying  
12 for the initial issuance of a Limited Assignment Multiple or Single Subject  
13 Teaching Permit showing that the applicant is employed by the school district or  
14 county office of education requesting such assignment and is assigned an  
15 experienced educator by the district or county office of education.

16 17) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
17 (a), keeping on file a written statement verifying consent of the teacher to serve  
18 on the Limited Assignment Multiple or Single Subject Teaching Permit.

19 18) Pursuant to Title 5, California Code of Regulations, Section 80027, subdivision  
20 (b), when submitting an application for renewal of a Limited Assignment Multiple  
21 or Single Subject Teaching Permit, including a Declaration of Need for Fully

1 Qualified Educators that satisfies the provisions of Section 80026, and when  
2 necessary, submitting a Validation of Professional Development Statement that  
3 includes a brief description of the content of the teacher's professional  
4 development program, a brief description of the means by which the employing  
5 agency validated the quality and appropriateness of the teacher's professional  
6 development program, and a brief description of the manner in which the results  
7 of the teacher's professional development program were evaluated. Keeping on  
8 file a written statement verifying consent of the teacher to serve on the Limited  
9 Assignment Multiple or Single Subject Teaching Permit.

10 19) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
11 (a), when submitting an application for the issuance of an initial preliminary  
12 full-time vocational education teaching credential, including a verification, signed  
13 by a Commission-approved LEA or an ESD (authorized to do so by a  
14 Commission-approved LEA) that the applicant has been fully apprised of the  
15 requirements for both the preliminary and clear credentials; a recommendation,  
16 signed by a Commission-approved LEA or the ESD on a form approved by the  
17 Commission; and a verification of the applicant's qualifying work experience;  
18 verification as specified for requirements (a)(1) through (a)(5).

19 20) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
20 (b), when submitting an application for the continuance of a preliminary full-time  
21 vocational education teaching credential, including verification by a

1 Commission-approved LEA to the ESD of the successful completion of all Level I  
2 requirements of a Commission-approved program of personalized preparation.

3 21) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
4 (c), when submitting an application for the one-time reissuance of a preliminary  
5 full-time vocational education teaching credential, including verification by a  
6 Commission-approved LEA of completion of all Level I and Level II requirements  
7 of a Commission-approved program of personalized preparation and a  
8 recommendation signed by a Commission-approved LEA and/or the ESD on a  
9 form approved by the Commission.

10 22) Pursuant to Title 5, California Code of Regulations, Section 80035, subdivision  
11 (d), when submitting an application for the clear full-time vocational education  
12 teaching credential, including verification by the ESD of two years of successful  
13 teaching in the subject(s) and grade level(s) authorized by the preliminary  
14 vocational education teaching credential while holding the valid preliminary  
15 full-time vocational education teaching credential; verification by a  
16 Commission-approved LEA of completion of all Level I and Level II requirements  
17 of a Commission-approved program of personalized preparation; and a  
18 recommendation signed by a Commission-approved LEA and/or the ESD on a  
19 form approved by the Commission.

20 23) Pursuant to Title 5, California Code of Regulations, Section 80035.5,  
21 recommending to applicants for designated subjects vocational education

1 teaching credentials the subjects listed therein.

2 24) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
3 (a), when submitting an application for the issuance of an initial preliminary  
4 full-time adult education teaching credential, including verification, signed by a  
5 Commission-approved LEA or an ESD (authorized to do so by a Commission-  
6 approved LEA) that the applicant has been fully apprised of the requirements for  
7 both the preliminary and clear credentials.

8 25) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
9 (b), when submitting an application for the continuance of a preliminary full-time  
10 adult education teaching credential, including verification by a Commission-  
11 approved LEA to the ESD of the successful completion of all Level I requirements  
12 of a Commission-approved program of personalized preparation.

13 26) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
14 (c), when submitting an application for the one-time reissuance of a preliminary  
15 full-time adult education teaching credential, including verification by a  
16 Commission-approved LEA of completion of all Level I and Level II requirements  
17 of a Commission-approved program of personalized preparation and a  
18 recommendation signed by a Commission-approved LEA and/or the ESD on a  
19 form approved by the Commission.

20 27) Pursuant to Title 5, California Code of Regulations, Section 80036, subdivision  
21 (d), when submitting an application for the clear full-time adult education teaching

1 credential, including verification by the ESD of two years of successful teaching  
2 adult learners in the subject(s) authorized by the preliminary adult education  
3 teaching credential while holding the valid preliminary full-time adult education  
4 teaching credential; verification by a Commission-approved LEA of completion of  
5 all Level I and Level II requirements of a Commission-approved program of  
6 personalized preparation; and a recommendation signed by the  
7 Commission-approved LEA and/or the ESD on a form approved by the  
8 Commission.

9 28) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
10 (a), when submitting an application for the issuance of an initial preliminary  
11 part-time adult education teaching credential, including verification, signed by a  
12 Commission-approved LEA or an ESD authorized to do so by a Commission-  
13 approved LEA, that the applicant has been fully apprised of the requirements for  
14 both the preliminary and clear credentials, including the program of personalized  
15 preparation; and a recommendation signed by a Commission-approved LEA or  
16 the ESD on a form approved by the Commission.

17 29) Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
18 (b), when submitting an application for the continuance of a preliminary part-time  
19 adult education teaching credential, including verification by a Commission-  
20 approved LEA to the ESD of the successful completion of all Level I requirements  
21 of a Commission-approved program of personalized preparation.

- 1    30)    Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
2            (c), when submitting an application for the one-time reissuance of a preliminary  
3            part-time adult education teaching credential, including verification by a  
4            Commission approved LEA of completion of all Level I requirements of a  
5            Commission-approved of personalized preparation and a recommendation signed  
6            by a Commission-approved LEA and/or the ESD on a form approved by the  
7            Commission.
- 8    31)    Pursuant to Title 5, California Code of Regulations, Section 80036.1, subdivision  
9            (d), when submitting an application for the clear part-time adult education  
10           teaching credential, including verification by the ESD of two years of successful  
11           teaching adult learners in the subject(s) authorized by the preliminary adult  
12           education teaching credential and verification by a Commission-approved LEA of  
13           completion of all Level I requirements of a Commission-approved program of  
14           personalized preparation.
- 15   32)    Pursuant to Title 5, California Code of Regulations, Section 80036.3, subdivision  
16            (a), recommending applicants for designated subject adult education teaching  
17            credentials in subjects contained within the categories listed.
- 18   33)    Pursuant to Title 5, California Code of Regulations, Section 80037, subdivision  
19            (a), when submitting an application for the preliminary special subjects teaching  
20            credential, including verification by the Employing School District (ESD) or a  
21            Commission-approved Local Education Agency (LEA) that the applicant is aware

1 of the requirements for the clear credential, including the program of personalized  
2 preparation and a recommendation signed by a Commission-approved LEA or the  
3 ESD on a form approved by the Commission.

4 34) Pursuant to Title 5, California Code of Regulations, Section 80037, subdivision  
5 (b), when submitting an application for the clear special subjects teaching  
6 credential, including verification by the ESD of two years, or the equivalent, of  
7 successful teaching as defined in subsection 80034(f) and as authorized by the  
8 preliminary special subjects teaching credential; verification by a Commission-  
9 approved LEA of completion of nine semester units, or 135 clock hours, in a  
10 Commission-approved program(s) of personalized preparation; and a  
11 recommendation signed by a Commission-approved LEA and/or the ESD on a  
12 form approved by the Commission.

13 35) Pursuant to Title 5, California Code of Regulations, Section 80037.5, subdivision  
14 (b), when submitting an application for preliminary approval or continued approval  
15 by the Commission as a subject matter program for the Designated Subjects  
16 Special Subjects Teaching Credential in Driver Education and Training,  
17 developing, submitting and implementing an approved program.

18 36) Pursuant to Title 5, California Code of Regulations, Section 80038, subdivision  
19 (a), when submitting an application for the designated subjects supervision and  
20 coordination credential, including verification by the ESD of three years of  
21 full-time teaching experience in the subject named on the designated subjects

1 credential; verification by an LEA of completion of six semester units, or 90 clock  
2 hours, in a Commission-approved personalized preservice program in supervision  
3 and coordination as described in Section 80040.3; and submission of a  
4 completed application form signed by a Commission-approved LEA.

5 37) Pursuant to Title 5, California Code of Regulations, Section 80040, subdivision  
6 (a), when desiring to offer a program of personalized preparation for the  
7 designated subjects teaching credential or for the designated subjects  
8 supervision and coordination credential, filing with the Commission an application  
9 for approval, signed by the Chief Administrative Officer of the agency or agencies  
10 constituting the LEA.

11 38) Pursuant to Title 5, California Code of Regulations, Section 80043, subdivision  
12 (a), when submitting an application for an Eminence Credential, demonstrating  
13 how the eminent individual will enrich the educational quality of the school district  
14 and not how he or she will fill an employment need. Pursuant to subdivision (b),  
15 submitting a recommendation from the governing board of the school district, a  
16 statement of employment, submission of the fee(s) established in Section 80487  
17 and a verification of the applicant's eminence qualifications. Pursuant to  
18 subdivision (c), requesting that staff reconsider its denial of an application for  
19 eminence based upon new evidentiary material relevant to the reason(s) for  
20 denial, that was not available at the time the application was initially submitted to  
21 the Commission.



- 1 39) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
2 (a), applying for renewal of an Eminence Credential with a written statement of  
3 support from the governing board of the school district adopted in a public  
4 meeting and submission of the fee(s) established in Section 80487.
- 5 40) Pursuant to Title 5, California Code of Regulations, Section 80045, subdivision  
6 (b), when requesting issuance of a Professional Clear Eminence Teaching  
7 Credential with a written statement of support from the governing board of the  
8 school district adopted in a public meeting, submission of an application and the  
9 fee established in Section 80487.
- 10 41) Pursuant to Title 5, California Code of Regulations, Section 80047.2, subdivision  
11 (a), when appropriate, providing a favorable evaluation or recommendation to  
12 teach a special day class with the primary disability of serious emotional  
13 disturbance.
- 14 42) Pursuant to Title 5, California Code of Regulations, Section 80047.4, subdivision  
15 (a)(4), when appropriate, providing a favorable evaluation or recommendation for  
16 holders of special education specialist instruction credentials to teach a special  
17 day class with the primary disability of autism.
- 18 43) Pursuant to Title 5, California Code of Regulations, Section 80048.2, subdivision  
19 (a), providing written acknowledgment that an applicant is responsible for  
20 completing the requirements for the Multiple or Single Subject Teaching  
21 Credential, including the student teaching requirement, during the five-year term

1 of the preliminary credential.

2 44) Pursuant to Title 5, California Code of Regulations, Section 80048.2, subdivision  
3 (f), verifying by transcript or a minimum of 45 clock hours with non-special  
4 education students and verifying employment in a position requiring the  
5 Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and  
6 (b)(9).

7 45) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
8 (a), verifying an offer of employment proved by a letter, including a description of  
9 the duties and explanation as to why the position does not require an Education  
10 Specialist Instruction Credential.

11 46) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
12 (b), verifying a minimum of one semester unit of supervised field experience in  
13 general education by transcript or 45 clock hours with non-special education  
14 students and verifying an offer of employment, including a description of the  
15 duties and explanation as to why the position does not require an Education  
16 Specialist Instruction Credential.

17 47) Pursuant to Title 5, California Code of Regulations, Section 80048.3, subdivision  
18 (c), verifying an offer of employment to a holder of a preliminary level 1 Education  
19 Specialist Instruction Credential. Removing him or her from a teaching position  
20 upon receipt of a credential inactive notice, unless the holder provides the district  
21 with his or her official CBEST verification transcript as proof of passage of the

1 examination prior to the specified inactivation date. Returning him or her to the  
2 position as soon as he or she provides the district with his or her official CBEST  
3 verification transcript as proof of passage of the examination. Submitting a copy  
4 of the CBEST verification transcript to the Commission within ten working days of  
5 returning the holder to the teaching position. On or before the end of the fourth  
6 year following the issuance date of the credential (year-four deadline), submitting  
7 verification that the credential holder has completed a minimum of one semester  
8 unit of supervised field experience in general education, by official transcript or 45  
9 clock hours with non-special education students. Removing the holder from any  
10 teaching position upon receipt of an inactivation letter no later than the  
11 inactivation date specified in the notification, unless the holder provides the  
12 employer with verification that all year-four requirements have been completed  
13 prior to the specified inactivation date. Returning the person to the teaching  
14 position as soon as he or she provides the district with official verification that all  
15 year-four requirements have been completed. Submitting verification of  
16 completion of requirements to the Commission within ten working days of  
17 returning the holder to the teaching position.

- 18 48) Pursuant to Title 5, California Code of Regulations, Section 80048.3.1,  
19 subdivision (a), providing a letter on district letterhead, signed by the individual's  
20 principal or personnel officer, verifying five years of full-time teaching experience  
21 in the disability area of the credential sought in a state other than California and

1 rigorous performance evaluations. Verification of the authenticity of the evaluation  
2 letters must be given in writing by a personnel officer in the district in which the  
3 evaluations took place.

4 49) Pursuant to Title 5, California Code of Regulations, Section 80048.4, subdivision  
5 (a), verifying alternative training that provides knowledge and related skills and a  
6 minimum of two years of successful experience in a full-time position, while  
7 holding the preliminary level I Education Specialist Instruction Credential, as  
8 outlined in 80048.3(a)(8) and (b)(9).

9 50) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
10 (a), verifying either: (A) three years of successful, full-time teaching experience in  
11 the public schools, including, but not limited to, service in state- or  
12 county-operated schools, or (B) three years of successful, full-time experience in  
13 the fields of pupil personnel, health, library media teacher, or clinical or  
14 rehabilitative services.

15 51) Pursuant to Title 5, California Code of Regulations, Section 80054, subdivision  
16 (d), verifying two years of successful experience in a full-time administrative  
17 position, while holding the preliminary administrative services credential.

18 52) Pursuant to Title 5, California Code of Regulations, Section 80055.1, subdivision  
19 (a), informing an applicant for an exchange position that an exchange certificated  
20 employee credential may be secured by submitting an application, on the form  
21 prescribed by the Commission on Teacher Credentialing, and personal

1 identification cards, and by submitting a statement verifying all of the following:

- 2 1. The position in which the governing board proposes to employ the applicant,
- 3 2. The dates of proposed employment,
- 4 3. Facts showing that the applicant is an employee of a public school as required by  
5 Education Code Section 44853,
- 6 4. The district has given due consideration to the general qualifications and  
7 professional status of the proposed exchange employee as compared to the  
8 general qualifications and professional status of the employee to be exchanged,  
9 and
- 10 5. The district has official verification from the proper authorities mentioned in  
11 Education Code Section 44853 that the applicant is fit to perform the services  
12 required in the position;

13 and by submitting to the Commission verification of passage of the California Basic  
14 Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).

15 53) Pursuant to Title 5, California Code of Regulations, Section 80055.2, subdivision  
16 (a), submission of a completed application, including certification by the governing  
17 board that an applicant is a bilingual-biliterate teacher fluent both in English and  
18 in the target language and employed as required by Education Code Section  
19 44856 during the calendar year immediately preceding the date of application.

20 Also submitting certification that the applicant will be employed by the school  
21 district in a teaching assignment authorized by a sojourn certificated employee

1 credential and that the applicant has been informed in writing of his or her  
2 employment status and renewal requirements.

3 54) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision  
4 (a), requesting continuance to the end of a school year of a candidate's  
5 preliminary credential which lapses (expires) April 1 or thereafter.

6 55) Pursuant to Title 5, California Code of Regulations, Section 80058.2, subdivision  
7 (b), requesting continuance of a 30-day emergency substitute teaching credential  
8 to the end of the school year if the 30-day authorization is fulfilled after May 15 of  
9 a school year.

10 56) Pursuant to Title 5, California Code of Regulations, Section 80070.2, subdivision  
11 (a), verifying experience on forms provided by the Commission, by the  
12 appropriate administrative official of the district or county office of education.

13 57) Pursuant to Title 5, California Code of Regulations, Section 80070.3, subdivision  
14 (a), verifying three or more years of teaching experience by the appropriate  
15 administrative official at which the experience took place and providing a written  
16 statement verifying that the candidate, if granted the Preliminary Resource  
17 Specialist Certificate of Competence, will be employed as a Resource Specialist.

18 58) Pursuant to Title 5, California Code of Regulations, Section 80070.4, subdivision  
19 (a), verifying three or more years of teaching experience, including both regular  
20 and special education teaching experience, as defined in Section 80070.1(c).

21 59) Pursuant to Title 5, California Code of Regulations, Section 80070.6, , subdivision

1 (a), verifying three or more years of teaching experience, including both regular  
2 and special education teaching experience, as defined in Section 80070.1(c) and  
3 verification that the applicant has successfully demonstrated all competencies  
4 described in Section 80070.8.

5 **Article 3 (Examinations and Subject Matter Programs)**

6 60) Pursuant to Title 5, California Code of Regulations, Section 80071.4, subdivision  
7 (h), when requesting a special administration of the California Basic Educational  
8 Skills Test (CBEST), including a copy of relevant sections of the official minutes  
9 of the district or county governing board and documentation by the  
10 superintendent of the specific facts of the emergency. The minutes of the  
11 governing board meeting must show that the board accepts the following  
12 conditions:

- 13 (A) An emergency as defined in subsection (g) exists and is unavoidable;
- 14 (B) District or county staff will assist in locating or providing space for the special  
15 administration and in the identification of qualified examination proctors, if such  
16 assistance is requested by the Commission or its designated agent;
- 17 (C) District or county staff will provide administrative support in accomplishing the  
18 registration process in a manner that will be consistent with the CBEST  
19 registration and reporting system;
- 20 (D) The district agrees to pay the full fee required for testing forty persons, even if  
21 fewer than forty actually take the test at a special administration; and

1 (E) The district or county agrees not to require that the people taking the test pay any  
2 of the excess administrative cost incurred by the district or county.

3 In addition, the superintendent of the district or county shall provide the following  
4 information as part of the written request:

5 (A) A detailed statement on the cause of the emergency and the reasons it could not  
6 have been anticipated in time to make use of the most recent previous regular  
7 administration;

8 (B) Documentation on the numbers of substitute or contract teachers needed, the  
9 total number of teachers on contract in the district or county, or the average daily  
10 number of substitutes used in the preceding year as appropriate to the definition  
11 of an emergency cited in the governing board minutes;

12 (C) A description of the plans for publicizing the special administration to insure that it  
13 will be maximally effective in attracting people not previously tested who can meet  
14 the emergency needs of the district or county;

15 (D) A definitive statement about whether admission to the special administration will  
16 be limited to people who are potential employees of the district or county  
17 requesting the special administration, or will be open to anyone who wishes to  
18 take the test; and

19 (E) Designation of the county or district having primary responsibility for  
20 administrative arrangements for the special administration, in the event that two  
21 or more counties or districts are participating jointly in the special administration.



1 **Chapter 4 (Procedure for, Adding Authorization to, and Renewal of Credentials)**

2 **Article 1 ( General Provisions)**

3 61) Pursuant to Title 5, California Code of Regulations, Section 80413.3, subdivision  
4 (a), signing a written justification stating how each of the activities claimed by an  
5 applicant relates to the six standards by an individual at the central office of a  
6 California school district or county office of education, or at a California school  
7 site who is responsible for curriculum and instruction in the authorization of the  
8 teacher's credential.

9 62) Pursuant to Title 5, California Code of Regulations, Section 80413.3, subdivision  
10 (b), providing an offer of employment that has one of the approved programs  
11 listed in (b)(2)(B) and a statement verifying intention to enroll the individual into  
12 the program. When necessary providing a supplemental letter, on district  
13 letterhead, signed by the individual's principal or personnel officer in the district in  
14 which the evaluations took place. Verification of the authenticity of the evaluation  
15 letters must be given in writing by a personnel officer in the district in which the  
16 evaluations took place.

17 **Article 2 (Direct Application to the Commission)**

18 63) Pursuant to Title 5, California Code of Regulations, Section 80435, subdivision  
19 (b), submitting either official transcripts with an application (or verifying a copy as  
20 a true-copy of the official transcripts with a statement describing the district's  
21 internal procedure or policy verifying the authenticity of the transcript) or a

1 statement or stamp signed or initialed by the designated agency representative  
2 verifying each set of transcripts, that the copy is an authentic duplicate of the  
3 official transcript.

4 64) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
5 (a), specifying T.C.C. (Temporary County Certificate) and the expiration date of  
6 the T.C.C. in the space provided on the application form when the application is  
7 filed with them.

8 65) Pursuant to Title 5, California Code of Regulations, Section 80441, subdivision  
9 (c), providing a listing of all applicants serving on a T.C.C. for whom notification,  
10 pursuant to subsection (b), has not been received as of ten (10) school days prior  
11 to the expiration date of the T.C.C., which shall include all of the following  
12 information for each applicant:

- 13 (1) The full name;
- 14 (2) The social security number;
- 15 (3) The birthdate;
- 16 (4) The type of credential, certificate, or permit for which application was  
17 made, when available;
- 18 (5) The date of filing of the application, when available;
- 19 (6) The date the application was submitted to the Commission, when  
20 available;
- 21 (7) The effective date of the temporary county certificate; and

1 (8) The expiration date of the temporary county certificate.

2 66) Pursuant to Title 5, California Code of Regulations, Section 80466 verifying three  
3 years of successful full-time teaching experience, all of which has been  
4 completed within ten years prior to the date of application.

5 **Article 7 (Requirements and Procedures for Renewing Professional Clear Multiple**  
6 **and Single Subject Teaching Credentials, Service or Specialist Credentials, and**  
7 **Designated Subjects Adult and Vocational Education Teaching Credentials)**

8 67) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
9 (a), designating one or more certificated persons to be professional growth  
10 advisors if the district or county office of education employs one or more holders  
11 of professional clear credentials.

12 68) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
13 (c), adopting policies and procedures for the selection of professional growth  
14 advisors which contribute the best possible match between the credential holder  
15 and the advisor.

16 69) Pursuant to Title 5, California Code of Regulations, Section 80556, subdivision  
17 (j), removing any professional growth advisor who has been determined by the  
18 agency or the Commission to have willfully and arbitrarily violated Education  
19 Code Section 44277 or this article.

20 70) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
21 (a), designating one or more persons to be professional growth advisors if the

1 district or county office of education employs one or more holders of valid  
2 specialist or service credentials.

3 71) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
4 (e), giving each credential holder the names and work locations of any  
5 professional growth advisors who have been designated for these credential  
6 areas.

7 72) Pursuant to Title 5, California Code of Regulations, Section 80556.1, subdivision  
8 (h), removing any professional growth advisor who has been determined by the  
9 agency or the Commission to have willfully and arbitrarily violated Education  
10 Code Section 44277 or this article.

11 **Chapter 5 - Approved Programs**

12 **Article 1 (Procedure for Validation) of Chapter 5 (Approved Programs)**

13 73) Pursuant to Title 5, California Code of Regulations, Section 80601, when  
14 necessary, submitting a validation of service request to the Commission,  
15 indicating the appropriate reason for the request for validation and/or include a  
16 statement why the applicant was allowed to begin service and continue to serve  
17 without having the appropriate credential or temporary county certificate.

18 74) Pursuant to Title 5, California Code of Regulations, Section 80601, verifying  
19 whether or not a temporary county certificate was issued to cover the period of  
20 service in question.


21 75) Pursuant to Title 5, California Code of Regulations, Section 80601, subdivision

(c), submitting supporting materials necessary to verify that the individual qualified for the appropriate certification along with the request for validation of service.

It is estimated that the Grossmont Union High School District incurred more than \$1,000 in staffing and other costs for the period from July 1, 2002 through June 30, 2003 to implement these new duties mandated by the state for which the school district has not been reimbursed by any federal, state, or local government agency, and for which it cannot otherwise obtain reimbursement.

The foregoing facts are known to me personally and, if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

EXECUTED this 15<sup>th</sup> day of September, 2003, at La Mesa, California

  
\_\_\_\_\_  
Brian C. Smith  
Assistant Superintendent  
Human Resources  
Grossmont Union High School District

**EXHIBIT 2**  
**COPIES OF STATUTES CITED**

## CHAPTER 228

An act to amend Sections 13163, 13163.2, and 13173 of, and to add Section 13163.3 to, the Education Code, relating to school employees.

[Approved by Governor July 4, 1975. Filed with  
Secretary of State July 5, 1975.]

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

SECTION 1. Section 13163 of the Education Code is amended to read:

13163. Except where such service is provided by a school district pursuant to Section 13163.3, each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools. Such registration shall authorize the service of the holder as an employee of the county superintendent of schools or of any school district under his jurisdiction in the capacity in which and for the period of time for which the certification or other document is valid.

SEC. 2. Section 13163.2 of the Education Code is amended to read:

13163.2. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 13163.3, each county or city and county board of education may issue temporary certificated for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate

or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission.

SEC. 3. Section 13163.3 is added to the Education Code, to read:  
13163.3. A school district which may issue warrants pursuant to Section 21116 may, at its discretion, provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the school district.

SEC. 4. Section 13173 of the Education Code is amended to read:  
13173. Except where such service is provided by a school district pursuant to Section 13163.3, each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools.

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## CHAPTER 898

An act to amend Sections 44846 and 44955 of the Education Code, relating to school employees.

[Approved by Governor September 19, 1978. Filed with Secretary of State September 20, 1978.]

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

SECTION 1. Section 44846 of the Education Code is amended to read:

44846. The following general provisions shall apply regardless of date of employment:

As between two or more employees who first rendered paid service to the district on the same date, and who, following the termination of services, have a statutory preference to reappointment in the order of original employment, the governing board shall determine the order of reemployment solely on the basis of the needs of the district and the students thereof. Any terminated employee subject to the conditions of this section shall, upon request, be furnished in writing, no later than 15 days following such request, the reasons and basis of the needs of the district and the students thereof utilized by the governing board in determining which employee or employees shall be reappointed. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of reappointment shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

Records showing date of employment, whether kept by the district or by the county, shall be accessible, on demand, to any certificated employee of the district or to his designated representative.

In the absence of records as to any of the matters referred to in the two preceding sections, the governing board, in accordance with evidence presented, shall determine the order of employment after giving employees a reasonable opportunity to present such evidence.

The order of employment in all districts, when required, shall be determined as prescribed by Sections 44830 to 44855, inclusive.

The governing board shall have power and it shall be its duty to correct any errors discovered from time to time in its records showing the order of employment.

SEC. 2. Section 44955 of the Education Code is amended to read:

44955. No permanent employee shall be deprived of his position for causes other than those specified in Sections 44892, 44907, and 44923, and Sections 44932 to 44947, inclusive, and no probationary

employee shall be deprived of his position for cause other than as specified in Sections 44948 to 44949, inclusive.

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render. As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

Notice of such termination of services either for a reduction in attendance or reduction or discontinuance of a particular kind of service to take effect not later than the beginning of the following school year, shall be given before the 15th of May in the manner prescribed in Section 44949, and services of such employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 44844 and 44845. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he shall be deemed reemployed for the ensuing school year.

The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because

the duties, obligations, or responsibilities imposed on local government by this act are such that related costs are incurred as part of their normal operating procedures.

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## CHAPTER 1136

An act to amend Sections 44252, 44332, 44631, 44632, 44636, 44638, 44670.4, 44670.5, 44671.4, 44680.4, 44680.91, and 44830 of, to add Sections 44252.5, 45344.5, and 45361.5 to, the Education Code, relating to schools, and making an appropriation therefor.

[Approved by Governor October 1, 1981. Filed with  
Secretary of State October 2, 1981.]

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

SECTION 1. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on March 1, 1982, the Commission for Teacher Preparation and Licensing shall not issue initially any credential, permit, or certificate to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language.

(c) The Superintendent of Public Instruction shall adopt an appropriate state assessment instrument to measure proficiency in these basic skills. In adopting the instrument, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

10 05

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) The commission shall compile data regarding the rate of passing the state assessment instrument to measure proficiency in basic skills by persons who have been trained in various institutions of higher education. The data shall be available to members of the public and particularly to persons who intend to enroll in teacher education programs.

SEC. 2. Section 44252.5 is added to the Education Code, to read:

44252.5. (a) The commission shall administer the state basic skills assessment instrument pursuant to Sections 44252 and 44830 at existing centers administered by the commission. A fee shall be charged to individuals being assessed to cover the costs of the assessment, including the costs of developing, administering, and grading the test instrument. The commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30). The commission shall collect the fee from the individuals being assessed, and reimburse the State Department of Education for any costs the department incurs in the process of adopting the assessment instrument and overseeing the implementation of these provisions.

(b) Any individual who passes the state assessment instrument to measure proficiency in basic reading, writing, and mathematics skills, as adopted by the Superintendent of Public Instruction shall be considered proficient in these skills, and shall not be required to be reassessed by this instrument for purposes of meeting the proficiency requirements of Sections 44252 and 44830. An individual who passes a proficiency test in basic skills in another state shall be considered to meet the proficiency requirements of this section only if the commission determines that the test covers the same skills as the state assessment instrument and that the test is equivalent to the state instrument in difficulty.

SEC. 3. Section 44332 of the Education Code is amended to read:

44332. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed, if the individual has demonstrated proficiency in basic reading, writing, and mathematic skills. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or

denied by the commission.

SEC. 4. Section 44631 of the Education Code is amended to read: 44631. It is the intent of the Legislature that professional development and program improvement centers be established throughout the state to offer comprehensive in-service training programs to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 12, inclusive. It is also the intention of the Legislature that the professional development and program improvement centers may provide staff development activities pursuant to a systematic assessment of pupil and personnel needs, including needs of pupils who have not mastered basic reading, writing, and mathematic skills, improve the teacher's skills in diagnosing learning disabilities of pupils, and develop corrective programs of instruction. It is the further intention of the Legislature that the center include the principal and other school administrative personnel in the training program.

It is also the intention of the Legislature that in sparsely populated areas, involving long distances, in which the establishment of professional development and program improvement centers is not feasible, the in-service teacher training shall be provided under joint programs between school districts and county superintendents of schools to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 12.

It is the further intention of the Legislature that all district, state, and federal resources related to teacher training be integrated and coordinated with in-service training programs established by this article in order to improve the educational achievement of pupils enrolled in both categorical aid programs and regular instructional programs.

SEC. 5. Section 44632 of the Education Code is amended to read: 44632. As used in this article:

(a) "Center" means a professional development and program improvement center which is a school designated as such upon application of a school district by the State Board of Education. It is a school in which a program under either Title I of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act (Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of this title), the Educationally Disadvantaged Youth Programs (Chapter 1 (commencing with Section 54000) of Part 29 of Division 4 of this title), or the Early Childhood Education Program (Article 10 (commencing with Section 49530) of Chapter 9 of Part 27 of Division 4 of this title) is in operation.

(b) "Satellite school" means any other school or schools in the district designated as such by the district and approved by the State Board of Education. Satellite schools shall be named in accordance with the priority measures established by Section 44636.

(c) "Program" means a professional development and program improvement center program established pursuant to this article.

(d) "Joint program" shall mean a program undertaken through

joint agreement by two or more school districts or county superintendents of schools joined together for the purpose of providing in-service training to administrators and teachers teaching kindergarten and grades 1 through 12.

SEC. 6. Section 44636 of the Education Code is amended to read: 44636. (a) Satellite schools shall be designated and approved as those schools which meet all of the following criteria:

(1) The schools which have designated one or more master teachers to act as resource teachers in reading and mathematics and to work with other teachers in the strengthening of instructional techniques and program improvements.

(2) The schools which have the largest concentration of teachers who will assure the district that they will continue to teach in the satellite schools for the second school year following their participation in the center program.

(b) Priority shall be given to those schools which have the largest concentration of pupils whose achievement scores in reading or mathematics, or both, fall below the first quartile, as measured by the latest administered standardized achievement test in reading or mathematics, or both.

SEC. 7. Section 44638 of the Education Code is amended to read: 44638. The designated agent of any joint program may apply to establish a program of in-service and preservice training for classroom teachers in lieu of applying to establish a center pursuant to Section 44635. The application shall contain a detailed plan cooperatively developed with a teacher training institution and shall include all of the following:

(a) A description of the training program for all school personnel to be trained through the program, including administrative and auxiliary personnel and, if appropriate, replacement teachers.

(b) A description of the in-service program to be provided the staff of satellite schools on a regular rotational basis until all staff members of the satellite schools have participated in the in-service training program. Staff of satellite schools shall include specialist teachers in reading and mathematics regularly employed with such schools, and administrative and auxiliary personnel, and teacher aides.

(c) A description of procedures to be used for the identification of master teachers at the center based on demonstrated ability by the district in cooperation with the institution of higher education.

(d) A description of the program for followup training to be provided to personnel of satellite schools which have had training in the centers.

(e) A description of how all existing in-service training programs of the district funded from local, state, and federal sources will be integrated with the professional development and program improvement programs authorized by this article, including a specific statement of the local, state, and federal resources for district in-service training programs that will be utilized in the

implementation of this program.

(f) Priority shall be given to those schools of the participating districts which have (1) the largest concentration of pupils whose reading achievement scores fall in the first quartile, as measured by the most recently administered standardized achievement test in reading, (2) the largest concentration of pupils whose mathematic achievement scores fall in the first quartile as measured by the most recently administered standardized achievement test in mathematics, and (3) the largest concentration of teachers who will assure the district that they will continue to teach in the schools for the second school year following their participation in the program.

SEC. 8. Section 44670.4 of the Education Code is amended to read:

44670.4. Local staff development programs shall be designed by certificated personnel, including the school principal, consistent with rules and regulations adopted by the school district governing board and with school improvement objectives established annually through a process which involves teachers and other school personnel, the principal, parents and other community members; and in secondary schools, students. Such improvement objectives shall address, but need not be limited to, the general objectives specified in Section 44670.3 and the capacity of school personnel to provide the services required of them.

SEC. 9. Section 44670.5 of the Education Code is amended to read:

44670.5. Existing school level staff development programs required by state and federal laws shall be consolidated with local staff development programs established pursuant to this article to the extent permitted by federal law. Local staff development programs shall:

(a) Provide opportunities for all school personnel to participate in ongoing development activities pursuant to a systematic identification of pupil and personnel needs. Such identification shall address, but need not be limited to, the general objectives specified in Section 44670.3.

(b) Be designed and implemented under the direction of classroom teachers and other participating school personnel, including the school principal, in consultation with resource centers established pursuant to Article 2 of this chapter as necessary. Classroom teachers selected by teachers shall comprise the majority of any group designated to design local staff development programs for instructional personnel to be established pursuant to this article.

(c) Allow for diversity in development activities, including but not limited to, small groups, self-directed learning, and systematic observation during visits to other classrooms or schools.

(d) Be conducted during time which is set aside for such purpose throughout the school year, including, but not limited to, time on a continuing basis when participating school personnel are released from their regular duties.



(e) Be evaluated and modified on a continuing basis by participating school personnel with the aid of outside personnel as necessary.

(f) Include the school principal and other administrative personnel as active participants in one or more staff development activities implemented pursuant to this article.

(g) Make available followup activities to assist participating staff in using newly acquired skills on the job.

SEC. 10. Section 44671.4 of the Education Code is amended to read:

44671.4. Federal and state funds appropriated or apportioned for the purposes of this article shall not be used to supplant funds currently expended by school districts for the purpose of administering or conducting staff development programs.

Priority in funding shall be given to programs established pursuant to this article before January 1, 1981, if the participants and the Superintendent of Public Instruction determine that the staff development activities conducted under a particular program were effective.

Priority in funding shall be given to those schools which submit high quality proposals to involve the largest percentage of personnel at the school or within participating departments in ongoing staff development activities. Lowest funding priority shall be given to programs designed for the primary purpose of granting a degree or a credential to participating staff.

No school shall receive funds under this chapter if such school receives funds under Chapter 1147 of the Statutes of 1972 or Chapter 6 (commencing with Section 52000) of Part 28 of Division 4.

SEC. 11. Section 44680.4 of the Education Code is amended to read:

44680.4. Each center shall be operated by a resource center policy board established pursuant to Public Law 94-482 of 1976. The membership of the board shall include:

(a) Classroom teachers selected by teachers. Teacher representatives shall reflect the makeup of elementary and secondary teachers to be served by such center.

(b) Persons designated by the governing boards of school districts served by such center, including at least one parent of an elementary or secondary pupil and at least one school principal.

(c) At least one representative of institutions of higher education maintaining a department of education and located in or adjacent to the area served by the center selected by such institutions. In the event that more than one such representative is selected, the additional representative or representatives shall not represent the same segment of postsecondary education.

Teacher representatives shall compose the majority of the board, pursuant to federal law.

SEC. 12. Section 44680.91 of the Education Code is amended to read:

44680.91. Federal and state funds appropriated or apportioned for the purposes of Article 1 (commencing with Section 44670) or Article 2 (commencing with Section 44680) shall not be used to supplant funds currently expended by school districts, county superintendents of schools, and public institutions of higher education for the purpose of administering or conducting staff development programs.

No more than 4 percent of the funds appropriated for the purposes of Article 1 or Article 2 of this chapter shall be expended by districts or county superintendents to administer local staff development programs established pursuant to Article 1 (commencing with Section 44670) of this chapter.

No more than 10 percent of the funds appropriated for the purpose of establishing resource centers shall be expended for capital outlay, including acquisition and improvement of fixed assets and purchase and replacement of equipment.

Priority in funding resource centers shall be given to centers established pursuant to this article before January 1, 1981, if the participants and the Superintendent of Public Instruction deem the center effective in staff development activities.

Federal and state funds appropriated or apportioned for the purposes of Article 1 (commencing with Section 44670) and Article 2 (commencing with Section 44680) may be used to provide grants to teachers, not to exceed one thousand dollars (\$1,000) per grant, for staff development activities consistent with Sections 44670.3, 44670.4, and 44670.5.

SEC. 13. Section 44830 of the Education Code is amended to read:

44830. (a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on March 1, 1982, no certificated person shall be hired initially to serve in any school district on a permanent, temporary, or substitute basis, unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language.

(1) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

(2) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(3) If a certificated person does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year to master these basic skills, and then shall be given one

additional opportunity to be reassessed. Failure to pass an assessment in basic skills on the second opportunity shall be grounds for dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(c) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

SEC. 14. Section 45344.5 is added to the Education Code, to read: 45344.5. Commencing on March 1, 1982, no person employed and assigned to work in an instructional setting shall receive compensation for work as an instructional aide unless the person has demonstrated proficiency in basic reading, writing and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary district.

If an instructional aide does not demonstrate a proficiency in basic skills pursuant to this section, he or she shall be given two years to master these basic skills, and shall be given one additional opportunity to be reassessed. Failure to pass an assessment in basic skills during the two-year period shall be grounds for dismissal under procedures established in Article 1 (commencing with Section 45100) of Chapter 5.

A school district may charge aides, including prospective aides, taking the district's proficiency test, a fee to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption to this requirement to any person, for a period of up to one year, if the board deems that the exemption is in the best interest of the pupils enrolled in the district. This one-year exemption may be extended two times. No individual shall be exempted from these requirements for more than three years.

This section shall not apply to aides who receive two consecutive annual satisfactory performance evaluations, which include, among other things, assessment of basic reading, writing, and mathematics skills.

SEC. 15. Section 45361.5 is added to the Education Code, to read: 45361.5. Commencing on March 1, 1982, no person employed and assigned to work in an instructional setting shall receive compensation for work as an aide for instructional purposes unless

the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required of high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary school district.

If an aide for instructional purposes does not demonstrate a proficiency in basic skills pursuant to this section, he or she shall be given two years to master these basic skills, and shall be given one additional opportunity to be reassessed. Failure to pass an assessment in basic skills during the two-year period shall be grounds for dismissal under procedures established in Article 1 (commencing with Section 45100) of Chapter 5.

A school district may charge a fee to aides, including prospective aides, taking the district proficiency test pursuant to the requirements of this section to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption to this requirement to any person, for a period of up to one year, if the board deems that the exemption is in the best interest of the students enrolled in the district. This one-year exemption may be extended two times. No individual shall be exempted from these requirements for more than three years.

This section shall not apply to aides who receive two consecutive annual satisfactory performance evaluations, which include, among other things, assessment of basic reading, writing, and mathematics skills.

SEC. 16. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

## CHAPTER 206

An act to amend Sections 44252, 44252.5, 44332, 44830, 45344.5, 45361.5, and 51215 of, and to add Sections 44253, 51225.5, and 54425 to, and to repeal Section 44253 of, the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1982. Filed with  
Secretary of State May 18, 1982.]

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

SECTION 1. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission for Teacher Preparation and Licensing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. The commission may exempt from the basic skills proficiency test requirement any of the following persons:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than academic subject.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state assessment instrument to measure proficiency in these basic skills. In adopting the instrument, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) The commission shall compile data regarding the rate of passing the state assessment instrument to measure proficiency in basic skills by persons who have been trained in various institutions of higher education. The data shall be available to members of the public and particularly to persons who intend to enroll in teacher education programs.

SEC. 2. Section 44252.5 of the Education Code is amended to read:

44252.5. (a) The commission shall administer the state basic skills assessment instrument pursuant to Sections 44252 and 44830 in accordance with rules and regulations adopted by the commission. The adopted rules and regulations shall be promulgated by the commission before January 1, 1983, and shall be exempt from the requirements of Section 44232. A fee shall be charged to individuals being assessed to cover the costs of the assessment, including the costs of developing, administering, and grading the test instrument. The commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30) in the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84 fiscal year, and forty dollars (\$40) in subsequent fiscal years. The commission shall receive the fee from the individuals being assessed, and reimburse the State Department of Education for any costs the department incurs in the process of adopting the assessment instrument and overseeing the implementation of these provisions.

(b) Any individual who passes the state assessment instrument to measure proficiency in basic reading, writing, and mathematics skills, as adopted by the Superintendent of Public Instruction shall be considered proficient in these skills, and shall not be required to be reassessed by this instrument for purposes of meeting the proficiency requirements of Sections 44252 and 44830.

SEC. 3. Section 44253 of the Education Code is repealed.

SEC. 4. Section 44253 is added to the Education Code, to read:

44253. The commission may issue a preliminary or internship credential, for a period not to exceed one year, to any applicant who is: (1) seeking a vocational designated subject credential or (2) pending the completion of any examination required by the commission other than the state basic skills proficiency test required under Section 44252.5.

SEC. 5. Section 44332 of the Education Code is amended to read: 44332. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematics pursuant to the requirements of Section 44252.5. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or

denied by the commission.

SEC. 6. Section 44830 of the Education Code is amended to read:

44830. (a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), and (f).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take

the test at its next local administration.

(f) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

SEC. 7. Section 45344.5 of the Education Code is amended to read:

45344.5. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction as an instructional aide unless the person has demonstrated proficiency in basic reading, writing and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary district.

A school district may charge aides, including prospective aides, taking the district's proficiency test, a fee to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual-crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual-crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual-crosscultural aide. A bilingual-crosscultural aide may only be granted one exemption from this requirement. The authority of district governing boards to grant these exemptions shall cease on June 30, 1985.

An instructional aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.

SEC. 8. Section 45361.5 of the Education Code is amended to read:

45361.5. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction for work as an aide for



instructional purposes unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required of high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary school district.

A school district may charge a fee to aides, including prospective aides, taking the district proficiency test pursuant to the requirements of this section to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual-crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual-crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual-crosscultural aide. A bilingual-crosscultural aide may only be granted one exemption from this requirement. The authority of district governing boards to grant these exemptions shall cease on June 30, 1985.

An aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.

SEC. 9. Section 51215 of the Education Code is amended to read:

51215. (a) The governing board of each school district maintaining a junior or senior high school shall, by June 1, 1978, adopt standards of proficiency in basic skills for pupils attending school within its school district.

(b) The governing board of each school district maintaining grade 6 or 8, or the equivalent, shall, by June 1, 1979, adopt standards of proficiency in basic skills for pupils attending these grades.

(c) These standards shall include, but need not be limited to, reading comprehension, writing, and computation skills, in the English language, necessary to success in school and life experiences, and shall be such as will enable individual achievement to be ascertained and evaluated.

The standards shall be directly related to the district's instructional

program.

(d) Differential standards and assessment procedures which shall include, but need not be limited to, reading comprehension, writing, and computation skills, shall be adopted pursuant to this subdivision.

(1) Differential standards and assessment procedures shall be adopted for pupils who:

(A) Are enrolled in special education programs pursuant to Part 30 (commencing with Section 56000); or for whom individualized education programs have been developed, and for whom the regular instructional program has been modified, as necessary, under the supervision of a person who holds an appropriate credential in special education; and

(B) Have diagnosed learning handicaps or disabilities such that the individualized education program team determines they have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support.

(2) If the team determines that these pupils have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support, the team shall develop differential proficiency standards, or modify general differential standards adopted by the governing board, appropriate to the needs and potential of the pupil.

(3) Any differential standards shall be included in the individualized education program developed for the pupil pursuant to Part 30 (commencing with Section 56000).

(4) The determination and the development of differential proficiency standards shall be part of the process of developing, reviewing, and revising a pupil's individualized education program.

(5) In the case where one or more differential standards are developed for a pupil enrolled in special education, the standards may be maintained throughout the pupil's school experience, irrespective of whether the pupil continues to be enrolled in special education.

(6) Nothing in this subdivision shall be construed to require differential proficiency standards for a pupil who a team determines can attain the district's regular proficiency standards with appropriate educational services and support.

(7) The provisions of this subdivision shall apply prospectively and retroactively to pupils enrolled in the 9th grade, or the equivalent thereof, during the 1977-78 school year or any school year thereafter.

(8) Differential standards and assessment procedures adopted pursuant to this subdivision shall permit the pupil for whom they are adopted to attain the standards within a reasonable amount of time but not after the state is no longer required by state or federal law to provide an education to the pupil.

(9) It is the intent of the Legislature that the attainment of a standard of proficiency by a pupil shall also reflect the attainment of

a reasonable level of competence. The Legislature, therefore, recognizes that there may be some pupils who cannot meet regular or differential standards of proficiency, in reading, writing, and mathematics skills, and others who will need to remain in school beyond grade 12 or the equivalent in order to meet a standard which reflects their maximum potential.

(10) For students with diagnosed learning disabilities, as well as for students participating in the regular school program, proficiency assessments may be part of the classroom experience, and teaching materials may be used as assessment materials.

(e) Governing boards maintaining elementary or junior high schools located within a school district maintaining a high school shall adopt standards of proficiency in basic skills which are articulated with those standards adopted by the school district maintaining the high school.

(f) Designated employees of all school districts located within a high school district and one or more designees of the high school district shall meet prior to June 1, 1979, to plan for articulation of elementary and high school proficiency standards, and as necessary thereafter to review the effectiveness of such articulation procedures.

(g) Standards of proficiency shall be adopted by the governing board with the active involvement of parents broadly reflective of the socioeconomic composition of the district, administrators, teachers, counselors, and, with respect to standards in secondary schools, pupils.

SEC. 10. Section 51225.5 is added to the Education Code, to read:  
51225.5. The governing board of any school district maintaining a high school may confer honorary high school diplomas upon foreign exchange students from other countries who have not completed the course of study ordinarily required for graduation, and who are returning to their home countries following the completion of one academic school year in a school district in the state. Honorary high school diplomas awarded pursuant to this section shall be clearly distinguishable from the regular diplomas of graduation awarded by the district.

SEC. 11. Section 54425 is added to the Education Code, to read:  
54425. (a) Whenever a districtwide school advisory committee on compensatory education programs has been established pursuant to a compensatory education plan, the procedures adopted for the selection of the district advisory committee shall specify that parents shall constitute a majority of the membership of the district advisory committee and shall require that the parent representatives be elected by the parents of pupils participating in a program of compensatory education residing in the district.

(b) Whenever a school advisory committee on compensatory education programs has been established pursuant to a compensatory education plan, the procedures adopted for the selection of the school advisory committee shall specify that parents

shall constitute a majority of the membership of the school advisory committee and shall require that parent representatives be elected by the parents of pupils participating in a program of compensatory education at that school.

For purposes of this subdivision, a school advisory committee on compensatory education programs may designate a school site council established pursuant to Section 52012 or 52851 to function as the school advisory council on compensatory education for all purposes required by applicable statutory provisions and regulations for a period of up to two years.

SEC. 12. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 13. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions of this act to apply to the 1981-82 fiscal year, and so clarify the law at the earliest possible time, it is necessary that this act take effect immediately.

## CHAPTER 434

An act to amend Section 44842 of the Education Code, relating to school districts.

[Approved by Governor July 7, 1982. Filed with  
Secretary of State July 8, 1982.]

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

SECTION 1. Section 44842 of the Education Code is amended to read:

44842. (a) If, without good cause, a probationary or permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30th of that year.

(b) If, without good cause, a probationary or permanent

employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20th consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30th of the previous school year.

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## CHAPTER 471

An act to amend Section 44332 of the Education Code, relating to schools.

[Approved by Governor July 9, 1982. Filed with  
Secretary of State July 10, 1982.]

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

SECTION 1. Section 44332 of the Education Code is amended to read:

44332. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary

payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for such a temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that to the best of his or her knowledge no reason exists why a certificate or permit should not be issued. Such certificate or permit shall be valid for not more than 120 schooldays.

The period of 120 schooldays may be extended once for a period of not more than 60 schooldays due to delays in processing a credential application, except when the commission certifies in writing to the county or city and county board of education before the end of the period of 120 schooldays that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application, in either of which cases no extension shall be granted. Failure of the commission to so certify before the end of the 120-schoolday extension period shall be construed to mean that the applicant possesses adequate academic qualifications and does not have a criminal record which would disqualify the application.

In no event shall a temporary certificate or permit be valid beyond the time that the commission either issues or denies the originally requested credential or permit.

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## CHAPTER 1388

An act to amend Sections 37252, 44252, 44830, 44911, and 45108 of, and to add Section 1275 to, and Article 3 (commencing with Section 44681) to Chapter 3.1 of Part 25 of, the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1982. Filed with Secretary of State September 24, 1982.]

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

SECTION 1. Section 1275 is added to the Education Code, to read:

1275. Any county superintendent of schools may apply to the State Board of Education to establish a pilot project to assist selected school districts to recruit and select administrative personnel. The pilot project shall be funded annually in the Budget Act. The pilot project may do the following:

- (a) Gather and organize information regarding effective techniques for selecting and evaluating management personnel.
- (b) Serve as a clearinghouse for candidates and school districts.
- (c) Assist school districts to evaluate candidates according to competencies prescribed by the districts.
- (d) Conduct research regarding improved techniques for evaluating administrative talent.

(e) Train appropriate central district administrators in needs assessment and selection procedures used when hiring school principals and other administrative staff.

SEC. 2. Section 37252 of the Education Code is amended to read:

37252. (a) The governing board of each district maintaining any or all of grades 7 to 12, inclusive, shall offer summer school instructional programs for pupils enrolled in grades 7 to 12, inclusive, who were assessed as not meeting the district's adopted standards of proficiency in basic skills pursuant to Article 2.5 (commencing with Section 51215) of Chapter 2 of Part 28.

(b) The summer school programs shall also be offered to pupils who were enrolled in grade 12 during the prior school year after the completion of grade 12, and upon the successful completion of the summer program, these pupils may be reassessed for purposes of meeting the district's standards of proficiency.

SEC. 3. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission for Teacher Preparation and Licensing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. The commission may exempt from the basic skills proficiency test requirement any of the following persons:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. Such an applicant shall be granted a nonrenewable emergency credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44261.5. The commission shall report to the Legislature no later than January 1, 1984, on the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement, the districts in which these teachers are employed, the number of teachers granted clear credentials after the expiration of an emergency credential granted under these conditions, and a comparison of success rate of these teachers on the basic skills test with the success rate of the general pool of credential applicants. This exemption shall remain in effect no later than June 30, 1984.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state assessment instrument to measure proficiency in these basic skills. In adopting the instrument, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) The commission shall compile data regarding the rate of passing the state assessment instrument to measure proficiency in basic skills by persons who have been trained in various institutions of higher education. The data shall be available to members of the public and particularly to persons who intend to enroll in teacher education programs.

SEC. 4. Article 3 (commencing with Section 44681) is added to Chapter 3.1 of Part 25 of the Education Code, to read:

#### Article 3. California Leadership Institute

44681. The Legislature recognizes that the principal plays a pivotal role in the life of a school. Research indicates that at schools where pupil achievement is higher than might be expected, principals provide strong leadership and support. Teachers at these schools report that their principals facilitate innovation, support teachers in efforts to promote new ideas, and assist staff to acquire needed skills and materials. Other studies show that the principal is the most effective agent for bringing about educational improvement.

The Legislature further recognizes that although principal leadership is essential to effective instruction, research shows that many principals are neither prepared nor encouraged to be educational leaders. According to principals and others, administrator training does not always match responsibilities of the job, and opportunities for continuing development are inadequate.

The Legislature, by the provisions of this article, intends to provide site and central district administrators ongoing opportunities to improve their management and leadership skills. The Legislature intends that administrator support and development activities funded by this article will result in direct improvements in services to California public school pupils. The Legislature further intends that current funding for duplicative educational programs be redirected to fund the provisions of this article.

44682. (a) Any school district or county superintendent of

schools which has established a professional development and program improvement center pursuant to Article 10 (commencing with Section 44630) of Chapter 3, a resource center pursuant to Article 2 (commencing with Section 44680), a county office, school district, or any other appropriate agency operating a program before January 1, 1982, which meets the basic requirements of this article, or a teacher center established pursuant to federal law shall be eligible for funds in order to establish a California leadership institute, which shall provide to school administrators support and development activities designed to improve his or her management and leadership skills.

(b) In order to receive funding for a California leadership institute a school district or county superintendent shall do all of the following:

(1) Develop a three-year plan for support and development activities, based on a systematic assessment of unmet needs of pupils and school personnel in the districts to be served.

(2) Increase membership on the resource center policy board established pursuant to Section 44680.4 to include additional representatives of school site administrators where appropriate.

44683. (a) The three-year plan developed pursuant to paragraph (1) of subdivision (b) of Section 44682 shall address, but need not be limited to, objectives identified pursuant to Sections 44670.4, 44680.2, 52014, and 52015, and the capacity of site and central district administrators to provide leadership necessary to do the following:

(1) Improve instructional, management, human development, and counseling skills.

(2) Ensure that curricula, instruction, and materials are keyed to the educational needs of each pupil, with particular emphasis on pupils who have not achieved proficiency in basic reading, writing, and computational skills, limited and non-English speaking pupils, disadvantaged pupils, and pupils with exceptional abilities or needs.

(3) Develop curricula and instructional materials in a wide variety of areas such as arts and humanities and physical, natural, and social sciences.

(4) Facilitate collaboration among the school staff, and among the staff and members of the school community, in planning, implementing, and evaluating the school program.

(5) Improve the school and classroom environment, including relationships between and among pupils, school personnel, and community members, including parents.

(6) Make available followup activities to assist participating individuals in using newly acquired skills on the job.

(b) Each three-year plan shall describe the following:

(1) General staff development objectives and steps necessary to achieve the objectives in subdivision (a), including intended outcomes.

(2) A proposed budget.

(3) Procedures for ongoing evaluation and modification of

institute activities, including evaluation on a continuing basis by participating administrators and outside personnel as necessary.

(c) California leadership institutes shall be designed and implemented under the direction of participating school and district administrators, including the district administrators or administrators responsible for supervision of curriculum and instruction, and in cooperation with teacher training institutes. The programs designed for the institute shall allow for diversity in development activities, including, but not limited to, small groups, self-directed learning, and systematic observation during visits to other schools.

The district administrator or administrators responsible for curriculum and instruction, or other central district administrators shall be included as active participants in one or more staff development activities pursuant to this article whenever appropriate.

44684. California leadership institutes shall set aside specific times throughout the school year to conduct institute programs. The times shall include, but not be limited to, periods when participating administrators are released from their regular duties.

44685. Any school district governing board, upon petition by a majority of the administrators designated to design a California leadership institute, may request the State Board of Education to grant a waiver, of any provision of this article.

44686. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this article.

44687. The State Department of Education may provide technical assistance, at the request of any entity involved in establishing and implementing a California leadership institute. At the request of the Legislature, the department shall assess the effectiveness of the training provided by California leadership institutes.

44688. (a) Federal and state funds appropriated or apportioned for the purposes of this article shall not be used to supplant funds currently expended by school districts for the purpose of administering or conducting staff development programs.

(b) Priority in funding shall be given to applicants who provide evidence of the following:

(1) Specific substantial district support to implement proposed administrator development activities.

(2) A high degree of collaborative planning of proposed activities among school principals, and between principals and central district administrators.

(3) A process to continue a high degree of collaboration among school principals and between principals and central district administrators in implementing, evaluating, and modifying development activities funded by this article and other state education programs.

(4) A direct relationship between proposed activities and specific

school improvement goals developed pursuant to an existing or new process which involves principals, central district administrators, teachers, other school personnel, secondary students, and parents.

(c) Lowest funding priority shall be given to programs designed for the primary purpose of granting a degree or a credential to participating staff.

44689. It is the intent of the Legislature that the California Leadership Institute be funded annually in each Budget Act.

SEC. 5. Section 44830 of the Education Code is amended to read:

44830. (a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), and (g).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to insure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program,

approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(f) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(g) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(h) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

SEC. 6. Section 44911 of the Education Code is amended to read:  
44911. Service by a person under a provisional credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be applicable to teachers granted a one-year emergency credential under the conditions specified in subdivision (b) of Section 44252 and subdivision (h) of Section 44830.

SEC. 7. Section 45108 of the Education Code is amended to read:  
45108. If the governing board of any school district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such

positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that (1) they shall not be subject to the provisions of Section 45272 or 45273, and (2) they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 45105.

The categories of positions for which the governing board may establish restrictions under this section are:

- (a) The position of instructional aide, as defined in Section 45343.
- (b) Any other position involving personal contacts with pupils or parents, that is established to assist school staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

SEC. 8. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 9. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that county superintendents of schools may apply to the State Board of Education to establish a pilot project to assist selected school districts to recruit and select administrative personnel, and in order that school districts or county superintendents of schools may apply for funds to establish a California leadership institute in accordance with the provisions of this act at the earliest possible time, it is necessary that this act take effect immediately.



## CHAPTER 498

An act to amend Sections 1296, 2557, 8152, 8153, 17717.5, 17722, 17749, 17780, 35031, 39363, 41972, 44251, 44662, 44663, 44664, 44682, 44683, 44684, 44685, 44687, 44688, 44689, 44882, 44884, 44901, 44932, 44933, 44934, 44935, 44936, 44937, 44938, 44943, 44944, 44948, 44949, 44955, 44956, 44957, 46142, 46144, 46147, 48430, 49067, 52302.5, 52853, 52858, 54060, 56723, 56782, 60240, 60246, 60602, 60603, 60604.5, and 62000 of, to amend the heading of Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of, to amend and renumber Section 48438 of, to amend and repeal Sections 42241.4, 44255, and 51225 of, to add Sections 8154, 14002.1, 14002.2, 17717.7, 17751, 33308.5, 35160.5, 41301.3, 41868, 42238.9, 42250, 44227.5, 44277, 44278, 44279, 44830.3, 44885.5, 44948.3, 44948.5, 44955.5, 44956.5, 45023.4, 45100.5, 45104.5, 45108.5, 45108.7, 45256.5, 48260.5, 48431.6, 48431.7, 48438, 48440, 51225.3, 51225.4, 51226, 51228, 52048, 52049, 52304.1, 52333, 54029, 56774.5, 60247, 60603.5, 62048, 60249, 60604.7, and 76006 to, to add and repeal Sections 42238.1, 42238.2, 42238.4, 42238.7, and 42238.8 of, to add Chapter 11 (commencing with Section 11000) to Part 7 of, Article 7 (commencing with Section 33600) to Chapter 4 of Part 20 of, Article 4.5 (commencing with Section 42290) to Chapter 7 of Part 24 of, Article 7.5 (commencing with Section 44325) and Article 9 (commencing with Section 44360) to Chapter 2 of Part 25 of, Chapter 3.15 (commencing with Section 44689.5) to Part 25 of, Chapter 3.3 (commencing with Section 44700) to Part 25 of, Article 8 (commencing with Section 46200) to Chapter 2 of Part 26 of, Article 7 (commencing with Section 48070) to Chapter 1 of Part 27 of, Article 2.3 (commencing with Section 48643) to Chapter 4 of Part 27 of, Article 7.5 (commencing with Section 52460) to Chapter 9 of Part 28 of, Article 2.5 (commencing with Section 54650) to Chapter 9 of Part 29 of, Chapter 6 (commencing with Section 58800) to Part 31 of, Article 8 (commencing with Section 60700) to Chapter 5 of Part 33 of, Part 35 (commencing with Section 63000) to, and Article 6 (commencing with Section 69600) to Chapter 2 of Part 42 of, to add and repeal Chapter 3.4 (commencing with Section 44750) of Part 25 of, to repeal Sections 1275, 42237, 42239.1, 42239.5, and 42239.8 of, to repeal Chapter 2 (commencing with Section 44200) of Part 25 of, and Article 8 (commencing with Section 56770) of Chapter 7 of Part 30 of, to repeal and add Sections 42238, 42238.5, 42238.6, 42239, 46145, and 52616 of, to repeal and add Article 4 (commencing with Section 42280) of Chapter 7 of, and Article 10 (commencing with Section 41850) of Chapter 8 of, Part 24 of, Article 4 (commencing with Section 44490) of Chapter 3 of, and Article 2 (commencing with Section 44680) to Chapter 3.1 of, Part 25 of, and Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of, the Education Code, to amend Sections 3543.2, 3543.4, 35040, and 66493 of the Government Code, to amend Sections 72, 17024.5, 17048, 17053.7, 17063, 17137, 17932, 18033, 18681.1, 18684, 18685, 18685.07, 18699, 18802, 18934, 19062.11, 19405, 19414, 23701d, 23701q, 24305,

24307, 24330, 24359, 24373.5, 24455, 24457, 24465, 24466, 24483.5, 24488, 24501, 24504, 24511, 24514, 24516, 24535, 24562, 24602, 24603, 24667, 25934, 25935, 25961, 25962, and 26080 of, to add Sections 100.55, 17141, 17206, 17210, 17286, 17514, 18586.7, 18654, 18681.2, 18684.4, 18684.6, 18803.5, 18836, 18935, 19415, 19416, 19417, 19418, 19419, 19420, 24272.5, 24344.5, 24373.5, 24518, 24903, 25663d, 25934.4, 25934.6, 25957, 25957.1, 25957.2, 25959.3, 25965, and 26491 to, to add Chapter 3.5 (commencing with Section 75) to Part 0.5 of Part 2 of Division 1 of, and to repeal Sections 18693 and 25904 of, the Revenue and Taxation Code, and to amend Sections 328, 650, and 13051 of, and to add Sections 13004.1 and 13020.5 to, the Unemployment Insurance Code, relating to education, including the financing thereof, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1983. Filed with Secretary of State July 28, 1983.]

I object to the following appropriations and language of appropriation contained in Senate Bill No. 813:

SEC. 8.3.—Adding Section 14002.1 to the Education Code. I am deleting the following language contained in Section 14002.1 of the Education Code. The deleted language is shown in strike out.

"Sec. 8.3. Section 14002.1 is added to the Education Code, to read:

14002.1. In addition to all other funds appropriated to Section A of the State School Fund, the Controller shall for the 1983-84 fiscal year ~~and each fiscal year thereafter~~, transfer from the General Fund to Section A of the State School Fund for apportionment ~~during each fiscal year~~ such additional amounts as are necessary to meet actual computed apportionments as certified by the Superintendent of Public Instruction for the purposes set forth in Section 41301.3; provided that the total of such additional amounts transferred shall not exceed one hundred thirteen dollars and sixty-nine cents (\$113.69) per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction."

The section as amended above will make the transfer to the State School Fund and the appropriation of \$113.69 per pupil in average daily attendance effective in the 1983-84 fiscal year only.

Sec. 8.5.—Adding Section 14002.2 to the Education Code. I eliminate this section. This section would have added Education Code Section 14002.2 making a General Fund continuing appropriation of \$119.45 per pupil in average daily attendance for the 1984-85 fiscal year and each fiscal year thereafter.

Sec. 18.5.—Adding Section 41301.3 to the Education Code. I eliminate the language contained in Subsection (c) of Section 41301.3 of the Education Code. The following language is deleted:

"(c) The amount transferred to Section A of the State School Fund pursuant to Sections 14002, 14002.1, and 14002.2, and any other appropriation, in the 1984-85 fiscal year and each fiscal year thereafter shall be expended as needed to first fund the schedule in Section 41301 and any remaining funds shall be expended according to the following schedule, but not to exceed the amounts allocated for each item according to the schedule. The amounts in the schedule are expressed as amounts per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction:

- (1) District revenue limits pursuant to Section 42238, except for the portion of the revenue limits attributable to the operation of Section 42238.2 as it read in the 1983-84 fiscal year, fifty-eight dollars and three cents (\$58.03).
- (2) Maintenance of cost-of-living adjustments granted for special education programs and other categorical education programs in prior fiscal years, twenty-three dollars and forty-four cents (\$23.44).
- (3) Instructional Materials Fund, nine dollars and nineteen cents (\$9.19).
- (4) Extended School Year pursuant to Section 46200, sixty dollars and thirty-nine

- cents (\$60.39).
- (5) Minimum teacher salaries pursuant to Section 45023.4, five dollars and eighty cents (\$5.80).
- (6) Grants to teachers pursuant to Section 44700, four dollars and thirty-five cents (\$4.35).
- (7) Teacher mentor program pursuant to Section 44490, seven dollars and twenty-five cents (\$7.25).
- (8) Summer school programs pursuant to Section 42238.6, nine dollars and sixty-six cents (\$9.66).
- (9) Tenth grade counseling pursuant to Section 48431.7, one dollar and forty-five cents (\$1.45).
- (10) School Improvement Program pursuant to Section 52048, two dollars and forty-one cents (\$2.41).
- (11) Necessary small school revenue limits pursuant to Section 42280, seventy-two cents (\$0.72).
- (12) Urban Impact Aid for nonunified school districts pursuant to Section 54060, two dollars and seventeen cents (\$2.17).
- (13) County superintendents of schools revenue limits pursuant to Section 2558, one dollar and eighty-six cents (\$1.86).
- (14) Year round school operation incentive pursuant to Section 42250, one dollar and eighty-one cents (\$1.81).
- (15) Teacher Education and Computer Centers pursuant to Article 2 (commencing with Section 44680) of Chapter 3.1 of Part 25, one dollar and twenty-one cents (\$1.21).
- (16) Adult education revenue limits pursuant to Section 52616, two dollars and eighty-three cents (\$2.83).
- (17) Opportunity schools pursuant to Section 48643, ninety-seven cents (\$0.97).
- (18) Academic partnership program pursuant to Section 11000, twenty-four cents (\$0.24).
- (19) Specialized high schools pursuant to Section 58800, forty-eight cents (\$0.48).
- (20) Administrator training pursuant to Section 44681, twelve cents (\$0.12).
- (21) Education performance incentive pursuant to Section 54680, one dollar and sixty-nine cents (\$1.69).
- (22) Funds to districts which lost Public Law 81-874 funds pursuant to Section 42238.3 as proposed by Senate Bill 391, if enacted, six dollars and thirty-five cents (\$6.35).
- (23) For the portion of district revenue limits attributable to the operation of Section 42238.2, as it read in the 1983-84 fiscal year, thirty dollars and seventy-two cents (\$30.72).

This section provides statutory allocations for the appropriations made in Education Code Sections 14002.1 and 14002.2. This section also specifies which programs will not be funded if total appropriations are insufficient to fund all of the programs specified in this and other statutory allocations. The deleted language provided the statutory allocation for the 1984-85 fiscal year and each fiscal year thereafter.

I have eliminated the 1984-85 statutory appropriations and allocations contained in SB 813. By establishing statutory appropriations for the cost-of-living increases and the proposed new programs, SB 813 would allow future K-12 funding levels and priorities to be established outside of the normal budgetary review process. Elimination of the 1984-85 statutory appropriations will ensure that the appropriate amount of funding for K-12 education programs in 1984-85 and future years is reviewed on an annual basis.

With the above deletions, I approve Senate Bill No. 813.

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. This act shall be known and may be cited as the Hughes-Hart Educational Reform Act of 1983.

SEC. 2. The Legislature declares its intent to encourage continued reform and improvement of California's elementary and secondary schools through a series of reforms, incentives, and strategies which can provide for the educational, personal, and career needs of every pupil. The Legislature believes that our schools

should:

(a) Provide a variety of instructional styles and classroom settings which accommodate the differing ways that research has shown children learn.

(b) Maintain orderly and efficient school campuses which encourage positive attitudes among students and high morale and high quality teaching from teachers.

(c) Ensure that the specialized needs of identified groups of students are met by the effective use of categorical aid funding.

(d) Provide appropriate and meaningful instruction to meet the variety of future and career goals of students.

(e) Assure that pupils achieve academic proficiency in the essential areas of skill and knowledge.

(f) Identify and respond to the individual educational needs of pupils, each of whom is a unique human being who can ultimately become a responsible and contributing member of society.

(g) Develop each pupil's sense of respect of self and others, personal and social responsibility, and critical thinking.

(h) Involve parents and community members in a broad range of activities at each school, recognizing the vital role parental attitudes and values have in their children's education.

SEC. 3. Section 1275 of the Education Code is repealed.

SEC. 4. Section 1296 of the Education Code is amended to read:

1296. (a) If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for three complete consecutive school years by the superintendent in a teaching position in those schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is reelected for the next succeeding school year to such a position in those schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

Such an employee shall have the same rights and duties as employees of school districts to which Section 44882 applies.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for two complete consecutive school years by the superintendent in a teaching position in those schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is reelected for the next succeeding school year to such a position in those schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

The county superintendent of schools shall notify the employee, on or before March 15 of the employee's second complete consecutive year of employment by the superintendent in a teaching position in schools or classes maintained by the superintendent requiring

to the planned program, or to the proposed modification program.

(b) That a school principal, a mentor teacher, or other district designee has refused to verify completion of an agreed program of professional growth that satisfies the requirements of Section 44277. Such a finding by the commission shall be grounds for the commission to maintain the validity of the clear teaching credential.

(c) That bias, fraud, unfair discrimination, or arbitrary action by a school principal, a mentor teacher, or other district designee prevented the appellant from fulfilling the terms of an agreed program of professional growth. Such a finding by the commission shall cause the commission to grant the appellant additional time, not to exceed five years, for the appellant to fulfill the terms of the agreed program, subject to verification by the commission.

SEC. 25.4. Section 44279 is added to the Education Code, to read:  
44279. The commission shall not issue to the holder of an invalidated clear teaching credential another teaching credential of the same type, as defined in Section 44256.

(a) The holder of an invalidated clear teaching credential who has not satisfied the requirements of paragraph (1) of subdivision (a) of Section 44277, or who has not satisfied the requirements of paragraphs (1) and (2) of subdivision (a) of Section 44277, shall be eligible for a one-time two-year reinstatement of the clear teaching credential.

(b) The holder of an invalidated clear teaching credential who has met the requirements of paragraph (1) of subdivision (a) of Section 44277 shall be deemed eligible for the reinstatement of the credential when he or she has satisfied the requirements of paragraph (2) of subdivision (a) of Section 44277 and all current standards for the issuance of the clear teaching credential in effect at the time of the submission of the application for reinstatement.

SEC. 25.5. Article 7.5 (commencing with Section 44325) is added to Chapter 2 of Part 25 to the Education Code, to read:

#### Article 7.5. Teacher Trainees

44325. (a) The Commission on Teacher Credentialing shall issue teacher trainee certificates authorizing persons employed by any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, to provide classroom instruction to pupils in those grades in accordance with the requirements of Section 44830.3.

(b) Each teacher trainee certificate shall be valid for a period of two years. Upon the recommendation of the governing board of the school district, the commission may grant a one-year extension of the teacher trainee certificate.

(c) The commission shall require each applicant for a teacher trainee certificate to demonstrate that he or she meets the minimum qualifications for that certificate, including the possession of a baccalaureate degree conferred by an accredited institution of

postsecondary education and the successful passage of the state basic skills proficiency test administered under the provisions of Sections 44252 and 44252.5 in addition to the appropriate subject matter examination administered by the commission for the subject areas in which the teacher trainee is authorized to teach.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a teacher trainee certificate.

44326. Persons holding teacher trainee certificates issued by the commission under Section 44325 shall only be authorized to teach in the subject areas in which they completed an undergraduate academic major or minor and shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part.

44327. The commission may suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts. The models may include provisions for collaboration between school districts and accredited institutions of higher education on behalf of certificated teacher trainees and mentor teachers.

44328. Unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the successful completion of two years of successful service as a teacher trainee, and upon the recommendation of the school district governing board, the commission shall award credentials to teacher trainees in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

44329. The commission shall study the effectiveness of the certificated teacher trainee program and shall report its findings to the Legislature on or before January 1, 1987.

SEC. 26. Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of the Education Code is repealed.

SEC. 28. Article 4 (commencing with Section 44490) is added to Chapter 3 of Part 25 of the Education Code, to read:

#### Article 4. California Mentor Teacher Program

44490. The Legislature recognizes that the classroom is the locus of teaching reward and satisfaction. However, the Legislature finds that many potentially effective teachers leave the teaching profession because it does not offer them support, assistance, recognition, and career opportunities that they need.

It is the intent of the Legislature in the enactment of this article to encourage teachers currently employed in the public school system to continue to pursue excellence within their profession, to provide incentives to teachers of demonstrated ability and expertise to remain in the public school system, and to restore the teaching

this chapter.

(b) The State Board of Education shall approve the request for the waiver only if the State Board of Education specifically finds that the governing board's request for the waiver was submitted with the express written consent of any bargaining unit affected and that the waiver is necessary to implement local pilot projects consistent with this chapter.

44755. This chapter shall remain in effect only until July 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 1985, deletes or extends that date.

SEC. 45. Section 44830.3 is added to the Education Code, to read:

44830.3. (a) The governing board of any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, may employ persons authorized by the Commission on Teacher Credentialing to provide service as teacher trainees to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a teacher trainee, the governing board shall certify to the commission that insufficient fully credentialed teachers are available. The governing board shall require that each teacher trainee be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part.

(b) The governing board of each school district employing certificated teacher trainees shall develop and implement a professional development plan for each teacher trainee in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include:

(1) Provisions for an annual evaluation of the teacher trainee.

(2) As the governing board determines necessary, a description of courses to be completed by the teacher trainee, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Any other criteria which may be required by the governing board.

(c) Upon completion of two years of service, the governing board may recommend to the Commission on Teacher Credentialing that the teacher trainee be credentialed in the manner prescribed by Section 44328.

SEC. 46. Section 44882 of the Education Code is amended to read:

44882. (a) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent

employee of the district.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

SEC. 47. Section 44884 of the Education Code is amended to read:

44884. At the discretion of the governing board of a district with 60,000 average daily attendance or more every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. If such board is the governing board of more than one district it may exercise the discretionary power given it by this section in each district under its jurisdiction, whether or not each of such districts has 60,000 average daily attendance.

This section shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

SEC. 48. Section 44885.5 is added to the Education Code, to read:

44885.5. (a) Any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, shall classify as a probationary employee of the district any person while that person is employed as a teacher trainee pursuant to Section 44830.3 and any person who has completed two years of service in the district as a teacher trainee pursuant to Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948.



(b) Every employee of a school district maintaining grades 9 to 12, inclusive, or maintaining grade 7 and 8 in a departmentalized junior high school, who, after having been employed as a probationary employee by the district for three complete consecutive school years, composed of two years of service as a teacher trainee pursuant to Section 44830.3 and one year in a position requiring certification qualifications, is reelected for the next succeeding year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's third complete consecutive school year of employment by the district as a probationary employee, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

SEC. 49. Section 44901 of the Education Code is amended to read:  
44901. (a) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of two complete consecutive school years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the

commencement of the third consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for two complete consecutive school years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the third consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the districts in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

SEC. 51. Section 44932 of the Education Code is amended to read:

44932. (a) No permanent employee shall be dismissed except for one or more of the following causes:

- (1) Immoral or unprofessional conduct.
- (2) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
- (3) Dishonesty.
- (4) Incompetency.
- (5) Evident unfitness for service.
- (6) Physical or mental condition unfitting him to instruct or associate with children.
- (7) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.
- (8) Conviction of a felony or of any crime involving moral turpitude.
- (9) Violation of Section 51530 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.
- (10) Violation of any provision in Sections 7001 to 7007, inclusive, of this code.
- (11) Knowing membership by the employee in the Communist

13020.5. Whenever an employer is required, by the provisions of Section 3402(s) of the Internal Revenue Code, to deduct and withhold from certain payments where an identifying number is not furnished or is inaccurate, the employer shall additionally be required to deduct and withhold from that payment a state tax equal to 5 percent of that payment.

SEC. 218. Section 13051 of the Unemployment Insurance Code is amended to read:

13051. (a) (1) If a person or employer fails to file a statement of the aggregate amount of payments to another person required by subdivision (c) of Section 13050, unless the failure is due to reasonable cause and not to willful neglect, the person or employer shall pay ten dollars (\$10) for each failure but the total amount imposed on the delinquent person or employer for all failures during any calendar year shall not exceed ten thousand dollars (\$10,000).

(2) If one or more failures to which paragraph (1) applies are due to intentional disregard of the filing requirement, then with respect to those failures, all of the following shall apply:

(A) The penalty imposed under paragraph (1) shall not be less than an amount equal to 2 percent of the aggregate amount of the items required to be reported.

(B) The ten thousand dollars (\$10,000) limitation under paragraph (1) shall not be applicable.

(3) The penalty shall be assessed and collected in the same manner as the tax.

(b) The amendments to this section made by the 1981-82 Regular Session of the Legislature shall apply to statements required to be furnished after December 31, 1981.

(c) The amendments to this section made by the 1983-84 Regular Session of the Legislature shall apply to statements required to be furnished after December 31, 1983.

SEC. 219. The repeal of Sections 18693 and 25904 of the Revenue and Taxation Code by this act shall be applicable as of July 1, 1983.

SEC. 220. The addition of Section 17141 to the Revenue and Taxation code made by this act shall become operative only if Assembly Bill 1659 of the 1983-84 Regular Session is chaptered.

SEC. 221. Transitional rules for the liquidation of existing personal service corporations shall be allowed in accordance with the provisions of Section 247 of Public Law 97-248.

SEC. 222. Regulations adopted to implement the provisions of this act relating to the Revenue and Taxation Code shall be adopted as emergency regulations. These emergency regulations shall not be subject to the review and approval of the Office of Administrative Law pursuant to the provisions of the Administrative Procedure Act provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. These emergency regulations shall become effective immediately upon filing with the Secretary of State.

SEC. 223. It is the intent of the Legislature that revenues

generated pursuant to the provisions of Assembly Bill No. 1086 of the 1983-84 Regular Session are to be used for the support of public education.

SEC. 224. (a) The Legislature recognizes that the amendments to Section 1253.3 of the Unemployment Insurance Code enacted by Chapter 60 of the Statutes of 1983 will save the state approximately five million dollars (\$5,000,000) annually, while increasing costs to the state special schools by approximately two hundred fifty thousand dollars (\$250,000) in the 1983-84 fiscal year and each fiscal year thereafter by requiring those schools to provide unemployment insurance benefits for nonprofessional employees. It is the intent of the Legislature to redirect a portion of the savings realized by the state from the enactment of Chapter 60 of the Statutes of 1983 to cover the additional costs imposed by that enactment upon the state special schools.

(b) For the purpose of implementing the legislative intent set forth in subdivision (a), there is hereby appropriated from the General Fund from the amount saved by the state pursuant to Section 1253.3 of the Unemployment Insurance Code, as amended by Chapter 60 of the Statutes of 1983, to the Department of Finance an amount not to exceed two hundred fifty thousand dollars (\$250,000). The department shall allocate the funds to the Superintendent of Public Instruction for apportionment to the state special schools. This amount shall supplement, and shall not supplant, the funds appropriated pursuant to Item 6100-006-001 of the Budget Act of 1983, and shall be used exclusively for the purpose of paying the additional costs imposed upon the state special schools by Section 1253.3 of the Unemployment Insurance Code, as amended by Chapter 60 of the Statutes of 1983.

SEC. 225. Notwithstanding any other provision of law, the Los Alamitos Unified School District shall, for the purpose of its revenue limit for the 1983-84 school year, receive as its total revenue limit the total amount of money it would have received assuming that there had been enrolled in the school district for the 1982-83 school year the pupils attending the schools of the Los Alamitos Unified School District plus those pupils attending schools of the Seal Beach Elementary School District, which is being annexed to the Los Alamitos Unified School District effective July 1, 1983, plus those high school pupils living within the Seal Beach Elementary School District who attended high school during the 1982-83 school year. Added to such total revenue limit shall be any increases provided generally for school districts for the 1983-84 school year.

Due to the unique circumstances concerning the Los Alamitos Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

SEC. 226. The State Board of Education, upon recommendation by the Superintendent of Public Instruction, shall approve a model course of study in computer education for pupils in kindergarten and

grades 1 through 12, and shall submit the course of study to the Legislature for review on or before July 1, 1984.

SEC. 227. (a) The Office of Administrative Hearings shall report to the Legislature by July 1, 1985, regarding the number of cases in which certificated employees have been suspended pursuant to Section 44944 of the Education Code.

(b) The Public Employees' Relations Board shall report to the Legislature by July 1, 1985, regarding the extent to which school districts have adopted collective bargaining agreements which permit the suspension of certificated employees.

SEC. 228. (a) The State Department of Education shall study the feasibility of developing and maintaining an automated school facilities inventory that is capable of indicating the statewide percentage of facility utilization; projecting school facility needs five years in advance; and allocating funds for new construction, maintenance, and rehabilitation.

(b) The State Department of Education shall study the appropriateness of existing architectural standards and the type of building materials used for school facilities.

The studies conducted pursuant to this section shall be completed by March 1, 1984.

SEC. 229. (a) The Superintendent of Public Instruction shall submit a report to the Joint Legislative Budget Committee on or before November 15, 1983, regarding the feasibility of conducting a study to identify the characteristics of students who drop out of school prior to high school graduation, and the costs of requiring continuation schools to increase their data collection regarding those students.

Data to be collected regarding these students' characteristics may include, but not be limited to, any of the following:

- (1) Age.
- (2) Grade.
- (3) Sex.
- (4) Racial or ethnic background.
- (5) English-speaking ability.
- (6) Length of attendance at school.
- (7) Placement, if any, in special education programs or classes.
- (8) Grade retentions, if any.
- (9) Reasons, if any, for being in special education programs or classes.
- (10) The number of pregnant minors.
- (11) Employment status.
- (12) Family status.

(b) Based upon the feasibility report submitted by the Superintendent of Public Instruction pursuant to subdivision (a), the Joint Legislative Budget Committee shall determine the appropriate level of funding, if any, for the study regarding the characteristics of dropouts.

SEC. 230. (a) On or before November 15, 1983, the

Superintendent of Public Instruction shall submit a report to the Joint Legislative Budget Committee regarding the feasibility of conducting a study of the current high school accreditation process administered by private accreditation associations, which may include, but shall not be limited to, an analysis of the criteria employed by accreditation associations, the cost of accreditation, and the numbers of annual accreditations over the past five years. The report may also include specific recommendations by the superintendent as to any revisions in the accreditation process, including the consideration of the development of statewide standards which would establish uniform standards and make the accreditation of high schools a viable tool in the evaluation of the quality of the public secondary schools.

(b) On the basis of the report submitted pursuant to subdivision (a), the committee shall determine the appropriate level of funding, if any, for the study regarding accreditation.

SEC. 231. The State Board of Education and the Superintendent of Public Instruction shall review the regulations adopted by the State Board of Education pursuant to Section 52164.6 of the Education Code, regarding reclassification of pupils of limited English proficiency. The review shall include specific recommendations for any necessary changes in statutes or regulations to ensure appropriate educational services for pupils served by the provisions of Chapter 1339 of the Statutes of 1980.

SEC. 232. It is the intent of the Legislature in amending Section 62000 of the Education Code to continue the programs specified in former subdivision (a) of Section 62000.

It is further the intent of the Legislature that the programs specified in former subdivision (a) of Section 62000 shall not be deemed to have been terminated on July 1, 1983, but rather that these programs shall be deemed to continue in existence without any modification unless otherwise prescribed by law.

Therefore, the amendment to Section 62000 of the Education Code made by this act shall be deemed to have become operative July 1, 1983.

SEC. 233. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment for purposes of the California Writing Project the following sums:

- (a) For the 1983-84 fiscal year ..... \$250,000
- (b) For the 1984-85 fiscal year..... 250,000

SEC. 234. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment for purposes of the California Assessment Program the following sums:

- (a) For the 1983-84 fiscal year ..... \$200,000
- (b) For the 1984-85 fiscal year..... 200,000

SEC. 235. There is hereby appropriated from the General Fund

to the Student Aid Commission for administration costs incurred pursuant to Article 6 (commencing with Section 69600) of Chapter 2 of Part 42 of the Education Code, the following sums:

(a) For the 1983-84 fiscal year .....	\$100,000
(b) For the 1984-85 fiscal year.....	100,000

SEC. 236. Notwithstanding Section 3525 of the Elections Code or any other provision of law to the contrary, if the Legislature adopts Assembly Constitutional Amendment 44 during the 1983-84 Regular Session, it shall be submitted to the voters by the Secretary of State at the first special or regular statewide election conducted on or after June 5, 1984, and occurring at least 131 days after the adoption of the measure by the Legislature.

SEC. 237. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 238. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 239. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit this act to become operative as early as possible in the 1983-84 school year, and so facilitate the orderly administration of the public school system, it is necessary that this act take effect immediately.

CHAPTER 536

An act to amend Sections 44252, 44252.5, 44830, and 45361.5 of, and to add Sections 44252.6 and 44252.7 to, the Education Code, relating to teacher credentialing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1983. Filed with  
Secretary of State July 28, 1983.]

10 05



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

SECTION 1. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. The commission shall exempt from the basic skills proficiency test requirement any of the following persons:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. Such an applicant shall be granted a nonrenewable emergency credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44261.5. The commission shall report to the Legislature no later than January 1, 1984, on the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement, the districts in which these teachers are employed, the number of teachers granted clear credentials after the expiration of an emergency credential granted under these conditions, and a comparison of success rate of these teachers on the basic skills test with the success rate of the general pool of credential applicants. This exemption shall remain in effect no later than June 30, 1984.

(4) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree.

(5) The holder of a credential, permit, or certificate to teach, other than an emergency credential, who seeks an additional authorization to teach.

(6) An applicant for a credential to provide service in the health profession.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the

superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

SEC. 2. Section 44252.5 of the Education Code is amended to read:

44252.5. (a) The commission shall administer the state basic skills proficiency test pursuant to Sections 44227, 44252, and 44830 in accordance with rules and regulations adopted by the commission. The adopted rules and regulations shall be promulgated by the commission before January 1, 1983, and shall be exempt from the requirements of Section 44232. A fee shall be charged to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test. The commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30) in the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84 fiscal year, and forty dollars (\$40) in subsequent fiscal years.

(b) Any individual who passes the state basic skills proficiency test, as adopted by the Superintendent of Public Instruction, shall be considered proficient in the skills of reading, writing, and mathematics, and shall not be required to be retested by this test for purposes of meeting the proficiency requirements of Sections 44227, 44252, and 44830.

(c) Any individual who passes one or more components of the state basic skills proficiency test in the subjects of basic reading, writing, or mathematics, shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations.

SEC. 2.5. Section 44252.6 is added to the Education Code, to read:

44252.6. Notwithstanding Section 13340 of the Government Code, funds reimbursed to the State Department of Education by the Commission on Teacher Credentialing are hereby continuously appropriated and available for expenditure without regard to fiscal year upon the order of the Superintendent of Public Instruction for the purposes of paying costs incurred in the process of adopting the assessment instrument and overseeing the implementation of the

Vol. 2 23-4446

provisions relating to basic skills proficiency testing.

SEC. 2.7. Section 44252.7 is added to the Education Code, to read:

44252.7. (a) Commencing on September 1, 1984, no person employed to work in a child care development program under direct contract with the State Department of Education and subject to regulations set forth in Title 5 of the California Administrative Code shall receive compensation for work as a teacher unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills by doing one of the following:

(1) Passing a proficiency test developed by a school district pursuant to either Section 45361.5 or 51216.

(2) Having met the basic skills requirement of an associate degree at a community college as set forth by Section 51526 of Title 5 of the California Administrative Code pertaining to community colleges.

(3) Passing the California Basic Education Skills Test.

(4) Passing a field-based assessment approved by the Commission on Teacher Credentialing.

(b) If a child care and development program teacher employed prior to September 1, 1984, in such a program receiving public funds does not demonstrate proficiency in basic skills pursuant to this section, he or she shall be given two years to master these basic skills without loss or compensation, and shall be given additional opportunities to be reassessed. Failure to pass an assessment in basic skills during the two-year period shall be grounds for loss of compensation.

(c) Persons seeking compensation as a child care and development program teacher in such a program who have limited English-speaking ability may be granted an additional exemption to this requirement by the employing agency, for a period of up to one year, if the agency deems that the exemption is in the best interest of the children enrolled in the program. No person shall be exempted from these requirements for more than a total of three years.

(d) School districts receiving public funds to operate a child care and development program under direct contract with the State Department of Education and subject to regulations set forth in Title 5 of the California Administrative Code shall make available to persons seeking compensation for work as teachers in the program the test developed or administered pursuant to Section 45361.5 or 51216.

A school district may charge a fee to persons taking the test pursuant to the requirements of this section to fund the actual costs incurred by the district in giving the test.

(e) The State Department of Education shall make available an appropriate test meeting the requirements of this section to a person seeking compensation for work as a child care and development program teacher in such a center which is not administered by a school district. School districts shall assist the State Department of Education in fulfilling this requirement by making available to the department, upon request, the test developed or administered

pursuant to Section 45361.5.

(f) The State Department of Education may charge a fee to persons taking the test pursuant to the requirements of this section to fund the actual costs incurred by the department in giving the test.

SEC. 3. Section 44830 of the Education Code is amended to read:  
44830. (a) A governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care

permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(k) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(l) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(m) Notwithstanding any other provision of law, a school district

may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

(n) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied.

SEC. 4. Section 45361.5 of the Education Code is amended to read:

45361.5. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction for work as an aide for instructional purposes in kindergarten and grades 1 through 12 unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required of high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary school district.

As used in this section, "initially assigned" means any assignment, including substitute, temporary, probationary, or permanent employment, to assist in instruction as an aide for instructional purposes.

A school district may charge a fee to aides, including prospective aides, taking the district proficiency test pursuant to the requirements of this section to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual-crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual-crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual-crosscultural aide. A bilingual-crosscultural aide may only be granted one exemption from this requirement. The authority of district governing boards to grant

these exemptions shall cease on June 30, 1985.

An aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.

An aide who passes a district proficiency test, as required by this section, and who is reassigned to another school or program in the district and is employed in the same capacity, shall be considered to have met the state basic skills proficiency test requirement.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the effective and timely implementation of the requirements for the state basic skills proficiency test at the earliest possible time, and to ensure that there will be a minimal disruption among educators and public school pupils, it is necessary that this act take effect immediately.

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## CHAPTER 1038

An act to amend Sections 44252 and 44830 of the Education Code, relating to education.

[Approved by Governor September 22, 1983. Filed with Secretary of State September 22, 1983.]

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

SECTION 1: Section 44252 of the Education Code, as amended by Section 1 of Chapter 536 of the Statutes of 1983, is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. The commission shall exempt from the basic skills proficiency test requirement any of the following persons:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. Such an applicant shall be granted



a nonrenewable emergency credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44261.5. The commission shall report to the Legislature no later than January 1, 1984, on the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement, the districts in which these teachers are employed, the number of teachers granted clear credentials after the expiration of an emergency credential granted under these conditions, and a comparison of success rate of these teachers on the basic skills test with the success rate of the general pool of credential applicants. This exemption shall remain in effect no later than June 30, 1984.

(4) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree.

(5) The holder of a credential, permit, or certificate to teach, other than an emergency credential, who seeks an additional authorization to teach.

(6) An applicant for a credential to provide service in the health profession.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) Nothing in this section shall be construed as requiring the holders of, or applicants for, a vocational designated subject credential to pass the state basic skills proficiency test. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs a holder of a vocational designated subject credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs

of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

SEC. 2. Section 44830 of the Education Code, as amended by Section 3 of Chapter 536 of the Statutes of 1983, is amended to read:

44830. (a) A governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program,

approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

(o) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

## CHAPTER 1302

An act to amend Sections 11001, 35031, 41851, 41972, 42238, 42238.2, 42238.4, 42238.5, 42238.9, 42281, 42282, 42290, 44490, 44491, 44492, 44494, 44496, 44885.5, 44948.3, 44955, 44956, 44957, 45023.4, 45256.5, 46145, 46202, 48900.5, 48911, 48914, 52048, 52616, 52858, 54029, and 54060 of, and to add Sections 33050.3, 33052.5, 41851.5, 42242, and 44497 to, the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1983. Filed with  
Secretary of State September 30, 1983.]

SEC. 28—I eliminate this section. This section would appropriate \$500,000 from the General Fund to the State Department of Mental Health for allocation to primary prevention projects. I believe that these projects should be supported from the funding sources prescribed within Chapters 1280 and 1289 of the Statutes of 1982. In the event that sufficient funds do not become available pursuant to these provisions, then the counties may support these projects from the State appropriation made available to counties for local mental health services.

SEC. 29—I eliminate this section. This section would appropriate \$720,000 from the General Fund for allocation in augmentation of apportionments to county offices of education during the 1983-84 fiscal year. This appropriation would have continued, in the 1983-84 fiscal year, a one-time augmentation provided by Section 247 of Chapter

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327, Statutes of 1982, for the 1982-83 fiscal year. I believe that the appropriations in the Budget Act of 1983 and Chapter 498, Statutes of 1983 provide sufficient funding for county office of education programs.

SEC. 35—This section would appropriate \$2,200,000 from the Special Account for Capital Outlay for the acquisition of relocatable child care facilities and the renovation of existing facilities. I am reducing this appropriation from \$2,200,000 to \$1,100,000. The appropriation remaining after my reduction, together with the funds provided in the 1983 Budget Act, will serve to maintain the quality of the programs at existing levels. With the above changes, I hereby approve Assembly Bill No. 70.

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. Section 11001 of the Education Code is amended to read:

11001. The Chancellor of the California State University shall establish an advisory committee to assist the chancellor in selecting proposals to be funded and developing criteria for project evaluation. The committee shall be composed of the following members:

(a) Two certificated secondary school teachers, appointed by the Superintendent of Public Instruction.

(b) Two certificated secondary school counselors, appointed by the Superintendent of Public Instruction.

(c) One community college faculty member, appointed by the Chancellor of the California Community Colleges.

(d) One director of a regional consortium participating in the California Student Opportunity Access Program established pursuant to Chapter 113 of the Statutes of 1978, appointed by the Student Aid Commission.

(e) One faculty member of the California State University, appointed by the Academic Senate of the California State University.

(f) One faculty member of the University of California, appointed by the Academic Senate of the University of California.

(g) One specialist in equal opportunities in postsecondary education, appointed by the Director of the California Postsecondary Education Commission.

In the event that any appointing power designated pursuant to this section fails to appoint a member, the Chancellor of the California State University shall make the appointment according to the criteria specified in the appropriate subdivision.

33050.3. Notwithstanding Section 33050, the State Board of Education is authorized to waive the provisions of subdivision (a) of Section 46202 only during the 1983-84 fiscal year, and only if the State Board of Education finds that the district requesting the waiver demonstrates that it meets the following criteria:

(1) The district has experienced an unanticipated growth in number of pupils over the 1982-83 fiscal year.

(2) There exists an overcrowding of pupils with no reasonable alternative to house pupils without initiating the use of double sessions. Reasonable alternatives to house pupils shall include, but

(3) A mentor teacher shall not participate in the evaluation of teachers.

(b) No administrative or pupil personnel services credential shall be required of any mentor teacher. Each mentor teacher shall spend, on the average, not less than 60 percent of his or her time in the direct instruction of pupils.

(c) For the purposes of determining administrator-teacher ratios, mentors shall be considered full-time teachers.

SEC. 15. Section 44497 is added to the Education Code, to read: 44497. For purposes of this article, "school district" shall include county offices of education.

SEC. 15.1. Section 44885.5 of the Education Code is amended to read:

44885.5. (a) Any school district maintaining grades 9 to 12, inclusive; or maintaining grades 7 and 8 in a departmentalized junior high school, shall classify as a probationary employee of the district any person while that person is employed as a teacher trainee pursuant to Section 44830.3 and any person who has completed two years of service in the district as a teacher trainee pursuant to Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948.3.

(b) Every employee of a school district maintaining grades 9 to 12, inclusive, or maintaining grade 7 and 8 in a departmentalized junior high school, who, after having been employed as a probationary employee by the district for three complete consecutive school years, composed of two years of service as a teacher trainee pursuant to Section 44830.3 and one year in a position requiring certification qualifications, is reelected for the next succeeding year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's third complete consecutive school year of employment by the district as a probationary employee, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

SEC. 15.2. Section 44955 of the Education Code is amended to read:

44955. (a) No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than as specified in Sections 44948 to 44949, inclusive.

(b) Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, whenever the governing board determines that attendance in a district will decline in the following year as a result of the termination of an interdistrict tuition agreement as defined in Section 46304, whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, or whenever the amendment of state law requires the modification of curriculum, and when in the opinion of the governing board of the district it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

In computing a decline in average daily attendance for purposes of this section for a newly formed or reorganized school district, each school of the district shall be deemed to have been a school of the newly formed or reorganized district for both of the two previous school years.

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

(c) Notice of such termination of services shall be given before the 15th of May in the manner prescribed in Section 44949, and services of such employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 44844 and 44845. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he or she shall be deemed reemployed for the ensuing school year.

The governing board shall make assignments and reassignments in



such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. However, prior to assigning or reassigning any certificated employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, the governing board shall require the employee to pass a subject matter competency test in the appropriate subject.

(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

(2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.

SEC. 15.3. Section 44956 of the Education Code is amended to read:

44956. (a) Any permanent employee whose services have been terminated as provided in Section 44955 shall have the following rights:

(1) For the period of 39 months from the date of such termination, any employee who in the meantime has not attained the age of 65 years shall have the preferred right to reappointment, in the order of original employment as determined by the board in accordance with the provisions of Sections 44831 to 44855, inclusive, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service; provided, that no probationary or other employee with less seniority shall be employed to render a service which said employee is certificated and competent to render. However, prior to reappointing any employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, the governing board shall require the employee to pass a subject matter competency test in the appropriate subject.

(2) The aforesaid right to reappointment may be waived by the employee, without prejudice, for not more than one school year, unless the board extends this right, but such waiver shall not deprive the employee of his right to subsequent offers of reappointment.

(3) Notwithstanding paragraph (1), a school district may deviate from reappointing a certificated employee in order of seniority for either of the following reasons:

(A) The district demonstrates a specific need for personnel to

program is less than the required level of service.

SEC. 24. Section 52858 of the Education Code is amended to read:

52858. (a) If the school district and school choose to include within the provisions of this article, funds allocated pursuant to Chapter 1 (commencing with Section 54000) of Part 29, the school district shall: (a) if the number of educationally disadvantaged pupils in the school is less than 75 percent of the school's enrollment, ensure that there is state and local funding in the school available for allocation pursuant to subdivision (f) of Section 52853 which is equal to or greater than the per pupil amount allocated to that school per disadvantaged pupil through the economic impact aid program multiplied times 75 percent of the school's enrollment, (b) continue to maintain any school or district advisory committees required pursuant to Chapter 1, and (c) continue to distribute funds to schools in accordance with Sections 54004.3, 54004.5, and 54004.7 and regulations adopted which pertain to those sections.

(b) To the extent permitted by federal law, such that funds allocated pursuant to Article 1 (commencing with Section 54000) of Chapter 1 of Part 29 are deemed by the United States Department of Education to be comparable to funds allocated pursuant to Chapter I of the Educational Consolidation and Improvement Act, the percentage limitation and multiplier established in subdivision (a) may be decreased to not less than 67 percent.

SEC. 24.5. Section 54029 of the Education Code is amended to read:

54029. (a) Any school district which, in the 1982-83 fiscal year, allocated funds received by the district pursuant to this article to secondary schools shall continue to allocate at least the same per-pupil amounts to those schools in subsequent fiscal years.

(b) The State Board of Education may, pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, waive any statutory provision or regulation regarding the use of funds apportioned pursuant to this article, provided that the funds are used in the same schools, or in schools in similar need, and the district demonstrates a reasonable case that the waiver will improve pupil services in those schools.

SEC. 25. Section 54060 of the Education Code is amended to read:

54060. (a) For the 1980-81 fiscal year and each year thereafter, the Superintendent of Public Instruction shall:

(1) Identify the unified school districts which received state allocations during the 1976-77 fiscal year pursuant to Section 54002, and determine those districts which have more than 12,022 students in average daily attendance in fiscal year 1975-76, and either of the following criteria:

(A) The product of the district factor determined pursuant to Section 54002 and the count for the 1975-76 fiscal year of children from families receiving aid to families with dependent children is equal to or greater than 3,731.

(B) The district's index of family poverty determined pursuant to

subdivision (b) of Section 54002 is greater than 1.5 and the total minority population in the district determined pursuant to the Racial and Ethnic Survey of 1973 is greater than 55 percent.

(2) For districts so identified, multiply the factor determined pursuant to Section 54002 by the district's aid to families with dependent children count for the 1975-76 fiscal year by the factor computed pursuant to subdivision (b) of Section 42238 and by a factor of 1.1 for districts having an average daily attendance greater than 58,800 in the 1975-76 fiscal year. The superintendent shall total the result for such districts and shall divide that sum into the amount appropriated by the Legislature for the purposes of this section for the fiscal year in question.

(3) Allocate to such districts an amount computed by multiplying the per unit amount in paragraph (2) by the district's factor, and by the district's aid to families with dependent children count for the 1975-76 fiscal year. The amounts allocated pursuant to this paragraph shall be in addition to other amounts computed under this chapter.

(b) In any fiscal year in which the Superintendent of Public Instruction determines that funds are specifically allocated for expenditure for purposes of this subdivision, for the purpose of determining eligibility for funding pursuant to subdivision (a), high school districts and their feeder elementary school districts shall be considered unified school districts.

(c) If the sum appropriated for purposes of this section is not sufficient to make the allowances specified by this section, excluding any amount appropriated for, and any allowances as a result of, subdivision (b), those allowances shall be reduced proportionately.

(d) The allowance prescribed by this section shall be deposited in the general fund of each recipient district and may be used for any purpose for which other funds so deposited may be used and shall not be included in the computation of the revenue limit of the district.

SEC. 26. (a) The Superintendent of Public Instruction shall allocate of the amount allocated from Section A of the State School Fund for the teacher mentor program for the 1983-84 fiscal year pursuant to paragraph (5) of subdivision (a) of Section 41303.3 of the Education Code at least two-thirds of the total funds for stipends pursuant to subdivisions (a) and (b) of Section 44492 of the Education Code, and no more than one-third of the total funds for necessary costs of participation in the mentor program pursuant to subdivision (c) of Section 44492 of the Education Code.

SEC. 27. (a) The Controller shall transfer the amount allocated pursuant to paragraph (3) of subdivision (a) of Section 41301.3 of the Education Code from Section A of the State School Fund to the Instructional Materials Fund.

(b) Subdivision (a) is declaratory of existing law.

SEC. 28. There is hereby appropriated the sum of five hundred thousand dollars (\$500,000) from the General Fund to the State Department of Mental Health for allocation to primary prevention projects in accordance with Chapter 6 (commencing with Section

5475) of Part 1 of Division 5 of the Welfare and Institutions Code for the period from September 1, 1983, through June 30, 1984.

SEC. 29. In addition to all other funds appropriated, there is hereby appropriated the sum of seven hundred twenty thousand (\$720,000) from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for augmentation of apportionments to county offices of education during the 1983-84 fiscal year on a basis not to exceed eleven dollars and ninety cents (\$11.90) per 1981-82 fiscal year second principal apportionment average daily attendance.

SEC. 30. Notwithstanding any other provision of law, the appropriation made by Item 6100-161-001 of the Budget Act of 1983 (Ch. 324, Stats. 1983) is reduced from seven hundred fourteen million eight hundred eighty thousand dollars (\$714,880,000) by two million seven hundred fifty thousand dollars (\$2,750,000), for a total appropriation of seven hundred twelve million one hundred thirty thousand dollars (\$712,130,000).

SEC. 31. Notwithstanding any other provision of law, the appropriation made by Item 6100-191-001 of the Budget Act of 1983 (Ch. 324, Stats. 1983) is hereby augmented by two million seven hundred fifty thousand dollars (\$2,750,000), which shall be allocated according to the following schedule:

(a) For purposes of category (a) of Provision 1 of Item 6100-191-001, two million five hundred thousand dollars (\$2,500,000).

(b) For purposes of category (d) of Provision 1 of Item 6100-191-001, not to exceed 10 percent of the amount available for encumbrance pursuant to subdivision (a). Funds appropriated for category (d) shall be subject to the provisions of Provision 4 of Item 6100-191-001, excluding the \$150,000 limitation with a maximum appropriation from State funds for 1983-84 fiscal year not to exceed \$250,000.

SEC. 32. Prior to September 30, 1983, and prior to allocation of funds pursuant to Provision 7 of Item 6100-161-001 and Provision 1 of Item 6100-161-890 of the Budget Act of 1983 (Ch. 324, Stats. 1983), the Superintendent of Public Instruction shall determine the amount of funds, if any, available to the State of California under the provisions of Public Law 94-142 which in his judgment were received by local educational agencies, or by any grantee or contractor, from the State Department of Education, and were not expended as of June 30, 1983. The first two million dollars (\$2,000,000) so determined is hereby reappropriated in addition to funding provided by the Budget Act of 1983, for the purposes of augmenting Provision 7 of Item 6100-161-001 and Provision 1 of Item 6100-161-890 of the Budget Act of 1983. The next four million dollars (\$4,000,000) so determined is hereby reappropriated in addition to funding provided by the Budget Act of 1983, for funding of the State Master Plan for Special Education as approved by the Governor. Any additional funds so determined are hereby reappropriated for reallocation for local entitlements.

SEC. 33. Notwithstanding Provision 8 of Item 6100-161-001 of the Budget Act of 1982, the funds specified in Provision 6.5 of Item 6100-161-001 of the Budget Act of 1983 may be expended for purposes of reducing or eliminating any deficiency from the 1982-83 fiscal year in allocations for the purposes of Article 9 (commencing with Section 56780) of Chapter 7 of Part 30 of the Education Code.

SEC. 34. Notwithstanding Provision 9 of Item 6100-161-001 of the Budget Act of 1983, funding for purposes of Article 9 (commencing with Section 56780) of Chapter 7 of Part 30 of the Education Code shall not exceed twenty-five million two hundred two thousand dollars (\$25,202,000), adjusted to reflect the 8 percent cost of living increase funded by the appropriation made by paragraph (2) of category (d) of Item 6100-226-001 of the Budget Act of 1983 and the appropriation made by Section 14002.1 of the Education Code, as allocated pursuant to paragraph (2) of subdivision (a) of Section 41301.3 of the Education Code.

SEC. 35. The sum of two million two hundred thousand dollars (\$2,200,000) is hereby appropriated from the Special Account for Capital Outlay for the purposes provided in Section 23.4 of Chapter 798 of the Statutes of 1980, as amended by Section 15.5 of Chapter 209 of the Statutes of 1982, relating to the renovation and repair of child care facilities to ensure compliance with state and local health and safety standards, and acquisition and lease of relocatable facilities.

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit this act to become operative as early as possible in the 1983-84 school year, and so facilitate the orderly administration of the public school system, it is necessary that this act take effect immediately.

## CHAPTER 482

An act to amend Sections 1294, 1296, 1909, 1981, 2550, 33420, 33602, 33603, 35168, 42284, 42647, 44252, 44325, 44327, 44328, 44492, 44830.3, 45023.4, 46200, 48904, 48918, 52048, 54060, 54120, 62000, 64000, 69601, 69601.5, 69606, 69607, 69608, and 69609 of, to amend and renumber Section 60247 of, to add Section 33604 to, to repeal Section 69604 of, to repeal and add Sections 8222.1, 8278, and 52049 of, and to repeal Article 7 (commencing with Section 33600) of Chapter 4 of Part 20 of, the Education Code, to amend Section 3 of Chapter 46 of the Statutes of 1984, and to amend Provision (3) of Item 6100-101-001 of Chapter 324 of the Statutes of 1983, relating to education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1984. Filed with  
Secretary of State July 17, 1984.]

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

SECTION 1. Section 1294 of the Education Code is amended to read:

1294. Each person employed by a county superintendent of schools in a position requiring certification qualifications, except employees included in the civil service system or in any merit system, or any person who holds an office by virtue of an election conducted under the provisions of the Elections Code or the Education Code, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district or a community college district in a position requiring certification qualifications.

Sections 22724, 44841, 44845, 44922, 44949, 44955, 44962 to 44976, inclusive, 44977, 44978, 44979, 44983, 44984, 44985, 44987, 87413, 87414, 87740, 87743, 87763 to 87779, inclusive, 87780, 87781, 87782, 87786, 87787, and 87788 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in those provisions, a duty or power is imposed upon or granted to the governing board of a school district or community college district or an employee thereof, the power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his or her employee, respectively. When "district" is used in those provisions, it shall, for the purposes of this section, be deemed to mean "county superintendent of schools." Compensation paid to employees during those leaves shall be paid from the county school service fund.

The granting of leaves of absence to employees pursuant to Section 44966 or 87767 shall be by the county superintendent of schools, upon approval by the county board of education.

SEC. 1.3. Section 1296 of the Education Code is amended to read:

1296. (a) If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for three complete consecutive school years by the superintendent in a teaching position in those schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is reelected for the next succeeding school year to such a position in those schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

Such an employee shall have the same rights and duties as employees of school districts to which Section 44882 applies. Sections 44841, 44842, 44882, 44948.3, and 44948.5 are applicable to these employees.

This subdivision shall apply only to probationary employees whose

shall disapprove the application.

The county superintendent of schools shall be reimbursed for all costs incident to the accounting controls survey made pursuant to the district's application from the district's funds.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of the fiscal year if the approval had been made prior to the preceding first day in January. In the event that the issuance of warrants has been disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he or she may recommend to the Superintendent of Public Instruction that the approval be revoked, to be effective on the first day of the next following fiscal year.

SEC. 9.2. Section 44227.5 of the Education Code is amended to read:

44227.5. (a) It is the intent of the Legislature that college and university faculty members who teach courses relating to administrative services credential programs or teaching methods in programs of professional preparation that are approved by the Commission on Teacher Credentialing have direct knowledge of the way that public elementary and secondary schools function and operate.

(b) The Commission on Teacher Credentialing, in cooperation with public and private postsecondary institutions operating teacher education programs, shall develop standards and procedures which ensure that each faculty member who teaches a course relating to teaching methods or administrative services credential courses, or both, in an approved program of professional preparation actively participates in public elementary or secondary schools and classrooms at least once every three academic years.

SEC. 9.3. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. However, an emergency credential holder who has passed the basic skills proficiency test shall not be required to repeat the test in order to obtain a renewal of his or her emergency credential. The commission shall exempt from the basic skills proficiency test requirement any of the following persons:

- (1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.
- (2) An applicant for an adult education designated subject cre-



dential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (m) of Section 44830. Such an applicant shall be granted a non-renewable emergency credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44261.5. The commission shall report to the Legislature no later than January 1, 1984, on the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement, the districts in which these teachers are employed, the number of teachers granted clear credentials after the expiration of an emergency credential granted under these conditions, and a comparison of success rate of these teachers on the basic skills test with the success rate of the general pool of credential applicants.

(4) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree.

(5) The holder of a credential, permit, or certificate to teach, other than an emergency credential, who seeks an additional authorization to teach.

(6) An applicant for a credential to provide service in the health profession.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) Nothing in this section shall be construed as requiring the holders of, or applicants for, a vocational designated subject credential to pass the state basic skills proficiency test. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs a holder of a vocational designated subject credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria estab-

10 370

lished by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

SEC. 9.4. Section 44325 of the Education Code is amended to read:

44325. (a) The Commission on Teacher Credentialing shall issue teacher trainee certificates authorizing persons employed by any school district maintaining grades 9 to 12, inclusive, or maintaining grades 6 to 8, inclusive, in a departmentalized program, to provide classroom instruction to pupils in those grades in accordance with the requirements of Section 44830.3.

(b) Each teacher trainee certificate shall be valid for a period of two years. Upon the recommendation of the governing board of the school district, the commission may grant a one-year extension of the teacher trainee certificate.

(c) The commission shall require each applicant for a teacher trainee certificate to demonstrate that he or she meets the minimum qualifications for that certificate, including the possession of a baccalaureate degree conferred by an accredited institution of postsecondary education and the successful passage of the state basic skills proficiency test administered under the provisions of Sections 44252 and 44252.5 in addition to the appropriate subject matter examination administered by the commission for the subject areas in which the teacher trainee is authorized to teach.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a teacher trainee certificate.

SEC. 9.5. Section 44327 of the Education Code is amended to read:

44327. On or before August 1, 1984, the commission shall inform each school district regarding teacher trainee options and shall report to the Legislature on the methods employed to inform school districts. The commission may suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts. The models may include provisions for collaboration between school districts and accredited institutions of higher education on behalf of certificated teacher trainees and mentor teachers.

SEC. 9.6. Section 44328 of the Education Code is amended to read:

44328. Unless the commission determines that substantial evi-

dence exists that a person is unqualified to teach, upon the successful completion of two years of successful service as a teacher trainee; and upon the recommendation of the school district governing board; the commission shall award clear credentials to teacher trainees in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

Notwithstanding the provisions of subdivisions (b), (c), and (e) of Section 44259, or Section 44261 or 44335, or the requirements for the completion of course requirements in special education adopted pursuant to the authority of the provisions of Section 67.5 of Chapter 1247 of the Statutes of 1977, it is the intent of the Legislature that upon recommendation by the governing board, teacher trainees shall be issued clear credentials, rather than preliminary credentials, upon the completion of two years of successful service as a teacher, unless the governing board recommends, and the commission finds substantial evidence that the person is not qualified to teach.

SEC. 9.7. Section 44492 of the Education Code is amended to read:

44492. (a) Out of the funds available for that purpose, the superintendent shall allocate funds to participating school districts for the purpose of providing stipends to mentor teachers. The superintendent shall annually make a determination as to the number of certificated classroom teachers employed by each participating school district and may authorize the district to designate as mentors up to 5 percent of the total number of certificated classroom teachers in the district. Teachers designated as mentors shall meet the minimum qualifications established by subdivision (b) of Section 44491.

The superintendent shall increase any fraction resulting from the 5 percent calculation to the next integer, and shall allow districts which have at least five certificated employees to designate one classroom teacher as a mentor teacher.

(b) Each district which has less than five certificated employees shall be eligible for an amount of funding in the mentor teacher program computed by multiplying the number of certificated employees in the district by 5 percent, and multiplying the result by four thousand dollars (\$4,000).

(c) Out of the funds available for that purpose, the superintendent shall, in the exercise of his or her discretion, allocate to participating school districts an amount which the superintendent determines to be sufficient to reimburse the necessary costs of participation in the mentor program. For purposes of this subdivision, necessary costs of participation in the mentor program shall include, but not be limited to, the costs of employing a substitute classroom teacher for a mentor teacher who uses all or part of his or her stipend for professional growth or release time, and costs of administering the program.

If at the end of any fiscal year, an amount of the funds available for purposes of this subdivision remains unallocated, the Superintendent of Public Instruction shall utilize the unallocated amount for

purposes of subdivision (a) or (b) in the next fiscal year.

(d) Any school district may apply for and receive funds for the purposes of this program.

School districts which operate mentor teacher programs together under cooperative agreements or pursuant to Section 6502 of the Government Code, shall not receive entitlements from state funds in amounts above that which each district would have received while operating its own program.

SEC. 10.5. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district maintaining grades 9 to 12, inclusive, or maintaining grades 6 to 8, inclusive, in a departmentalized program, may employ persons authorized by the Commission on Teacher Credentialing to provide service as teacher trainees to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a teacher trainee, the governing board shall certify to the commission that insufficient fully credentialed teachers are available. The governing board shall require that each teacher trainee be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 of this part.

(b) The governing board of each school district employing certificated teacher trainees shall develop and implement a professional development plan for each teacher trainee in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include:

(1) Provisions for an annual evaluation of the teacher trainee.

(2) As the governing board determines necessary, a description of courses to be completed by the teacher trainee, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Any other criteria which may be required by the governing board.

(c) Upon completion of two years of service, the governing board may recommend to the Commission on Teacher Credentialing that the teacher trainee be credentialed in the manner prescribed by Section 44328.

SEC. 11. Section 45023.4 of the Education Code is amended to read:

45023.4. (a) The governing board of any school district, county superintendent of schools, or county board of education may, in the 1983-84, 1984-85, or 1985-86 fiscal years, increase, for teachers meeting the requirements specified herein, the salary on its adopted certificated employee salary schedule for the then current fiscal year as specified in subdivision (b). For purposes of this section, any teacher for whom the governing board, county superintendent of schools, or

participant shall assume full liability for all student loan obligations remaining after the commission's assumption of loan liability for the last year of qualifying teaching service pursuant to Section 69607.

(b) Notwithstanding subdivision (a), in the event that a program participant becomes unable to complete one of the three consecutive years of teaching service due to serious illness, pregnancy, or other natural causes, the participant shall receive a deferral of the resumption of full liability for the loan for a period not to exceed one calendar year.

SEC. 27. Section 69609 of the Education Code is amended to read:  
69609. By the 1985-86 school year, the commission shall provide for the assumption of up to 500 student loans for eligible program participants. Each school year thereafter, the commission shall provide for the assumption of up to an additional 500 student loans for eligible program participants, subject to funding to be provided in the Budget Act for each fiscal year.

SEC. 27.5. Section 3 of Chapter 46 of the Statutes of 1984 is amended to read:

Sec. 3. Acceptance by the Alameda County Office of Education of the apportionments made pursuant to Sections 2 and 7 of this act shall constitute agreement by the county office to the following conditions, in addition to those specified in Section 4 of this act:

(a) The Alameda County Office of Education shall provide written notification to all of the school districts enumerated in Section 7 of this act that the Alameda County Office of Education will discontinue the provision of transportation services for individuals with exceptional needs, other than for its own special education program, on July 1, 1984.

Upon mutual agreement by the Alameda County Office of Education and the school districts or special education local planning agents, the applicable contracts for transportation services may be assigned or negotiated.

(b) The Alameda County Office of Education shall agree to pay at least one-half of the difference between the full transportation entitlement in the 1984-85 fiscal year, based on services provided in the 1983-84 fiscal year, and the actual amount received from the state in lieu of that entitlement.

SEC. 28. Provision (3) of Item 6100-101-001 of Chapter 324 of the Statutes of 1983 is amended to read:

3. For the 1983-84 fiscal year, the Superintendent of Public Instruction shall allocate the funds appropriated in schedule (e) of Provision 2 of this item in the following manner:

(a) The Superintendent of Public Instruction shall certify for apportionment to each ROC/P in the 1983-84 fiscal year an amount calculated as follows:

(1) Multiply the 1982-83 ROC/P's base revenue limit per unit of average daily

attendance determined pursuant to subdivisions (a) and (b) of Provision 4 of Item 6100-101-001 of Chapter 326, Statutes of 1982, by the ROC/P's 1983-84 fiscal year annual average daily attendance that is equal to or less than the ROC/P's annual average daily attendance in the 1981-82 fiscal year.

- (2) For annual average daily attendance in the 1983-84 fiscal year that is greater than the annual average daily attendance in the 1981-82 fiscal year, add to the amount certified pursuant to paragraph (1) of this subdivision an amount equal to the statewide average revenue limit per unit of average daily attendance determined pursuant to paragraph (2) of subdivision (c) of Provision 4 of Item 6100-101-001 of Chapter 326, Statutes of 1982, multiplied by the difference in annual ADA between the 1981-82 and 1983-84 fiscal years.
- (b) If the amount claimed for apportionment to ROC/Ps is greater than the amount appropriated for such claims, the Superintendent of Public Instruction shall compute an allowable growth factor for each district, county office, or joint powers agency operating regional occupational centers and programs according to the following formula:

$$G = \left[ \frac{(F \times .10 \times H) + F \times .05 \times A}{H + A} \times P \right] + \frac{L \times P}{H + A}$$

where:

- (1) "G" is the allowable growth factor for the 1983-84 fiscal year.
- (2) "H" is the 1981-82 fiscal year high school average daily attendance in the ROC/P.
- (3) "A" is the 1981-82 fiscal year adult average daily attendance in the ROC/P.
- (4) "F" is the difference between 1.0 and the quotient of subdivision (h) of Provision 4 of Item 6100-101-001 of the Budget Act of 1982, divided by the sum of paragraphs (2) and (3) of subdivision (g) of Provision 4 of that item.

(5) "L" is any average daily attendance allocated to the ROC/P in 1982-83 pursuant to subdivision (h) of Provision 4 of Item 6100-101-001 of the Budget Act of 1982.

(6) "P" is equal to 1.10 or such lesser number as may be determined by the Superintendent of Public Instruction after allocating the funds specified in subdivision (e) of this provision.

Any reduction in allocations shall apply only to the claims of districts, county offices, or joint powers agencies on account of average daily attendance in ROC/Ps in excess of the amount computed by the following formula:  $(H + A) \times (1.0 + G)$  where the symbols are as defined above.

- (c) The funds appropriated pursuant to this item shall be allocated by the Superintendent of Public Instruction to each school district or county office of education operating the ROC/P based on the school district's or county office of education's 1982-83 pro rata share of the funds being allocated.
- (d) Notwithstanding any other provision of law, the funds allocated pursuant to this provision from category (e) of Provision 2 of this item and funds provided in Schedule (a) (5) of Item 6100-226-001 of this act shall be the only funds allocated for the purpose of funding ADA in ROC/Ps. A school district which is part of a joint powers ROC/P may claim ADA in 1982-83 because of participation of pupils in an ROC/P only in accordance with this provision.
- (e) An amount not to exceed \$200,000 from the funds specified in schedule (e) of Provision 2 of this item shall be allocated by the Superintendent of Public Instruction to fund additional units of average daily attendance in ROC/Ps, at the rate specified for growth average daily attendance in paragraph (2) of subdivision (a) of this provision, which experienced annexation of service territory not previously included in a ROC/P during 1982-83.
- (f) For purposes of Section 2558 of the Education Code, the Superintendent of Public Instruction shall deduct from the funding

entitlement of each ROC/P operated by a county office of education, as determined pursuant to Provision 3, any local revenue which would otherwise be deemed restricted and not available for expenditure in the current fiscal year pursuant to subdivision (d) of that section. The local revenue so deducted shall be utilized by the county office of education for support of the ROC/P. This subdivision is declaratory of existing law applicable during the 1982-83 fiscal year.

SEC. 29. The Legislative Analyst shall conduct a study to be completed on or before January 1, 1985, relative to the distribution of Urban Impact Aid. The study shall include all of the following:

(a) A reassessment of the rationale and purposes of Urban Impact Aid funding.

(b) An examination of the distribution of Urban Impact Aid relative to whether that distribution results in wealth-related expenditure disparities among school districts.

(c) Recommendations for the development of alternatives for the distribution of Urban Impact Aid, which involve the phasing in of updated data and the assessment of the probable fiscal and programmatic impact of each alternative.

(d) Recommendations for legislative action on the distribution of Urban Impact Aid for the 1985-86 fiscal year.

SEC. 30. The Superintendent of Public Instruction shall calculate for the 1983-84 fiscal year apportionments to county superintendents of schools in accordance with the requirements of subparagraph (B) of paragraph (1) of subdivision (c) of Section 2550, as amended by Section 2 of this act.

SEC. 31. It is the intent of the Legislature that revisions to the allocation of funds apportioned to regional occupational centers and programs made pursuant to Section 28 of this act shall be applied retroactively for the 1983-84 fiscal year.

SEC. 32. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to implement the changes incorporated in the provisions of this bill at the earliest possible time, and so facilitate the orderly administration of the public school system, it is necessary that this act take effect immediately.



## CHAPTER 747

An act to amend Section 44830 of the Education Code, relating to certificated employees.

[Approved by Governor September 18, 1985. Filed with Secretary of State September 18, 1985.]

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

SECTION 1. Section 44830 of the Education Code is amended to read:

44830. (a) A governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the

requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in

a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

(o) The commission shall require that each applicant for a credential issued by the commission, unless exempted by the provisions of Section 44252, take the state basic skills proficiency test for diagnostic purposes. Each applicant shall take the test no later than the deadline for the submission of his or her application for entrance to the credential program. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied.

## CHAPTER 989

An act to amend Sections 44252, 44252.5, and 44830 of, and to add Sections 44252.8 and 44254.5 to, the Education Code, relating to credentialing.

[Approved by Governor September 20, 1986. Filed with Secretary of State September 22, 1986.]

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

SECTION 1. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) Commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to

94090

serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5. However, an emergency credential holder who has passed the basic skills proficiency test shall not be required to repeat the test in order to obtain a renewal of his or her emergency credential. The commission shall exempt from the basic skills proficiency test requirement any of the following persons:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, or by cooperating school districts, or by the appropriate county office of education. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. Such an applicant shall be granted a nonrenewable emergency credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44252.5. The commission shall report to the Legislature no later than January 1, 1987, on the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement, the districts in which these teachers are employed, the number of teachers granted clear credentials after the expiration of an emergency credential granted under these conditions, and a comparison of success rate of these teachers on the basic skills test with the success rate of the general pool of credential applicants.

(4) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree.

(5) The holder of a credential, permit, or certificate to teach, other than an emergency credential, who seeks an additional authorization to teach.

(6) An applicant for a credential to provide service in the health profession.

(c) By December 31, 1982, the Superintendent of Public Instruction shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The board shall also include representatives of local school boards, school administrators, parents, and postsecondary institutions.

The superintendent shall adopt any normed test that the

superintendent determines will sufficiently test basic skills for purposes of this section.

The superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to insure the effective implementation of this provision.

(d) Nothing in this section shall be construed as requiring the holders of, or applicants for, a designated subjects special subjects credential or vocational designated subject credential to pass the state basic skills proficiency test, unless the requirements for the specific credential required the possession of a baccalaureate degree. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs a holder of a designated subjects special subjects credential or vocational designated subject credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

(f) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with information regarding the applicant's proficiency level. Test results shall be forwarded to each California postsecondary institution to which the applicant has applied. The program shall use test results to ensure that upon admission, each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

SEC. 2. Section 44252.5 of the Education Code is amended to read:

44252.5. (a) The commission shall administer the state basic skills proficiency test pursuant to Sections 44227, 44252, and 44830 in accordance with rules and regulations adopted by the commission. The adopted rules and regulations shall be promulgated by the commission before January 1, 1983, and shall be exempt from the requirements of Section 44232. A fee shall be charged to individuals being tested to cover the costs of the test, including the costs of

developing, administering, and grading the test. The commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30) in the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84 fiscal year, and forty dollars (\$40) in subsequent fiscal years.

(b) The commission may enter into agreements with other states permitting the use of the state basic skills proficiency test as a requirement for the issuance of credentials or for teacher preparation program admission in those other states, provided that the use would advance the interests of the State of California and that the other states reimburse the Teacher Credentials Fund for a proportionate share of costs of the development and administration of the test.

(c) Any individual who passes the state basic skills proficiency test, as adopted by the Superintendent of Public Instruction, shall be considered proficient in the skills of reading, writing, and mathematics, and shall not be required to be retested by this test for purposes of meeting the proficiency requirements of Sections 44227, 44252, and 44830.

(d) Any individual who passes one or more components of the state basic skills proficiency test in the subjects of basic reading, writing, or mathematics, shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations.

SEC. 3. Section 44252.8 is added to the Education Code, to read:

44252.8. (a) The commission may defer the state basic skills proficiency test requirement in any case when illness, a family death, or another similar and justifiable personal reason prevented a credential applicant who had registered to take the test from taking the test, or in any case when circumstances entirely beyond the control of the applicant prevented his or her receipt of proof of having passed the test. However, the commission shall not grant a deferral to any person who has failed the state basic skills proficiency test.

Any person granted a deferral pursuant to this section shall take the state basic skills proficiency test at the next available opportunity, or the deferral shall terminate. If any person granted a deferral fails to pass the test, the deferral shall terminate.

(b) The commission shall keep a record of deferrals granted, the persons to whom they were granted, and the reasons for the deferrals.

SEC. 4. Section 44254.5 is added to the Education Code, to read:

44254.5. (a) Commencing July 1, 1987, any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, pursuant to Article 5 (commencing with Section 44280), before he or she may be initially issued an emergency multiple or single subject teaching credential, except a 30-day emergency substitute teaching

credential, authorizing him or her to teach a subject that is specified in Section 44282.

(b) The commission may issue an emergency multiple or single subject teaching credential to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had an opportunity to take the test.

(2) The applicant will take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency will discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching credential issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency credentials, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.

(d) The commission shall waive the requirements of this section for each applicant for each of the following:

(1) An emergency single subject teaching credential, if the applicant has completed at least 15 semester units of coursework, or six semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in each subject to appear on the credential.

(2) An emergency multiple subject teaching credential, if the applicant has completed at least 10 semester units of coursework at a regionally accredited institution of postsecondary education in each of at least three of the four areas prescribed in Section 44314.

SEC. 5. Section 44830 of the Education Code is amended to read:

44830. (a) A governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.



(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take

the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

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## CHAPTER 1468

An act to amend Sections 44325, 44326, 44327, 44328, 44329, 44830.3, and 44885.5 of, to amend the heading of Article 7.5 (commencing with Section 44325) of Chapter 2 of Part 25 of, and to repeal Section 44274 of, the Education Code, relating to education.

[Approved by Governor September 30, 1987. Filed with Secretary of State September 30, 1987.]

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

SECTION 1. Section 44274 of the Education Code is repealed.

SEC. 2. The heading of Article 7.5 (commencing with Section 44325) of Chapter 2 of Part 25 of the Education Code is amended to read:

Article 7.5. District Interns

SEC. 3. Section 44325 of the Education Code is amended to read:  
44325. (a) The Commission on Teacher Credentialing shall issue district intern certificates authorizing persons employed by any school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education, to provide classroom instruction to pupils in those grades and classes in accordance with the requirements of Section 44830.3.

(b) Each district intern certificate shall be valid for a period of two years except that a certificate that authorizes the holder to teach a bilingual education class is valid for three years. Upon the recommendation of the governing board of the school district, the commission may grant a one-year extension of the district intern certificate.

(c) The commission shall require each applicant for a district

158170

intern certificate to demonstrate that he or she meets the minimum qualifications for that certificate, including (1) the possession of a baccalaureate degree conferred by an accredited institution of postsecondary education, (2) the successful passage of the state basic skills proficiency test administered under Sections 44252 and 44252.5, (3) the appropriate subject matter examination administered by the commission for the subject areas in which the district intern is authorized to teach, and (4) the oral language component of the assessment program leading to the bilingual-crosscultural certificate of competence for persons seeking a district intern certificate to teach bilingual education classes.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a district intern certificate.

SEC. 4. Section 44326 of the Education Code is amended to read:

44326. Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they completed an undergraduate academic major or minor. Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades, or classes. These persons shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under the provisions of Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers.

SEC. 5. Section 44327 of the Education Code is amended to read:

44327. (a) On or before July 1, 1988, the commission, in consultation with participating school districts and other affected organizations, shall adopt standards related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) Commencing July 1, 1989, the commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern

programs. On or before March 15, 1988, the commission shall inform all school districts in the state of the district intern program option, and shall disseminate its recommended standards to all districts.

SEC. 6. Section 44328 of the Education Code is amended to read:  
44328. Unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the completion of successful service as a district intern pursuant to subdivision (b) of Section 44325, and upon the recommendation of the school district governing board, the commission shall award clear credentials to district interns in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

Notwithstanding subdivisions (b), (c), and (e) of Section 44259, Sections 44261, 44265, and 44335, or the requirements for the completion of course requirements in special education adopted pursuant to the authority of Section 67.5 of Chapter 1247 of the Statutes of 1977, it is the intent of the Legislature that upon recommendation by the governing board, district interns shall be issued clear credentials, rather than preliminary credentials, upon the completion of successful service as a teacher pursuant to subdivision (b) of Section 44325 unless the governing board recommends, and the commission finds substantial evidence that the person is not qualified to teach.

SEC. 7. Section 44329 of the Education Code is amended to read:  
44329. The commission shall study the effectiveness of the certificated district intern program and shall report its findings to the Legislature on or before January 1, 1993.

SEC. 8. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education may employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades as a classroom teacher. Prior to employing any person as a district intern, the governing board shall certify to the commission on the appropriate statement of need document provided by the commission that insufficient fully credentialed teachers are available. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to the provisions of Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers.

(b) The governing board of each school district employing district interns shall develop and implement a professional development

plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

- (1) Provisions for an annual evaluation of the district intern.
  - (2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.
  - (3) Mandatory preservice training for district interns teaching in kindergarten or grades 1 to 12, inclusive, tailored to the grade level to be taught, through either of the following options:
    - (A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.
    - (B) The completion, prior to service by the intern in any classroom, of six semester units of college or university coursework designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.
  - (4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.
  - (5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.
  - (6) Any other criteria which may be required by the governing board.
- (c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.
- (d) Upon completion of two years of service or three years of service for those teaching in bilingual classes, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

SEC. 9. Section 44885.5 of the Education Code is amended to read:

- 44885.5. (a) Any school district shall classify as a probationary

employee of the district any person who is employed as a district intern pursuant to Section 44830.3 and any person who has completed service in the district as a district intern pursuant to subdivision (b) of Section 44325 and Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948 or 44948.3 as applicable.

(b) Every certificated employee, who has completed service as a district intern pursuant to subdivision (b) of Section 44325 and pursuant to Section 44830.3 and who is further reelected and employed during the succeeding school year as described in subdivision (a) shall, upon reelection for the next succeeding school year, to a position requiring certification qualifications, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's last complete consecutive school year of probationary employment in a position requiring certification qualification as described in this subdivision, of the decision to reelect or not reelect the employee for the next succeeding school year to this type of a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

SEC. 10. The changes made in Sections 1 to 9, inclusive, of this act to existing law shall have no retroactive application or effect upon any individual who has entered any teacher training program prior to January 1, 1988.



## CHAPTER 1355

An act to amend Sections 44210, 44212, 44213, 44240, and 44332 of, to amend the heading of Article 2 (commencing with Section 44210) of Chapter 2 of, and to amend the heading of Chapter 2 (commencing with Section 44200) of, Part 25 of, to add Sections 44210.5, 44235.3, 44239, 44239.5, 46300.5, and 84500.6 to, to add Article 4.5 (commencing with Section 44279.2), Article 5.5 (commencing with Section 44300), and Article 10 (commencing with Section 44370) to Chapter 2 of Part 25 of, to repeal and add Sections 44200, 44203, and 44225 of, and to repeal Sections 44201, 44226, 44230, 44232, 44233, 44254, and 44254.5 of, the Education Code, and to repeal Section 67.5 of Chapter 1247 of the Statutes of 1977, relating to education.

[Approved by Governor September 25, 1988. Filed with Secretary of State September 26, 1988.]

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The public has a right to hold its schools accountable, and to expect that any individual licensed to teach young people has met rigorous professional standards in subject matter knowledge and teaching performance.

(b) Teaching standards are based on state law and regulations, local district policies and practice, and professional norms.

(c) The current state system does not ensure sufficient rigor.

(d) When schools cannot attract qualified teachers at a given wage, teaching standards are lowered.

(e) The current system of granting a teaching credential is based primarily on the completion of required coursework. The Legislature finds that this system should be revised to make thorough assessments of individual candidates the primary basis for granting a teaching credential and for entry into the profession, as is the practice in other professions, including medicine, law, nursing, dentistry, and accounting. It is the intent of the Legislature that assessments emphasize skill and knowledge attainment, rather than course credits, and that institutions of higher education be given broad responsibility to determine the nature of coursework and other program elements in a teacher preparation program.

(f) The Legislature also finds that the agency that develops standards and examinations must take responsibility for the quality of the teachers that it credentials and that it must be directly accountable to the public and to elected officials for its methods and decisions.

SEC. 2. The heading of Chapter 2 (commencing with Section 44200) of Part 25 of the Education Code is amended to read:

130640

## CHAPTER 2. TEACHER CREDENTIALING

SEC. 2.5. The heading of Article 2 (commencing with Section 44210) of Chapter 2 of Part 25 of the Education Code is amended to read:

## Article 2. Commission on Teacher Credentialing

SEC. 3. Section 44200 of the Education Code is repealed.

SEC. 3.5. Section 44200 is added to the Education Code, to read: 44200. This chapter shall be known and may be cited as the "Teacher Credentialing Law of 1988" or? "The Bergeson Act."

SEC. 4. Section 44201 of the Education Code is repealed.

SEC. 4.2. Section 44203 of the Education Code is repealed.

SEC. 4.3. Section 44203 is added to the Education Code, to read: 44203. In this chapter the following terms shall be defined as specified in this section:

(a) "Professional teacher certification requirements" means a policy of requiring each beginning teacher to complete a program of planned support and systematic assessment, as determined by the commission, as a condition for earning a professional teaching credential.

(b) "Beginning teacher support" means a combination of assistance, guidance, encouragement, and diagnostic assessment that helps the holders of preliminary teaching credentials to fulfill their professional responsibilities effectively during the first year or two years of classroom teaching, and that satisfies standards of support adopted by the commission.

(c) "Beginning teacher assessment" means a process that has been adopted or approved by the commission for measuring the performances of the holders of preliminary teaching credentials in order to help them improve, and to determine whether their performances satisfy the commission's standards of performance for earning the professional teaching credential.

(d) "Authorization" means the designation that appears on a credential, certificate, or permit that identifies the subjects and circumstances in which the holder of the credential, certificate, or permit may teach, or the services which the holder may render in the public schools of this state.

(e) "Basic teaching credential" means a credential that authorizes the holder to teach the subjects named on the credential, and for which possession of a baccalaureate degree from a regionally accredited institution is a minimum requirement.

SEC. 4.5. Section 44210 of the Education Code is amended to read:

44210. There is hereby established in the state government the Commission on Teacher Credentialing, to consist of 15 voting members, 14 of whom shall be appointed by the Governor with the advice and consent of the Senate, as specified in subdivisions (b) to

(g), inclusive. The commission shall consist of the following members:

(a) The Superintendent of Public Instruction or his or her designee.

(b) Six practicing teachers from public elementary and secondary schools in California.

(c) One person who is employed on the basis of a services credential other than an administrative services credential.

(d) One member of a school district governing board.

(e) Four representatives of the public. None of these persons shall have been employed by an elementary or secondary school district in a position requiring certification, or shall have served as a school district governing board member in the five-year period immediately prior to his or her appointment to the commission.

(f) One school administrator in a public elementary or secondary school in California.

(g) One faculty member from a college or university that grants baccalaureate degrees.

With the exception of the four representatives of the public and the Superintendent of Public Instruction, the appointment of a member shall terminate if he or she is no longer a practicing teacher in a public elementary or secondary school, or a person who is employed on the basis of a valid services credential, or a school administrator, or a faculty member of a college or university that grants baccalaureate degrees, or a school district governing board member, as may be the case, in California.

Not more than one member of the commission is to be appointed from the same school district or college or university campus.

The term of each member appointed to the commission on or prior to June 30, 1989, shall expire on July 1, 1989. It is the intent of the Legislature that as of July 1, 1989, the Governor first appoint to the commission, as feasible, members of the Commission on Teacher Credentialing whose terms, notwithstanding this section, would not have expired, to facilitate the transition to a commission with a reduced membership. Commencing July 1, 1989, four members shall be appointed to the commission for terms of two years, five members for terms of three years, and five members of terms of four years.

(h) Each appointment pursuant to this section shall expire on November 20 of the year of expiration of the applicable term. All appointments made pursuant to this section shall be subject to Section 44213.

SEC. 4.6. Section 44210.5 is added to the Education Code, to read:  
44210.5. It is the intent of the Legislature that appointees to the commission reflect the ethnic and cultural diversity of the California public schools.

SEC. 4.7. Section 44212 of the Education Code is amended to read:

44212. The Regents of the University of California, the Trustees of the California State University, the California Postsecondary

Education Commission, and the Association of Independent California Colleges and Universities shall each appoint a representative to serve as member ex officio without vote in proceedings of the commission.

The ex officio members shall not vote in any proceedings of the commission nor in any of its committees or subcommittees, except, by a majority vote of the commission, ex officio members may be permitted to vote in committees or subcommittees in order to establish a quorum or as otherwise determined by majority vote of the commission.

SEC. 4.8. Section 44213 of the Education Code is amended to read:

44213. Except as otherwise provided pursuant to Section 44210, upon the expiration of the term of office of an appointive member of the commission, the member's successor shall be appointed for a term of four years. No person shall be appointed by the Governor to serve more than two consecutive full terms. Prior service on the commission for a term of less than three years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not be counted as a full term.

SEC. 5. Section 44225 of the Education Code is repealed.

SEC. 6. Section 44225 is added to the Education Code, to read:

44225. The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article 6 (commencing with Section 44270). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional

preparation, as specified by this subparagraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematic skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to students, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to subparagraph (1) of this subdivision shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this subparagraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

(1) Are academically talented.

(2) Are knowledgeable of the subjects to be taught in the classroom.

(3) Are creative and energetic.

(4) Have the human skills to motivate and inspire students to

achieve their goals.

(5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.

(6) Be willing to relate the educational process and their instructional strategies to meet students' needs.

(7) Are able to work effectively with and motivate students from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all students regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization.

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One such alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.

(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44300).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

130770

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and assessments in conjunction with each other, and in conjunction with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes that were in effect on December 31, 1988, to candidates who, prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provision of this chapter. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the credential candidate or candidates affected. No provision in this chapter may be waived under Sections 33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop

130800

models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire students, and willingness to relate education to students with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article 10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.

SEC. 7. Section 44226 of the Education Code is repealed.

SEC. 8. Section 44230 of the Education Code is repealed.

SEC. 9. Section 44232 of the Education Code is repealed.

SEC. 10. Section 44233 of the Education Code is repealed.

SEC. 11. Section 44235.3 is added to the Education Code, to read:  
44235.3. Within the limits set forth in this chapter, the commission may establish and collect fees to recover its costs for the development and administration of any subject matter examination



adopted by the commission to implement the provisions of this chapter, unless the costs are recovered by appropriations from another source of funds.

SEC. 12. Section 44239 is added to the Education Code, to read:  
44239. The commission, the State Board of Education, and the Superintendent of Public Instruction shall notify one another regarding proposed and adopted policies and regulations, in order to achieve consistency in state policies concerning the professional preparation of teachers, and curriculum and instruction in the public elementary and secondary schools.

SEC. 13. Section 44239.5 is added to the Education Code, to read:  
44239.5. The commission shall continue to administer all regulations that were in effect on December 31, 1988, until the commission amends or repeals those regulations to implement the provisions of this chapter.

SEC. 14. Section 44240 of the Education Code is amended to read:  
44240. The commission shall appoint a Committee of Credentials, consisting of seven persons for terms fixed by the commission but not to exceed two years. The committee shall include:

(a) One member who shall be a full-time certified classroom teacher in the public elementary schools with not less than five years' classroom experience.

(b) One member who shall be a full-time certified classroom teacher in the public secondary schools with not less than five years' classroom experience.

(c) One member who shall be a certified administrative employee in the public schools.

(d) One member who shall be a member of the governing board of any school district. No person who is or has been employed in a certificated position in the public schools within the preceding five years shall be appointed as a school board member.

(e) Three members who shall be representatives of the public. No person who is or has been employed in a certificated position in the public schools or who is or has been a member of any governing board of a school district or county board of education within the five years next preceding date of appointment shall be appointed as a public member.

The additional public members of the committee provided for in this section as amended during the 1977-78 Regular Session, shall be appointed by the commission as vacancies in the committee occur, consistent with the requirements of professional representation. Appointments to the Committee of Credentials shall reflect, to the extent feasible, the ethnic and cultural diversity of California public schools.

SEC. 15. Section 44254 of the Education Code is repealed.

SEC. 15.5. Section 44254.5 of the Education Code is repealed.

SEC. 16. Article 4.5 (commencing with Section 44279.2) is added to Chapter 2 of Part 25 of the Education Code, to read:

## Article 4.5. Beginning Teacher Support and Assessment

44279.2. (a) The Legislature finds and declares that the beginning years of a teacher's career are a critical time in which it is necessary that intensive professional development and assessment occur. The Legislature recognizes that the public invests heavily in the preparation of prospective teachers, and that more than half of all new teachers in California public schools leave teaching after one or two years. Intensive professional development and assessment are necessary to build on the preparation that precedes initial certification, to transform academic preparation into practical success in the classroom, to retain greater numbers of capable beginning teachers, and to remove novices who show little promise as teachers. It is the intent of the Legislature that the Commission on Teacher Credentialing and the Superintendent of Public Instruction develop new policies to govern the support and assessment of beginning teachers, as a condition for the professional certification of those teachers in the future.

(b) The commission and the superintendent shall jointly implement alternative methods, in selected school districts on a pilot basis, of locally supporting and assessing beginning teachers, shall jointly evaluate the alternative methods, and shall jointly report the results of the evaluation. Each alternative method shall include support and assessment of teachers during at least the first year of classroom teaching. Participation of school districts pursuant to this subdivision shall be on a voluntary basis. No funds appropriated for the evaluation study may be expended until the commission and the superintendent develop a joint program and expenditure plan, and the expenditure plan is approved by the Director of Finance.

(c) The criteria for evaluating the alternative methods of supporting and assessing beginning teachers shall include, but need not be limited to, the following criteria:

(1) The effectiveness of each method at retaining capable beginning teachers in the profession of education.

(2) The effectiveness of each method at improving the pedagogical content knowledge and skills of the beginning teachers who are retained.

(3) The effectiveness of each method at improving the ability of beginning teachers to teach students who are ethnically, culturally, economically, academically, and linguistically diverse.

(4) The effectiveness of each method at identifying beginning teachers who need additional assistance and, if that additional assistance fails, who should be removed from the profession of education.

(5) The relative costs of the alternative methods in relation to their beneficial effects.

(6) The extent to which alternative methods of supporting and assessing beginning teachers would, if they were added to the other state requirements for teaching credentials, make careers in

education more or less appealing to prospective teachers.

(d) The evaluation shall examine several factors in the development and support of beginning teachers, including, but not limited to, the following factors:

(1) Varying levels of workload and released time for beginning teachers, and alternative methods of assigning beginning teachers to schools and classrooms.

(2) Different kinds of guidance and assistance by various categories of support personnel, including mentor teachers and college advisors.

(3) Appropriate roles for school sites, school districts, postsecondary institutions, county offices of education, and private sector institutions in the professional development of beginning teachers.

(4) Varying levels of state funding for locally implemented programs, and varying levels of reliance on existing local resources.

(e) The evaluation shall examine several methods of assessing the competence and performance of beginning teachers, including, but not limited to, the following methods:

(1) The use of standardized written examinations of subject matter knowledge, and uniform performance assessments of subject matter competence.

(2) The use of onsite assessments of the classroom performances of beginning teachers.

(3) The use of uniform exercises to test the pedagogical content knowledge and skills of beginning teachers in controlled settings.

(4) The use of alternative subject matter examinations or performance assessments, or both, developed by colleges and universities, as alternatives to the statewide examinations or performance assessments, provided that the costs of validating these alternative examinations and assessments are funded by participating colleges and universities. Public colleges and universities may seek state funding for this purpose through the budget process.

(f) In conducting the evaluation that is required by this section, the commission and the superintendent shall jointly field test the assessment instruments and procedures on a representative sample of prospective teachers in this state to ensure that those instruments and procedures are fair, accurate, and unbiased, that they assess appropriate teacher knowledge and skills, and that they are criterion-referenced rather than norm-referenced. The commission and the superintendent shall compare the results of standardized written examinations with those of available examinations or assessments developed by California colleges and universities. The evaluation shall examine the relationship between the assessment results and the backgrounds of the participating beginning teachers, including, but not limited to, their ethnicity, gender, socioeconomic status, and academic backgrounds. In reporting the results of the evaluation, the commission and the superintendent shall estimate

the impact of the alternative assessment methods on the future composition of the education profession. It is the intent of the Legislature that no teacher assessment system be adopted or implemented until it has been thoroughly reviewed and found to be both fair and appropriate to the purposes of this chapter.

(g) During the course of the evaluation, the commission and the superintendent shall be advised by a panel, which shall include representatives of the Chancellor of the California State University, the President of the University of California, the President of the Association of Independent California Colleges and Universities, and of organizations that represent teachers, administrators, school board members, and parents. The representatives shall serve voluntarily, and it is the intent of the Legislature that the costs of each representative's participation be paid by the professional organization or educational institution that appoints that representative.

(h) During the course of the evaluation, the commission and the superintendent shall periodically provide interim reports to the chairs and vice chairs of the policy and fiscal committees of the Legislature, the Legislative Analyst, the office of the Governor, the Director of Finance, and the members of the panel formed pursuant to subdivision (g).

(i) Prior to completing a final report of the results of the evaluation required by this section, the commission and the superintendent shall submit estimates of the costs of alternative professional teacher certification requirements to the Director of Finance and the Legislative Analyst for their comments, which shall be appended to the final report of the evaluation.

(j) On or before March 1, 1992, the commission and the superintendent shall jointly report the results of the evaluation required by this section to the Legislature and the Governor. Prior to submitting their report to the Legislature and the Governor, the commission and the superintendent shall solicit full involvement by the parties identified in subdivision (g) in interpreting the results of the evaluation, and in preparing a policymaking plan based on the results.

(k) It is the intent of the Legislature that the Budget Act shall include funds to pay the costs of the evaluation study.

44279.3. (a) It is the intent of the Legislature that the executive secretary of the commission and the Superintendent of Public Instruction shall recommend to the commission standards of beginning teachers' support and performance, and an assessment process for verifying attainment of the performance standards, which shall be based on the results of the evaluation study required by Section 44279.2.

(b) It is the intent of the Legislature that the commission shall adopt and promulgate standards and requirements for earning the professional teaching credential pursuant to paragraph (2) of subdivision (a) of Section 44225 in accordance with Chapter 3.5

(commencing with Section 11340) of Division 3 of Title 2 of the Government Code. The proposed regulations shall be developed jointly with the Superintendent of Public Instruction, and shall be drafted in consultation with the panel established pursuant to subdivision (f) of Section 44279.2.

It is the intent of the Legislature that the requirements of paragraph (2) of subdivision (a) of Section 44225 be operative within six months of the commission's adoption of standards and requirements for earning the professional credential. First priority shall be given to cost-effective requirements that maximize the use of existing state and local resources. The commission shall consider the use of credential fees and assessment fees to support the cost of implementing the requirements. In adopting professional teacher certification requirements pursuant to this subdivision, the commission shall include the criteria specified in subdivision (d) of Section 44225, and, in addition, shall include the following:

(1) A rigorous program of candidate-centered assessment that relies upon individually evaluating the fitness of each individual candidate for a credential.

(2) Rigorous assessments of each teaching candidate's general knowledge and subject matter knowledge, that are designed to verify reading skills, writing ability, mathematical reasoning, and other elements of a liberal arts education.

(3) Assessments of each teaching candidate's instructional skills and classroom management skills, including an assessment of each teaching candidate's ability to work effectively with students of both sexes and from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(4) Alternatives for professionally supervising, supporting, and assisting beginning teachers for at least the critical first full teaching year.

(5) Deregulation of the academic training of teachers by shifting the emphasis from granting credentials on the basis of program approval to granting credentials on the basis of comprehensive assessments of individual candidates.

(c) If the professional teacher certification requirements adopted by the commission include passage of a standardized examination, the commission shall establish a procedure for approval by the commission of alternative examinations or assessments whose scope, contents, and level of difficulty are determined by the commission to be equivalent to the scope, contents, and level of difficulty of the standardized examination. In making these determinations, the commission may refer to and utilize, to the extent consistent with this section, accepted national and professional standards governing the use of tests and assessments, and governing the determination of equivalence between alternative tests and assessments. The commission shall recover the costs of administering any standard examination that the commission adopts by collecting examination fees from examinees. An agency or organization that recommends an

alternative examination that is approved by the commission shall pay the costs of developing and administering the alternative examination from any available source of funds, including examination fees, existing budget allocations, and amended budget allocations.

(d) It is the intent of the Legislature that no detailed prescriptive checklists of competencies be adopted at the state level for the assessment of each beginning teacher's classroom performance.

(e) Until the operative date of the regulations that are adopted and promulgated in accordance with subdivision (b), the commission shall continue to administer teacher certification requirements and regulations that were in effect on December 31, 1988. The commission may amend those requirements and regulations, as the need arises.

44279.4. (a) It is the intent of the Legislature that one full year, or the equivalent thereof, of paid, classroom teaching experience and beginning teacher support and assessment shall be a prerequisite to obtaining a professional credential to teach in the California public schools.

Any credential candidate who is eligible for a preliminary credential shall be eligible for a classroom teaching position with beginning teacher support and assessment. The requirements of this article may be waived by the commission for individuals who are pursuing alternative entry programs established pursuant to subdivision (g) of Section 44225.

(b) It is the intent of the Legislature that support and assessment of beginning teachers shall be governed by standards adopted by the commission in consultation with the Superintendent of Public Instruction and the State Board of Education.

(c) A beginning teacher who has been issued a preliminary teaching credential and a preliminary specialty credential pursuant to paragraph (3) of subdivision (b) of Section 44225 shall be eligible for one year of beginning teacher support and assessment that combines classroom teaching and specialty instruction.

44279.5. It is the intent of the Legislature that a beginning teacher who has been issued a preliminary credential shall receive support and assistance from an experienced educator in a manner consistent with the recommendations of the evaluation study conducted pursuant to Section 44279.2.

44279.6. It is the intent of the Legislature that the commission shall establish procedures to assess the teaching performance of beginning teachers on a regular basis by onsite visits of assessment teams or through the use of uniform exercises in a controlled setting, or both, as determined appropriate by the commission based upon the recommendations of the evaluation study conducted pursuant to Section 44279.2. The commission shall ensure that members of the assessment teams have been appropriately trained and demonstrate an understanding of the cultures of the major ethnic populations of this state, teaching strategies for the acquisition of English language

skills by non-English-speaking pupils, and teaching strategies for dealing with at-risk pupils.

SEC. 17. Article 5.5 (commencing with Section 44300) is added to Chapter 2 of Part 25 of the Education Code, to read:

Article 5.5. Emergency Permits

44300. (a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) Successful passage of the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of insufficiency based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(c) Commencing January 1, 1990, the commission may issue and renew emergency permits corresponding to the credential types specified in paragraphs (2), (3), and (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit.

(d) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall teach only with the assistance and guidance of a certificated employee of the district who has completed at least four years of full-time teaching experience, or the equivalent thereof.

It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(e) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(f) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(g) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

(h) This article is repealed on July 1, 1994, or on the date that the commission certifies to the Legislature, whichever occurs later, that the alternative methods of teacher certification established by the commission under subdivision (g) of Section 44225, when combined with the supply of fully certificated teachers who did not pursue alternative paths to certification, are adequate to meet the needs of school districts.

44301. (a) Any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, as determined by the commission, before he or she may be initially issued an emergency multiple- or single-subject teaching permit, except an emergency substitute teaching permit, authorizing him or her to teach a subject that is specified by the commission.

(b) The commission may issue an emergency multiple- or single-subject teaching permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had the opportunity to take the test.

(2) The applicant will take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency will discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching permit issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency permits, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.



(d) The commission shall waive the requirements of this section for each applicant for each of the following:

(1) An emergency single-subject teaching permit, if the applicant has successfully completed at least 18 semester units, or nine semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in the subject area to be taught.

(2) An emergency multiple-subjects permit, if the applicant has successfully completed at least 40 semester units, or the equivalent, at a regionally accredited institution of postsecondary education, in the subjects that are commonly taught in elementary schools, as determined by the commission.

(e) On or before December 1, 1990, the commission shall submit a written report to the Legislature on the anticipated effect on the ability of school districts to staff classrooms by requiring successful passage of the subject matter examination as a condition for the renewal of emergency permits.

SEC. 18. Section 44332 of the Education Code is amended to read:

44332. Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than 120 schooldays.

The period of 120 schooldays may be extended once for a period of not more than 80 schooldays due to delays in processing a credential application, except when the commission certifies in writing to the county or city and county board of education before the end of the period of 120 schooldays that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application, in either of which cases no extension shall be granted. Failure of the commission to so certify before the end of the 120-schoolday extension period shall be construed to mean that the applicant possesses adequate academic qualifications and does not have a criminal record that would disqualify the application.

In no event shall a temporary certificate or permit be valid beyond the time that the commission either issues or denies the originally requested credential or permit.

SEC. 19. Article 10 (commencing with Section 44370) is added to

Chapter 2 of Part 25 of the Education Code, to read:

Article 10. Accreditation in Educator Preparation

44370. The Legislature finds and declares that the competence and performance of professional educators depends in part on the quality of their academic and professional preparation. The Legislature recognizes that standards of quality in collegiate preparation complement standards of candidate competence and performance, and that general standards and criteria regarding the overall quality of a candidate's preparation are as essential as the assessment of the candidate's competence and performance. It is the intent of the Legislature that the commission shall replace program approval with an accreditation process that concentrates on the overall quality of educator preparation, and that holds professional elementary, secondary, and postsecondary educators responsible for the quality of preparation.

44371. The commission shall be advised by an accreditation advisory council. The membership of the advisory council shall be as follows:

(a) Three representatives of the California State University nominated by the Chancellor of the California State University. The commission shall appoint the nominees of the chancellor to the advisory council. At least one of these representatives shall be a faculty member involved in educator preparation.

(b) Three representatives of the University of California nominated by the president of the university with authorization by the Regents of the University of California. The commission shall appoint the nominees of the president to the advisory council. At least one of these representatives shall be a faculty member involved in educator preparation.

(c) Three representatives of the Association of Independent California Colleges and Universities nominated by that association. The commission shall appoint the nominees of the association to the advisory council. At least one of these representatives shall be a faculty member involved in educator preparation.

(d) Nine representatives appointed by the commission from the following categories: classroom teachers, school administrators, other certificated school personnel, and school district governing boards. These representatives shall be nominated by organizations designated by the commission. Members of the council shall serve voluntarily.

(e) It is the intent of the Legislature that the costs of each representative's participation shall be paid by the professional organization or education institution that nominates that representative.

44372. (a) On or before September 15, 1990, the commission shall adopt an accreditation framework, after consideration of the recommendations of the accreditation advisory council, which shall

set forth the policies of the commission regarding the accreditation of preparation programs for teachers and other certificated educators. The framework shall include criteria for the selection of nongovernmental accreditation entities, and may include general standards for the overall accreditation of education units and appropriate standards that apply to professional specialties. This framework shall be developed on the basis of the overall quality of preparation programs, rather than on the basis of the inclusion of specific courses or a specific number of courses.

(b) On or before February 15, 1991, the commission shall disseminate a request for proposals to carry out accreditation reviews and make accreditation decisions on the basis of the accreditation framework adopted pursuant to subdivision (a). The commission may accept or reject each proposal after considering the recommendations of the executive secretary of the commission, who shall review all proposals in consultation with the accreditation advisory council. It is the intent of the Legislature that the commission select at least one nongovernmental accrediting entity on or before September 15, 1991, subject to the provisions of Section 44375. It is the further intent of the Legislature that the selected entity or entities shall include California elementary, secondary, and postsecondary educators.

(c) Prior to September 15, 1991, or the selection of an accrediting agency, whichever occurs first, the commission shall approve programs in accordance with the statutes in effect prior to January 1, 1989.

(d) The commission and each selected accrediting entity shall sign an agreement that shall include, but need not be limited to, the procedures and fees for accreditation reviews, consistent with the accreditation framework adopted pursuant to subdivision (a).

(e) The executive secretary shall monitor and evaluate the performance of each accrediting entity, in consultation with the accreditation advisory council and the affected institutions, and shall report his or her findings periodically to the commission.

44373. A postsecondary institution shall have the right to appeal to the commission if the procedures or decisions of an accrediting entity are arbitrary, unfair, or inconsistent with the policies of the commission. An institution shall also have the right to recommend changes in the accreditation policies of the commission, which shall be considered by the commission in consultation with the executive secretary and the accreditation advisory council.

44374. The commission may establish and collect fees from postsecondary education institutions to recover any additional costs resulting from the replacement of program approval with program accreditation pursuant to this article. An accrediting entity shall not collect payments from any source except the commission for carrying out the purposes of this article.

44375. The commission and the accreditation advisory council shall periodically report to the education policy committees of the

Legislature regarding the implementation of this article.

44376. Should no nongovernmental accrediting entity be selected by the commission pursuant to this article, or should a previously selected accrediting entity fail to satisfactorily implement the commission's adopted framework for accreditation, the commission shall assume responsibility for verifying the quality and status of educator preparation by implementing the adopted framework. In either of these cases, the commission shall continue to actively seek an accrediting entity by disseminating additional requests for proposals until the time which the commission, in consultation with the advisory council, determines that no entity satisfies the criteria for the selection of accrediting agencies adopted pursuant to subdivision (a) of Section 44372. However, if at a subsequent time an entity wishes to apply for selection by the commission as the accrediting entity, the entity may submit an application for consideration by the commission in the absence of an applicable request for proposal.

SEC. 20. Section 46300.5 is added to the Education Code, to read:

46300.5. For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term "immediate supervision" as used in Section 46300 means, in the context of classes conducted at the workplace, pupil participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the pupils participating in the classes with certificated personnel of the district.

SEC. 21. Section 84500.6 is added to the Education Code, to read:

84500.6. For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term "immediate supervision" as used in Section 84500 means, in the context of classes conducted at the workplace, pupil participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the pupils participating in the classes with certificated personnel of the district.

SEC. 22. Section 67.5 of Chapter 1247 of the Statutes of 1977 is repealed.

## CHAPTER 375

An act to amend Section 44225 of, and to add Section 44255.5 to, the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 1989. Filed with Secretary of State September 12, 1989.]

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

SECTION 1. Section 44225 of the Education Code is amended to read:

44225. The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been

adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article 4 (commencing with Section 44250). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional preparation, as specified by this paragraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematic skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to pupils, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to paragraph (1) shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this paragraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers,

supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

(1) Are academically talented.

(2) Are knowledgeable of the subjects to be taught in the classroom.

(3) Are creative and energetic.

(4) Have the human skills to motivate and inspire pupils to achieve their goals.

(5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.

(6) Be willing to relate the educational process and their instructional strategies to meet pupils' needs.

(7) Are able to work effectively with and motivate pupils from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all pupils regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two

years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.

(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44320).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and assessments in conjunction with each other, and in conjunction with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes that were in effect on December 31, 1988, to candidates who,



prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provision of this chapter. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the credential candidate or candidates affected. No provision in this chapter may be waived under Sections 33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire pupils, and willingness to relate education to pupils with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article

10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.

SEC. 2. Section 44255.5 is added to the Education Code, to read:

44255.5. Notwithstanding Section 44256, until the Commission on Teacher Credentialing completes a study of teacher assignments in kindergarten and grades 1 to 6, inclusive, and modifications are made to the statutes as a result of the study, the holder of a multiple subject teaching credential, or a standard elementary credential, who is employed by the San Diego City Unified School District may be assigned with his or her consent to teach any subject in grades 1 to 6, inclusive, in a departmentalized setting.

SEC. 3. Due to the unique circumstances concerning teacher assignments in the San Diego City Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to require the Commission on Teacher Credentialing to exempt the holders of teaching credentials obtained prior to January 1, 1974, who add an authorization to teach by successfully completing a commission approved subject matter examination from specified statutory requirements at the earliest possible time, and in order to authorize the holders of multiple subject teaching credentials and standard elementary teaching credentials to be assigned, with their consent, to teach any subject in kindergarten and grades 1 to 6, inclusive, in a departmental setting, in the San Diego City Unified School District during the 1989-90 school year, it is necessary that this act take effect immediately.

## CHAPTER 590

An act to amend Sections 44244.1, 44332, 44424, and 44425 of, and to add Section 44440 to, the Education Code, relating to teacher credentialing.

[Approved by Governor October 5, 1991. Filed with Secretary of State October 7, 1991.]

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

SECTION 1. Section 44244.1 of the Education Code is amended to read:

44244.1. A recommendation by the Committee of Credentials to deny, suspend, or revoke an application or a credential of a certified employee or to issue a private admonition may be adopted by the Commission on Teacher Credentialing without further proceedings if, after service of notice of the committee decision pursuant to Section 44244, the certified employee fails to give notice of intent to request an administrative hearing or if he or she gives notice of intent not to request an administrative hearing within 30 days. All proceedings before the commission to consider a recommendation for issuance of a private admonition shall be held in executive session. The commission shall make no disclosures concerning private admonitions except as required by Section 44438. For good cause shown, the commission may grant an additional 30 days for filing of a request for an administrative hearing.

SEC. 2. Section 44332 of the Education Code is amended to read:

44332. Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or

83400

other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

The county or city and county board of education shall cancel the temporary certificate or permit immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record that would disqualify the applicant.

In no event shall a temporary certificate issued to a permit applicant be valid beyond the time that the commission either issues or denies the originally requested permit. In no event shall a temporary certificate issued to a credential applicant be valid beyond the time that the commission provides written notification to the county or city and county board of education that the applicant apparently does not possess adequate qualifications, that the commission has received facts that may cause denial of the application, or issues or denies the originally requested credential.

SEC. 3. Section 44424 of the Education Code is amended to read:

44424. Upon the conviction of the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194 to 217.1, both inclusive, 220, 222, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of Penal Code Section 272, becoming final, the commission shall forthwith revoke the credential.

Upon a plea of nolo contendere that does not constitute a conviction pursuant to Section 1016 of the Penal Code, all credentials held by the respondent shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

SEC. 4. Section 44425 of the Education Code is amended to read:

44425. Whenever the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing has

been convicted of any sex offense as defined in Section 44010 or controlled substance offense as defined in Section 44011, the commission shall forthwith suspend the credential. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him or her are dismissed, the commission shall forthwith terminate the suspension of the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall forthwith revoke the credential.

Upon a plea of nolo contendere to any sex offense specified in Section 44010, which plea does not constitute a conviction pursuant to Section 1016 of the Penal Code, all credentials held by the respondent shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

SEC. 5. Section 44440 is added to the Education Code, to read:

44440. (a) No applicant who is under review by the Commission on Teacher Credentialing shall be allowed to withdraw his or her application for a credential, permit, or other certification document without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the credential, permit, or other certification document upon any ground provided by law, or to enter an order denying the credential, permit, or other certification document upon any ground provided by law.

(b) The suspension or expiration of any credential, permit, or certification document, or its surrender without the written consent of the commission, shall not deprive the commission of its authority to do any of the following:

(1) Institute or continue a disciplinary proceeding against the holder of a credential, permit, or other certification document upon any ground provided by law.

(2) Enter an order suspending or revoking the credential, permit, or other certification document.

(3) Issue a private admonition to the holder of a credential, permit, or other certification document.

## CHAPTER 1050

An act to amend Sections 44220, 44225, 44235.1 and 44270.1 of, to add Sections 44232, 44253.1, 44253.2, 44253.3, 44253.4, 44253.8, and 44253.9 to, and to repeal and add Sections 44253.5 and 44253.6 of, and to repeal Article 3.5 (commencing with Section 44475) of Chapter 3 of Part 25 of, the Education Code, and to amend Section 11126 of the Government Code, relating to certificated employees.

[Approved by Governor September 27, 1992. Filed with Secretary of State September 29, 1992.]

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

SECTION 1. Section 44220 of the Education Code is amended to read:

44220. (a) The commission shall appoint an executive director, who shall be exempt from the provisions of the State Civil Service Act, and may in its discretion remove him or her by a majority vote of all its members. He or she shall be the secretary to the commission and its chief executive officer. He or she shall receive the salary that the commission determines, and, subject to appropriation, other prerequisites that the commission determines.

(b) Any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate is delegated to the executive director, unless the commission specifically has reserved the same for its own action.

(c) Pursuant to subdivision (aa) of Section 11126 of the Government Code, the commission may hold closed sessions when considering matters relating to the recruitment, appointment, employment, or removal of the executive director.

SEC. 2. Section 44225 of the Education Code is amended to read: 44225. The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article

4 (commencing with Section 44250). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional preparation, as specified by this paragraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematic skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to pupils, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to paragraph (1) shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this paragraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

- (1) Are academically talented.
- (2) Are knowledgeable of the subjects to be taught in the classroom.
- (3) Are creative and energetic.
- (4) Have the human skills to motivate and inspire pupils to achieve their goals.
- (5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.
- (6) Be willing to relate the educational process and their instructional strategies to meet pupils' needs.
- (7) Are able to work effectively with and motivate pupils from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.
- (8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all pupils regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.



(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44320).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and assessments in conjunction with each other, and in conjunction with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes that were in effect on December 31, 1988, to candidates who, prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior

to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, county offices of education, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provision of this chapter. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the credential candidate or candidates affected. No provision in this chapter may be waived under Sections 33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire pupils, and willingness to relate education to pupils with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article 10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public

elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.

SEC. 3. Section 44232 is added to the Education Code, to read:  
44232. The commission may enter into contracts with comparable agencies in other states in order to facilitate the relocation of qualified teachers from one state to another and to expedite other matters related to ascertaining qualifications of credentialed teachers and other educators.

SEC. 4. Section 44235.1 of the Education Code is amended to read:

44235.1. (a) Effective July 1, 1987, all fees collected by the commission for tests, examinations, or assessments shall be deposited in the Test Development and Administration Account, which is hereby created in the Teacher Credentials Fund.

(b) Any proposed expenditures from this account shall be subject to the normal legislative budget review process.

(c) Except as otherwise provided in subdivision (e) or unless otherwise authorized by the Legislature, funds deposited in this account shall be expended for the development, agency-support, maintenance, or administration of tests or other assessments established, required, or administered by the commission.

(d) Funds in this account shall not be subject to the provisions of subdivision (b) of Section 44234.

(e) If there is a deficiency in the Teacher Credentials Fund, the Department of Finance may authorize a loan from the Test Development and Administration Account to the Teacher Credentials Fund to the extent needed to cover the projected deficiency.

Any loan made under this subdivision shall be repaid under the terms provided in the authorization.

SEC. 5. Section 44253.1 is added to the Education Code, to read:  
44253.1. The Legislature finds and declares that almost one million, or one of every five, pupils in California's public schools are of limited English proficiency, and that the number of those pupils is increasing rapidly. In addition, the number of primary languages spoken by California's limited-English-proficient pupils is increasing. The Legislature recognizes that limited-English-proficient pupils have the same right to a quality education as all California pupils. For these pupils to have access to quality education, their special needs must be met by teachers who have essential skills and knowledge related to English language development, specially designed content instruction delivered in English, and content instruction delivered in the pupils' primary languages. It is the intent of the Legislature that

the Commission on Teacher Credentialing implement an assessment system to certify those teachers who have the essential skills and knowledge necessary to meet the needs of California's limited-English-proficient pupils.

SEC. 6. Section 44253.2 is added to the Education Code, to read:

44253.2. For the purposes of this chapter, the following terms shall have the following meanings, unless the context otherwise requires:

(a) "Instruction for English language development" means instruction designed specifically for limited-English-proficient pupils to develop their listening, speaking, reading, and writing skills in English.

(b) "Specially designed content instruction delivered in English" means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient pupils.

(c) "Content instruction delivered in the primary language" means instruction in a subject area delivered in the primary language of the pupil.

(d) "Instruction for primary language development" means instruction designed to develop a pupil's listening, speaking, reading, and writing skills in the primary language of the pupil.

SEC. 7. Section 44253.3 is added to the Education Code, to read:

44253.3. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children's center instructional permit, or a children's center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for English language development shall be limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3.

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for the following:

- (A) Emergency credentials or permits.
- (B) Exchange credentials as specified in Section 44333.
- (C) District intern certificates as specified in Section 44325.
- (D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(3) Completion of at least six semester units, or nine quarter units, of coursework in a second language at a regionally accredited institution of postsecondary education. The commission shall establish minimum standards for scholarship in the required coursework. The commission shall also establish alternative ways in which the requirement can be satisfied by language-learning experience that creates an awareness of the challenges of second-language acquisition and development.

(c) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) of Section 44253.3 remains valid.

SEC. 8. Section 44253.4 is added to the Education Code, to read:  
44253.4. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) of this section is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) of this section is satisfied by the possession of a children's center instructional permit, or a children's center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) of this section is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for English language development shall be limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b) of Section 44253.4.

(3) Content instruction delivered in the pupil's primary language in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b) of Section 44253.4.

(4) Instruction for primary language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) of Section 44253.4 is satisfied by the possession of a children's center instructional permit, a children's center supervision permit, or a designated subjects teaching credential in adult education. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.4 is satisfied by the possession of a children's center instructional permit or a children's center supervision permit, then instruction for primary language development is limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.4 is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for primary language development is limited to classes organized primarily for adults.

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for the following:

(A) Emergency credentials or permits.

(B) Exchange credentials as specified in Section 44333.

(C) District intern certificates as specified in Section 44325.

(D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(c) To earn the certificate, teachers who hold the certificate described in Section 44253.3, or in Article 3.5 (commencing with Section 44475) of Chapter 3, as that section and that article existed on December 31, 1992, shall not be required to pass examinations that primarily assess the skills and knowledge necessary for effective delivery of the services authorized by the certificates they possess.

(d) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) of Section 44253.4 remains valid.

(e) The commission shall initially issue certificates for languages spoken by the largest numbers of limited-English-proficient pupils for which there are reasonable numbers of teachers or potential teachers who speak those languages. The commission shall explore alternative ways to make certificates available for other languages.

SEC. 9. Section 44253.5 of the Education Code is repealed.

SEC. 10. Section 44253.5 is added to the Education Code, to read:

44253.5. (a) The commission shall develop and administer examinations on which a teacher can demonstrate his or her competence in the knowledge and skills necessary for effective teaching of limited-English-proficient pupils.

(b) To the extent possible, the scope and content of the examinations shall be congruent with the scope and content of the commission-approved professional preparation programs for prospective teachers of limited-English-proficient pupils.

(c) The scope and content of the examinations shall consist of the professional skills and knowledge that are determined by the commission to be necessary for effective teaching of limited-English-proficient pupils, and shall include, but need not be limited to, the following domains of professional knowledge and skill:

(1) First- and second-language development and the structure of language.

(2) Methodology of English language development and specially designed content instruction in English.

(3) Culture and cultural diversity.

(4) Methodology of content instruction in the pupil's primary language.

(5) The culture associated with a specific language group.

(6) Competence in a language other than English that is spoken by limited-English-proficient pupils in California.

(d) In the development of the examinations, the commission shall confer with selected professionals who are knowledgeable and experienced in the education of limited-English-proficient pupils, with colleges and universities that prepare teachers for limited-English-proficient pupils, and with the State Department of Education.

SEC. 11. Section 44253.6 of the Education Code is repealed.

SEC. 12. Section 44253.6 is added to the Education Code, to read:

44253.6. (a) A teacher who earned a passing score on a part of the examination for the bilingual cross-cultural certificate that was administered by the commission pursuant to Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992, shall not be required by the commission, as a requirement for earning the certificate described in Section 44253.3 or 44253.4, to take a duplicate examination within nine years of the date when the teacher earned the passing score.

(b) A teacher who has passed both sections of the examination for the language development specialist certificate of competence that was administered by the commission pursuant to Article 3.5 (commencing with Section 44475) of Chapter 3 as that article existed on December 31, 1992, shall have five years from the date of his or her earliest passing score to complete the other requirements and apply for the language development specialist certificate of competence.

(c) After the commission begins to administer the examinations required by Section 44253.5, the commission shall continue to administer, until June 30, 1995, the examination for the language development specialist certificate administered pursuant to Article 3.5 (commencing with Section 44475) of Chapter 3 as that article existed on December 31, 1992, solely to those individuals who, on or after June 30, 1992, were enrolled in language development specialist programs approved by the commission pursuant to that article.

(d) Certificates of bilingual cross-cultural competence issued by the commission pursuant to Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992, and certificates of competence as language development specialist issued by the commission pursuant to Article 3.5 (commencing with Section 44475) of Chapter 3 as it existed on December 31, 1992, shall remain valid as long as the holder's prerequisite teaching credential for those certificates as specified in Sections 44253.5 and 44253.6 and Article 3.5 (commencing with Section 44475) of Chapter 3 remain valid.

SEC. 13. Section 44253.8 is added to the Education Code, to read:  
44253.8. For the examinations required by Sections 44253.5 and 44253.7, the commission shall charge examination fees that are sufficient to recover the costs of developing and administering the examinations, including the costs of periodic studies of the examinations, except to the extent that these costs are recovered by appropriations from another source of funds.

SEC. 14. Section 44253.9 is added to the Education Code, to read:  
44253.9. The commission shall promulgate regulations to clarify and make specific the requirements and authorizations of credentials, certificates, and permits established pursuant to this article.

SEC. 15. Article 3.5 (commencing with Section 44475) of Chapter 3 of Part 25 of the Education Code is repealed.

SEC. 16. Section 44270.1 of the Education Code is amended to read:

44270.1. (a) The minimum requirements for the professional services credential with a specialization in administrative services are all of the following:

(1) Possession of a valid preliminary administrative services credential, as specified in Section 44270.

(2) A minimum of two years of successful experience in a full-time administrative position in a public school or private school of equivalent status, while holding the preliminary administrative



services credential, as attested by the employing school district or agency, including, but not limited to, the State Department of Education, in the case of state school administrators, and county offices of education, in the case of county school administrators.

(3) Completion of a commission-approved program of advanced study and appropriate field experiences or internship, at least one-half of which shall have been engaged in while being employed in a full-time administrative position in a public school or private school of equivalent status, while holding the preliminary administrative services credential.

(b) The professional administrative services credential shall be valid for a period of five years from date of issuance and may be renewed.

SEC. 17. Section 11126 of the Government Code is amended to read:

11126. (a) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing. As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void. The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body. Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

For the purposes of this section, "employee" shall not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees.

(b) Nothing in this article shall be construed to prevent state bodies which administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(c) Nothing in this article shall be construed to prevent an advisory body of a state body which administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters which the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting,

provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(d) Nothing in this article shall be construed to prohibit a state body from holding a closed session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 or similar provisions of law.

(e) Nothing in this article shall be construed to prevent any state body from holding a closed session to consider matters affecting the national security.

(f) Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(g) Nothing in this article shall be construed to prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests which the donor or proposed donor has requested in writing to be kept confidential.

(h) Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(i) Nothing in this article shall be construed to prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties which the negotiations may concern and the person or persons with whom its negotiator may negotiate.

For purposes of this subdivision, the negotiator may be a member of the state body.

For purposes of this subdivision, "lease" includes renewal or renegotiation of a lease.

Nothing in this subdivision shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (q).

(j) (1) Nothing in this article shall be construed to prevent the California Postsecondary Education Commission from holding

closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(2) Nothing in this article shall be construed to prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(k) Nothing in this article shall be construed to prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the executive officer of the Franchise Tax Board.

(l) Nothing in this article shall be construed to prevent the Board of Corrections from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(m) Nothing in this article shall be construed to prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(n) Nothing in this article shall be construed to prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this subdivision, a state body shall also be exempt from the provision of subdivision (i) relating to the identification of real properties prior to the closed session.

(o) Nothing in this article shall be construed to prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(p) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on

the institution of proceedings, or disciplinary actions against regulated utilities.

(q) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(2) (A) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body; or

(B) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to subparagraph (A).

(3) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to paragraph (2) or (3), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(r) Nothing in this article shall be construed to prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the

payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(s) Nothing in this article shall be construed to prevent the examining committee established by the State Board of Forestry, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(t) Nothing in this article shall be construed to prevent an administrative committee established by the State Board of Accountancy pursuant to Section 5020 or 5020.3 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent an examining committee established by the Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(u) Nothing in this article shall be construed to prevent a state body, as defined in Section 11121.2, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(v) Nothing in this article shall be construed to prevent a state body, as defined in Section 11121.7, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to Section 11121, 11121.2, or 11121.5.

(w) Nothing in this article shall be construed to prevent a state body, as defined in Section 11121.8, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(x) Nothing in this article shall be construed to prevent the State Board of Equalization from holding closed sessions for either of the following:

(1) When considering matters pertaining to the appointment or removal of the executive secretary of the State Board of Equalization.

(2) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(y) Nothing in this article shall be construed to prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of the Office of Emergency Services or the Governor pursuant to Section 8590 concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(z) This article shall not prevent the Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters

pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the chief investment officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(aa) This article shall not prevent the Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

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CHAPTER    378  
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 AMENDED IN SENATE    MARCH 31, 1993

INTRODUCED BY    Senator Morgan

FEBRUARY 18, 1993

An act to amend Sections 44225, 44270, 44270.1, 44270.2, and 44300 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 322, Morgan.    Teacher credentialing.

(1) Existing law requires the Commission on Teacher Credentialing to review requests, from specified entities and persons, to waive provisions regarding teacher credentialing. Existing law also authorizes the commission to grant a waiver when it finds that the credential candidate or candidates will complete professional preparation equivalent to that prescribed under the provisions to be waived.

This bill would authorize the commission, in addition, to grant a waiver of the provisions regarding teacher credentialing when it finds that the candidate has completed the professional preparation equivalent to that prescribed under the provision to be waived or that a waiver is necessary to provide a local education agency one semester or less to address short-term shortages of fully qualified educators, as specified, to provide credential candidates additional time to complete a credential requirement, to allow school districts to implement education reform or restructuring, to temporarily relieve small, geographically isolated regions, and to provide other temporary exemptions when deemed appropriate by the commission.

(2) Existing law requires that candidates for preliminary services credentials with a specialization in administrative services possess a teaching or services credential, as specified. The preliminary services credential with a specialization in administrative services is valid for either 3 or 5 years, as specified.

This bill would include the designated subjects adult education and special subjects teaching credentials and the services credential with specialization in health for school nurse as credentials that satisfy the minimum requirements for a preliminary services credential with a specialization in administrative services. The bill would require candidates to be employed, as specified, in an administrative position in a public or private school. This credential would be valid for 5 years from the date of initial employment in a full- or part-time administrative position.

(3) Existing law requires that candidates for professional

services credentials with a specialization in administrative services complete advanced study and field experiences or internship, as specified.

This bill would require instead the completion of a program of advanced preparation for which the Commission on Teacher Credentialing would adopt standards and criteria and which would include an individualized program of professional development, as specified.

(4) Existing law authorizes the holder of a services credential with a specialization in administrative services to perform services commensurate with his or her preparation, as specified.

This bill would authorize the holder to perform instead administrative services at all grade levels.

(5) Existing law provides that the Commission on Teacher Credentialing may issue or renew emergency teaching or specialist permits. Existing law further provides that a person holding an emergency teaching or specialist permit shall teach only with the assistance of a certificated employee who has at least 4 years of full-time teaching experience.

This bill would reduce to 3 years the number of years of full-time teaching experience necessary to assist a person holding an emergency teaching or specialist permit.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44225 of the Education Code is amended to read:

44225. The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article 4 (commencing with Section 44250). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional preparation,



as specified by this paragraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematics skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to pupils, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to paragraph (1) shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this paragraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

(1) Are academically talented.

(2) Are knowledgeable of the subjects to be taught in the classroom.

(3) Are creative and energetic.

(4) Have the human skills to motivate and inspire pupils to achieve their goals.

(5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.

(6) Be willing to relate the educational process and their instructional strategies to meet pupils' needs.

(7) Are able to work effectively with and motivate pupils from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all pupils regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.

(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44320).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and assessments in conjunction with each other, and in conjunction

with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate, or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes that were in effect on December 31, 1988, to candidates who, prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, county offices of education, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be, or has been, completed by the credential candidate or candidates affected or that a waiver is necessary to accomplish any of the following:

(1) Give a local education agency one semester or less to address unanticipated, immediate, short-term shortages of fully qualified educators by assigning a teacher who holds a basic teaching credential to teach outside of his or her credential authorization, with the teacher's consent.

(2) Provide credential candidates additional time to complete a credential requirement.

(3) Allow local school districts or schools to implement an education reform or restructuring plan.

(4) Temporarily exempt from a specified credential requirement small, geographically isolated regions with severely limited ability to develop personnel.

(5) Provide other temporary exemptions when deemed appropriate by the commission.

No provision in this chapter may be waived under Section

33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire pupils, and willingness to relate education to pupils with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article 10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.

SEC. 2. Section 44270 of the Education Code is amended to read:

44270. (a) The minimum requirements for the preliminary services credential with a specialization in administrative services are all of the following:

(1) Possession of one of the following:

(A) A valid teaching credential requiring the possession of a baccalaureate degree and a professional preparation program including student teaching.

(B) A valid designated subjects vocational education, adult, or special subjects teaching credential, as specified in Section 44260, 44260.1, 44260.2, 44260.3, or 44260.4, provided the candidate also possesses a baccalaureate degree.

(C) A valid services credential with a specialization in pupil personnel, health, or clinical or rehabilitative services, as specified in Section 44266, 44267, 44267.5, or 44268, or a valid services credential authorizing service as a library media teacher, as specified in Section 44269.

(D) A valid credential issued under the laws, rules, and regulations in effect on or before December 31, 1971, which authorizes the same areas as in subparagraphs (B) and (C).

(2) Completion of a minimum of three years of successful, full-time classroom teaching experience in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status or three years of experience in the fields of pupil personnel, health, clinical or rehabilitative, or librarian services.

(3) Completion of an entry level program of specialized and professional preparation in administrative services approved by the commission or a one-year internship in a program of supervised training in administrative services, approved by the commission as satisfying the requirements for the preliminary services credential with a specialization in administrative services.

(4) Current employment in an administrative position after completion of professional preparation as defined in paragraph (3), whether full or part time, in a public school or private school of equivalent status. The commission shall encourage school districts to consider the recency of preparation or professional growth in school administration as one of the criteria for employment.

(b) The preliminary administrative services credential shall be valid for a period of five years from the date of initial employment in an administrative position, whether full or part time, and shall not be renewable.

(c) A candidate who completed, by September 30, 1984, the requirements for the administrative services credential in effect on June 30, 1982, is eligible for the credential authorized under those requirements. All other candidates shall satisfy the requirements set forth in this section.

SEC. 3. Section 44270.1 of the Education Code is amended to read:

44270.1. (a) The minimum requirements for the professional services credential with a specialization in administrative services are all of the following:

(1) Possession of a valid preliminary administrative services credential, as specified in Section 44270.

(2) A minimum of two years of successful experience in a full-time administrative position in a public school or private school of equivalent status, while holding the preliminary administrative services credential, as attested by the employing school district or agency, including, but not limited to, the State Department of Education, in the case of state school administrators, and county offices of education, in the case of county school administrators.

(3) Completion of a commission-approved program of advanced preparation. Each candidate, in consultation with employing school district personnel and university personnel, shall develop an individualized program of professional development activities for this advanced preparation program based upon individual needs. Each individualized program will include university coursework and may include nonuniversity activities

or advanced administrative field experiences. The commission shall adopt standards and criteria for the university programs of advanced preparation and nonuniversity activities.

(b) The professional administrative services credential shall be valid for a period of five years from date of issuance and may be renewed upon completion of professional renewal requirements specified by the commission.

SEC. 4. Section 44270.2 of the Education Code is amended to read:

44270.2. The services credential with a specialization in administrative services shall authorize the holder to perform administrative services at all grade levels.

Any person who administers a pupil personnel program shall hold a services credential with a pupil personnel or administrative specialization.

SEC. 5. Section 44300 of the Education Code is amended to read:

44300. (a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) Successful passage of the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(c) Commencing January 1, 1990, the commission may issue and renew emergency permits corresponding to the credential types specified in paragraphs (2), (3), and (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit.

(d) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permitholders with no prior teaching experience.

(e) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(f) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(g) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

(h) This article is repealed on July 1, 1994, or on the date that the commission certifies to the Legislature, whichever occurs later, that the alternative methods of teacher certification established by the commission under subdivision (g) of Section 44225, when combined with the supply of fully certificated teachers who did not pursue alternative paths to certification, are adequate to meet the needs of school districts.

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 AMENDED IN ASSEMBLY      JUNE 27, 1994

INTRODUCED BY Senator Hughes

FEBRUARY 23, 1994

An act to amend Sections 44325, 44326, 44327, 44328, and 44830.3 of, to repeal and add Section 44329 of, and to repeal Section 44929.24 of, the Education Code, relating to certificated employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1657, Hughes. Teacher certification: district interns for special education for the learning handicapped.

(1) Existing law authorizes the Commission on Teacher Credentialing to issue district intern certificates that are valid for 2 years authorizing persons employed by any school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education, to provide classroom instruction to pupils in those grades and classes provided certain conditions are met.

This bill would also authorize the commission to issue district intern certificates that are valid for 3 or 4 years under certain circumstances, and that authorize persons employed by the Los Angeles Unified School District to provide classroom instruction to pupils with mild and moderate disabilities in special education classes as a pilot program. The bill would make a declaration of unique circumstances in that regard.

(2) Existing law provides that persons holding district intern certificates to teach in grades 9 to 12, inclusive, or grades 6 to 8, inclusive, are limited to teaching in the subject areas in which they completed an undergraduate major or minor and that persons holding district intern certificates to teach kindergarten and grades 1 to 8, inclusive, must have a diversified liberal arts degree that includes certain coursework.

This bill would require that prior to assignment to teach any pupils with mild and moderate disabilities, persons holding district intern certificates must (A) meet either the requirements to teach in grades 9 to 12, inclusive, and grades 6 to 8, inclusive, in a departmentalized program or the requirements to teach kindergarten and grades 1 to 8, inclusive, in a self-contained program and (B) successfully teach in that capacity for one complete school year.

(3) Existing law required the commission to adopt standards relating to the quality of the training, support, evaluation, and performance of district interns on or before July 1, 1988,



to make periodic reviews, and to disseminate certain information to school districts on or before March 15, 1988. It also required the commission to report on the district intern program to the Legislature on or before January 1, 1993.

This bill would require the commission to adopt additional standards related to the quality of the training, support, evaluation, and performance of district interns, to periodically review district intern programs on the basis of those standards, and to inform all school districts in the state of the district intern program options on or before March 15, 1995.

The bill would require each school district with a district intern program to maintain records on the program, as specified.

It would also require the commission to report on the district intern program to the Legislature on or before January 1, 1999.

(4) Existing law authorizes the commission to award clear credentials to district interns in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation and waives certain requirements ordinarily required for certification.

This bill would require that any professional credential awarded to a district intern holding a certificate to teach bilingual classes be a basic teaching credential with a specified emphasis. The bill would change the requirement that district interns holding a bilingual education teaching certificate teach for 3 years before receiving a credential, to 2 years. The bill would also make technical changes.

(5) Existing law requires district interns to complete a professional development plan which includes, among other things, certain mandatory preservice training.

This bill would require that plan to also include 120 clock hours of mandatory training and orientation relating to the development of exceptional children and the methods of teaching exceptional children for district interns who will teach pupils with mild and moderate disabilities.

(6) Existing law requires any school district maintaining grades 9 to 12, inclusive, or maintaining grades 6 to 8, inclusive, in a departmentalized junior high school, that employs a "teacher trainee" or "district intern" to classify that person as a probationary employee and to classify that person as a permanent employee after a specified period of time and upon the completion of certain conditions. Existing law makes no other provisions relating to employment of teacher trainees by school districts.

This bill would repeal those provisions relating to the classification of teacher trainees.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares as follows:

(a) Recent studies have shown that California will continue to experience a shortage of qualified teachers.

(b) One of the most critical areas of the teacher shortage is in the field of special education.

(c) Section 44273 of the Education Code authorizes institutions of higher education to develop accelerated programs. However, the need for qualified special education teachers continues to exist.

(d) The district intern program established pursuant to Article 7.5 (commencing with Section 44325) of Chapter 2 of Part 25 of the Education Code has proven to be a highly successful alternative route to teacher certification.

(e) The creation of a district intern pilot program for special education teachers in the field of special education for pupils with mild and moderate disabilities will serve to address the shortage of special education teachers and provide school districts with a model for another means to recruit, prepare, and retain qualified special education teachers to teach pupils with mild and moderate disabilities.

SEC. 2. Section 44325 of the Education Code is amended to read:

44325. (a) The Commission on Teacher Credentialing shall issue district intern certificates authorizing persons employed by any school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education to provide classroom instruction to pupils in those grades and classes in accordance with the requirements of Section 44830.3. The commission also shall issue district intern certificates, as a pilot program, authorizing persons employed by the Los Angeles Unified School District to provide classroom instruction to pupils with mild and moderate disabilities in special education classes, in accordance with the requirements of Section 44830.3.

(b) Each district intern certificate shall be valid for a period of two years. However, a certificate may be valid for three years if the intern is participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities. Upon the recommendation of the school district, the commission may grant a one-year extension of the district intern certificate.

(c) The commission shall require each applicant for a district intern certificate to demonstrate that he or she meets the minimum qualifications for that certificate, including (1) the possession of a baccalaureate degree conferred by a regionally accredited institution of postsecondary education, (2) the successful passage of the state basic skills proficiency test administered under Sections 44252 and 44252.5, (3) the successful completion of the appropriate subject matter examination administered by the commission, or a commission-approved subject matter preparation program for the subject areas in which the district intern is authorized to teach, and (4) the oral language component of the assessment program leading to the bilingual-crosscultural language and academic development certificate for persons seeking a district intern certificate to teach bilingual education classes.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a district intern certificate.

SEC. 3. Section 44326 of the Education Code is amended to read:

44326. (a) Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual

classes, shall only be authorized to teach in the subject areas in which they have completed an undergraduate academic major or minor.

(b) Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades or classes.

(c) Prior to assignment to teach pupils with mild and moderate disabilities, persons holding district intern certificates issued by the commission under Section 44325 to teach those pupils shall meet the requirements of either subdivision (a) or (b) and shall teach in the capacity described in either subdivision (a) or (b) for one complete school year. Upon successful completion of that school year, any person holding that certificate may be assigned to teach special education pupils with mild and moderate disabilities.

(d) Each district intern shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level or of the same type of credential as the district interns they serve.

SEC. 4. Section 44327 of the Education Code is amended to read:

44327. (a) On or before July 1, 1995, the commission, in consultation with participating school districts and other affected organizations, shall revise existing standards, and adopt additional standards, as necessary, related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. Each school district with a district intern program is responsible for maintaining appropriate records of the program so that the credit earned by each district intern is transferable to his or her academic record in the same manner as if the intern had participated in a college or university program. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) Commencing July 1, 1989, the commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern programs. On or before March 15, 1988, the commission shall inform all school districts in the state of the district intern program option, and shall disseminate its recommended standards to all districts. On or before March 15, 1995, the commission shall inform school districts of the current district intern program options.

SEC. 5. Section 44328 of the Education Code is amended to read:

44328. Unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the completion of successful service as a district intern pursuant to subdivision (b) of Section 44325, and upon the recommendation of the school district governing board, the commission shall award professional credentials to district interns in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

Notwithstanding paragraphs (1) and (2) of subdivision (a) of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision (c) of Section 44259, and Sections 44261, 44265, and 44335, it is the intent of the Legislature that upon recommendation by the governing board, district interns shall be issued professional credentials, rather than preliminary credentials, upon the completion of successful service as a teacher pursuant to subdivision (b) of Section 44325 unless the governing board recommends, and the commission finds substantial evidence that the person is not qualified to teach.

Notwithstanding Section 44261, the professional credential awarded to any district intern holding a certificate to teach bilingual classes shall be a basic teaching credential with a bilingual-crosscultural language and academic development emphasis. Notwithstanding Section 44265, the professional credential awarded to any district intern who holds a certificate to teach special education pupils with mild and moderate disabilities shall be a special education specialist instruction credential appropriate for that group of pupils.

It is the intent of the Legislature that institutions of higher education that operate approved programs of professional preparation work cooperatively with school districts that offer district intern programs for a special education specialist credential to apply the regular education coursework and fieldwork from the special education district intern program toward earning a multiple or single subject teaching credential through the institution.

SEC. 6. Section 44329 of the Education Code is repealed.

SEC. 7. Section 44329 is added to the Education Code, to read:

44329. The commission shall study the effectiveness of the certificated district intern program and shall report its findings to the Legislature on or before January 1, 1999. If the district intern pilot program in the Los Angeles Unified School District is successful, the report shall include recommendations regarding expanding the program statewide.

SEC. 8. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. Prior to employing any person as a district intern, the governing board shall certify to the commission on the appropriate statement of need document provided by the commission that an insufficient number of fully credentialed teachers are available. The governing board shall require that each district intern be assisted and

guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(6) Any other criteria which may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory preservice training and orientation, which shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children.

(8) In addition to the requirements set forth in paragraphs

(1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327 of the Education Code.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

SEC. 9. Section 44929.24 of the Education Code is repealed.

SEC. 10. The changes made in Sections 2 to 9, inclusive, of this act shall have no retroactive application or effect upon any individual who has entered any teacher trainee program or district intern program prior to January 1, 1995.

SEC. 11. The Legislature finds and declares that because of the shortage of special education teachers in the Los Angeles Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

BILL NUMBER: AB 2587      CHAPTERED 09/28/94

CHAPTER 922  
 FILED WITH SECRETARY OF STATE SEPTEMBER 28, 1994  
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 AMENDED IN SENATE JUNE 16, 1994  
 AMENDED IN SENATE MAY 11, 1994  
 AMENDED IN ASSEMBLY APRIL 7, 1994

INTRODUCED BY Assembly Member Eastin

JANUARY 26, 1994

An act to amend Sections 2550, 2551, 2557, 8447.5, 8911, 11005, 19175, 33472, 39310, 39312, 41610, 41963, 41964, 42238, 42238.9, 42246, 42247.3, 42268, 42289, 44104, 44225.5, 44258.15, 44276, 44276.1, 44276.6, 44301, 44327, 44834.2, 44931, 44959, 44966, 45344.5, 46142, 48232, 49068.5, 49427, 49582, 51215, 51217, 51229, 51264, 51266, 51749.3, 51900, 52106, 52164.6, 52169, 52171, 52171.6, 52177, 52321, 52324.6, 52506, 52523, 52902, 52903, 54442, 54652, 54734, 56446, 56830, 58601, 58702, 58802, and 64100 of, to repeal Sections 1916, 8212.5, 8272, 8273, 8433, 8446, 8479, 8609, 8616, 8632, 8850, 8851, 8853, 8854, 8855, 8958, 11004, 11400, 11402, 14022.4, 18490, 18491, 18492, 19172, 19471, 19472, 19474, 19657, 32377, 33390, 37304, 37705, 39181, 39234, 39311.5, 39619.4, 39619.8, 41203.2, 41408, 41853.3, 41853.5, 41961, 42122.5, 42127.10, 42238.7, 42238.10, 42248, 42251, 42288, 42950.1, 43000, 43002, 44102, 44227.4, 44235.2, 44255, 44276.5, 44329, 44492.5, 44764, 44775, 44904, 44905, 45023.4, 45037, 45164, 46151, 48644.3, 49150.5, 49583, 51219.5, 51267, 51757, 51900.5, 52134, 52178.1, 52178.4, 52213, 52333, 52335.25, 52616.5, 52909, 52960, 52963, 52983, 54658, 54753, 54753.1, 54761, 56441.12, 56444, 56522, 56880, 58408, 58410, 58411, 58412, 58560, 58562, 58701, 60247.5, 60701, and 62007.5 of, and to repeal Chapter 6.8 (commencing with Section 8930) of Part 6 of, and Article 10 (commencing with Section 60730) of Part 33 of, the Education Code, to amend Section 7907 of the Government Code, and to repeal Section 11335 of the Welfare and Institutions Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, Eastin. Education Code: obsolete provisions.

Under existing law, certain provisions in the Education Code have become obsolete for various reasons, including requirements that state or local agencies perform one-time duties or prepare and submit one-time reports by certain dates.

This bill would repeal or amend provisions of the Education Code that have become obsolete and make conforming changes to affected sections of the Education Code and other California codes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1916 of the Education Code is repealed.

SEC. 2. Section 2550 of the Education Code is amended to read:

2550. For each fiscal year, the Superintendent of Public Instruction shall make the following computations to determine the amount to be allocated for direct services and other purposes provided by county superintendents of schools:

(a) For programs operated pursuant to subdivision (a) of Section 14054, the Superintendent of Public Instruction shall:

(1) Determine the allowances that county superintendents received per unit of average daily attendance in the prior fiscal year. The Superintendent of Public Instruction shall increase each amount by a percentage equal to the inflation allowance calculated for the current fiscal year pursuant to Section 2557.

(2) Multiply each amount determined in paragraph (1) by the actual number of units of average daily attendance in the prior fiscal year for programs maintained by each county superintendent. For purposes of this paragraph, the number of units of average daily attendance shall include only elementary districts with less than 901 units of average daily attendance, high school districts with less than 301 units of average daily attendance, and unified school districts with less than 1,501 units of average daily attendance within each county superintendent's jurisdiction.

(b) For programs operated pursuant to subdivision (b) of Section 14054, the Superintendent of Public Instruction shall:

(1) Determine the allowances that county superintendents received per unit of average daily attendance in the prior fiscal year for programs for kindergarten and grades 1 to 12, inclusive. The Superintendent of Public Instruction shall increase each amount by a percentage equal to the inflation allowance calculated in Section 2557.

(2) Multiply each amount determined in paragraph (1) by the estimated units of average daily attendance in the current fiscal year for programs for kindergarten and grades 1 to 12, inclusive, maintained by each county superintendent. For the purposes of this paragraph, the estimate shall include only the total units of average daily attendance credited to all elementary, high school, and unified school districts within each county superintendent's jurisdiction and to the county superintendent.

SEC. 3. Section 2551 of the Education Code is amended to read:

2551. The Superintendent of Public Instruction shall perform the computations prescribed in this section to determine each county superintendent's revenue limit for county superintendent responsibilities and district services:

(a) For the 1981-82 fiscal year, the superintendent shall add to the revenue limit amount computed pursuant to subdivision (a) of Section 2551 for the 1980-81 fiscal year, the revenue limit amount computed pursuant to Section 2552 for the 1980-81 fiscal year reduced by 55.9 percent. This adjusted revenue limit shall then be increased by the inflation allowance calculated in subdivision (a) of Section 2557.

(b) For the 1981-82 fiscal year and for each fiscal year



for which it was substituted with respect to the kind of service authorized and the grades, classes, or types of schools in which it authorizes service.

(h) Notwithstanding this section, persons who were performing teaching, administrative, counseling, or other pupil personnel services as of January 1, 1994, pursuant to the language of this chapter that was in effect prior to that date, may continue to perform those services without complying with any requirements added by the amendments adding this section.

(i) The commission shall grant credentials based on the requirements for those credentials as of December 31, 1993, to candidates who, prior to the effective date of the commission's adoption of standards pursuant to this section, were in the process of meeting those credential requirements.

SEC. 83. Section 44276.5 of the Education Code is repealed.

SEC. 84. Section 44276.6 of the Education Code is amended to read:

44276.6. It is the intent of the Legislature that the Commission on Teacher Credentialing not duplicate the efforts of the State Department of Education, Office of Criminal Justice Planning, Department of the Youth Authority, and the School/Law Enforcement Partnership in undertaking leadership activities directed toward establishing appropriate standards of preparation for teachers and other certificated personnel concerning violent behavior by pupils. The commission shall consult with these agencies and consider policies, programs, guidelines, other resource and training materials, and experts, which these agencies have identified, funded, or developed to reduce violent behavior by pupils.

SEC. 85. Section 44301 of the Education Code is amended to read:

44301. (a) Any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, as determined by the commission, before he or she may be initially issued an emergency multiple- or single-subject teaching permit, except an emergency substitute teaching permit, authorizing him or her to teach a subject that is specified by the commission.

(b) The commission may issue an emergency multiple- or single-subject teaching permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had the opportunity to take the test.

(2) The applicant shall take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency shall discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching permit issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency permits, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.

(d) The commission shall waive the requirements of this

section for each applicant for each of the following:

(1) An emergency single-subject teaching permit, if the applicant has successfully completed at least 18 semester units, or nine semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in the subject area to be taught.

(2) An emergency multiple-subjects permit, if the applicant has successfully completed at least 40 semester units, or the equivalent, at a regionally accredited institution of postsecondary education, in the subjects that are commonly taught in elementary schools, as determined by the commission.

SEC. 86. Section 44327 of the Education Code is amended to read:

44327. (a) The commission, in consultation with participating school districts and other affected organizations, shall adopt standards related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) The commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern programs.

SEC. 87. Section 44329 of the Education Code is repealed.

SEC. 88. Section 44492.5 of the Education Code is repealed.

SEC. 89. Section 44764 of the Education Code is repealed.

SEC. 90. Section 44775 of the Education Code is repealed.

SEC. 91. Section 44834.2 of the Education Code is amended to read:

44834.2. It is the intent of the Legislature that the minimum requirements for the administrative services credential prescribed by Sections 44270 and 44270.1 include an integration of theoretical knowledge and the demonstration of skills. It is further the intent of the Legislature that the minimum requirements for the administrative services credential reflect an appropriate balance of coursework, supervised fieldwork, and related experiences designed to contribute to the development and improvement of the educational leadership skills necessary to perform the duties of a school administrator.

SEC. 92. Section 44904 of the Education Code is repealed.

SEC. 93. Section 44905 of the Education Code is repealed.

SEC. 94. Section 44931 of the Education Code is amended to read:

44931. Whenever any certificated employee of any school district who, at the time of his or her resignation, was classified as permanent, is reemployed within 39 months after his or her last day of paid service, the governing board of the district shall, disregarding the break in service, classify him or her as, and restore to him or her all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code. However, time spent in active military service, as defined in Section 44800, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period.

SEC. 95. Section 44959 of the Education Code is amended to

7907. For county superintendents of schools:

(a) "Proceeds of taxes" shall be deemed to include subventions received from the state only if those subventions are received for one or more of the following programs:

(1) Educational services provided directly to pupils, including, but not limited to, the services described in subdivision (c) of Section 1981 of, Sections 1904, 2550.2, 2551.3, 8152, 48633, 52570, and 58804 of, and Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of, the Education Code.

(2) Support services provided to school districts, including, but not limited to, the services described in subdivision (b) of Section 2550 of, and Sections 1510, 2509, 2551, 2554, and 2555 of, the Education Code.

(3) Direct services provided to school districts, as described in subdivision (a) of Section 2550 of the Education Code.

(b) For programs identified in paragraph (1) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978-79 fiscal year, adjusted for the 1979-80 and 1980-81 fiscal years by the lesser of the change in cost of living or change in California per capita personal income applicable to each year and by the percentage change in average daily attendance in those programs for the 1979-80 and 1980-81 fiscal years.

(c) For all other programs operated by the county superintendent of schools, including, but not limited to, the programs identified in paragraphs (2) and (3) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978-79 fiscal year, adjusted for the 1979-80 and 1980-81 fiscal years by the lesser of the change in cost of living or change in California per capita personal income for each year and by the percentage change in population (as defined by subdivision (d) of Section 7901) for all the districts in the county for the 1979-80 and 1980-81 fiscal years. The "percentage change in population" for the program identified in paragraph (3) of subdivision (a) shall be, for purposes of this subdivision, the percentage change in direct services average daily attendance as calculated pursuant to subdivision (a) of Section 2550 of the Education Code.

(d) The sum of the amounts calculated in subdivisions (b) and (c) shall be the appropriations limit for the county superintendent for the 1980-81 fiscal year.

(e) For the 1981-82 fiscal year and each year thereafter, the appropriations limit for the prior year shall be adjusted by the appropriate average daily attendance and the lesser of the change in cost of living or California per capita personal income.

(f) For the 1981-82 fiscal year through the 1987-88 fiscal year, state apportionments to county superintendents in excess of the amounts in subdivision (d) or (e) shall not be considered proceeds of taxes for a county superintendent of schools.

(g) For the 1988-89 fiscal year and each fiscal year thereafter, the state apportionments to county superintendents which shall be considered "proceeds of taxes" for a county superintendent of schools shall be equal to the lesser of the following:

(1) The total amount of state apportionments received for that fiscal year, excluding amounts paid for reimbursement of

state mandates in accordance with the provisions of Section 6 of Article XIIIIB of the California Constitution or of Section 17561 or for reimbursement of court or federal mandates imposed on or after November 6, 1979.

(2) The appropriations limit for the county superintendent for that fiscal year, less the sum of all of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year which are from the proceeds of taxes.

(C) Locally voted taxes received during the current year, such as parcel taxes or square foot taxes, other than for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current year, such as excess bond revenues transferred to a district's general fund pursuant to Section 15234 of the Education Code.

(E) Local proceeds of taxes received during the current fiscal year which offset state aid.

(3) Amounts paid for court or federal mandates shall be excluded from the appropriations limit.

SEC. 173. Section 11335 of the Welfare and Institutions Code is repealed.

SEC. 174. Any section of any act enacted by the Legislature during the 1994 calendar year that takes effect on or before January 1, 1995, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section amended or repealed by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, this act.

BILL NUMBER: AB 1432      CHAPTERED 07/29/96

CHAPTER      303  
 FILED WITH SECRETARY OF STATE      JULY 29, 1996  
 APPROVED BY GOVERNOR      JULY 26, 1996  
 PASSED THE ASSEMBLY      JULY 11, 1996  
 PASSED THE SENATE      JULY 8, 1996  
 AMENDED IN SENATE      JULY 3, 1996  
 AMENDED IN SENATE      JUNE 4, 1996

INTRODUCED BY      Assembly Member Richter

FEBRUARY 24, 1995

An act to amend Section 44830.3 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1432, Richter. Education: district interns.

Existing law authorizes the governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or, in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, to employ district interns to provide instruction to pupils in those grades or classes as a classroom teacher. Prior to employing those district interns, existing law requires the governing board to certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available.

This bill would delete the requirement that the governing board certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available. The bill would require that any district interns be hired in consultation with an accredited public institution of higher education offering an approved program of pedagogical teacher preparation.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may, in consultation with an accredited public institution of higher education offering an approved program of pedagogical teacher preparation, employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to Article 4

(commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory preservice training and orientation, which shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation, which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns

teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

BILL NUMBER: AB 1068 CHAPTERED 09/26/96

CHAPTER 948  
 FILED WITH SECRETARY OF STATE SEPTEMBER 26, 1996  
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 AMENDED IN SENATE AUGUST 7, 1996  
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 AMENDED IN SENATE SEPTEMBER 1, 1995  
 AMENDED IN SENATE JULY 18, 1995  
 AMENDED IN SENATE JULY 6, 1995  
 AMENDED IN ASSEMBLY JUNE 1, 1995  
 AMENDED IN ASSEMBLY MAY 1, 1995

INTRODUCED BY Assembly Members Mazzoni and Pringle  
 (Coauthor: Assembly Member Richter)

FEBRUARY 23, 1995

An act to amend Sections 44830 and 44830.3 of, and to add and repeal Section 24216.5 of, the Education Code, and to amend Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996, relating to schools, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, Mazzoni. Education: teachers.

(1) Under existing law, a member retired for service may earn compensation for creditable service in any one school year up to \$15,000, as adjusted, without a reduction in his or her retirement allowance. If a member retired for service earns compensation for creditable service in excess of that amount, his or her retirement allowance is reduced by the amount of the excess compensation.

This bill would provide that until July 1, 1999, the earnings paid to a member who retired for service with an effective date on or before July 1, 1996, and who is employed by a school district to provide direct instruction to pupils in grades kindergarten through 12 is exempt from the above provisions if specified conditions are met, including, among others, the condition that the employment is necessary to meet the objectives of the Class Size Reduction Program.

(2) Existing law requires that a person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

This bill would provide a similar requirement with respect to a person holding a valid California credential who is employed for



purposes of the Class Size Reduction Program, but would not require that the person has passed a basic skills proficiency examination developed and administered by the school district offering that person employment.

(3) Existing law authorizes the governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or, in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, to employ district interns to provide instruction to pupils in those grades or classes as a classroom teacher. Prior to employing those district interns, existing law requires the governing board to certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available.

This bill would delete the requirement that the governing board certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available. The bill would require that any district interns be hired in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation.

(4) This bill would reappropriate \$4,500,000 from the Proposition 98 Reversion Account of the General Fund to the Commission on Teacher Credentialing in augmentation of Item 6360-101-0001 of the Budget Act of 1996 for the incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program.

(5) This bill would appropriate \$100,000 from the General Fund to the Commission on Teacher Credentialing for the administration of the incentive grant program for alternative teacher certification in augmentation of Item 6360-001-0001 of the Budget Act of 1996.

(6) To the extent the funds appropriated by this bill are allocated to a school district, as defined by existing law for purposes of Section 8 of Article XVI of the California Constitution, those funds may be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(7) This bill would not become operative unless and until AB 2460 is chaptered.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 24216.5 is added to the Education Code, to read:

24216.5. (a) The earnings paid to a member who retired for service with an effective date on or before July 1, 1996, and who is employed by a school district to provide direct instruction to pupils in grades kindergarten through 12 are exempt from subdivisions (d), (e), and (f) of Section 24214, if all of the following conditions are met:

(1) The employment is necessary to meet the objectives of the Class Size Reduction Program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28.

(2) All members retired for service whose employment with a school district meets the conditions specified in this section are treated as a distinct class of temporary employees within the existing

bargaining unit. The rate of pay for service performed by this class of employees shall be the rate established in accordance with subdivision (b) of Section 24214 and agreed to in the collective bargaining agreement between the employer and the exclusive representative for employees of the school district.

(3) The school district submits documentation required by the system to substantiate the eligibility of the employment of a member retired for service for the exemption under this subdivision.

(b) A school district that employs a member retired for service pursuant to this section shall maintain accurate records of the retired member's earnings and shall report those earnings monthly to the system regardless of the method of payment or the source of funds from which the earnings are paid.

(c) A member who retired for service with an effective date on or before July 1, 1996, and who, between July 1, 1996, and 60 days following the effective date of this section, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption specified in subdivision (a) shall have the right to cancel his or her reinstatement and return to status as a member retired for service as if the service retirement allowance had not been terminated.

(d) This section shall not apply to the earnings paid to a member retired for service for service performed for a county office of education or a community college district.

(e) This section shall become operative on July 1, 1996, and shall remain in effect only until July 1, 1999, and as of that date is repealed unless a later enacted statute which is enacted before July 1, 1999, deletes or extends that date.

SEC. 2. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic

skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) (1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to

dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

SEC. 3. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may, in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation, employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require

that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory preservice training and orientation, which shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation, which shall include, but not be limited to, instruction in subject matter relating to

bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

SEC. 4. Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996 is amended to read:

6360-101-0001--For local assistance, Commission on Teacher Credentialing (Proposition 98) ..... 3,478,000  
Schedule:

(a) 10-Standards for Preparation and Licensing of Teachers ..... 3,478,000  
Provisions:

1. Of the fund appropriated by this item, \$6,500,000 is for incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code.
2. Of the funds appropriated by this item, \$1,478,000 shall be available for grants and subventions to school districts and county offices of education participating in the California School Paraprofessional Teacher Training Program pursuant to Article 6.5 (commencing with Section 69619) of Chapter 2 of Part 42 of the Education Code.

SEC. 5. The sum of four million five hundred thousand dollars (\$4,500,000) is hereby reappropriated from the Proposition 98 Reversion Account of the General Fund to the Commission on Teacher Credentialing, in augmentation of Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996, for incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code.

SEC. 6. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the Commission on

Teacher Credentialing, for the administration of the incentive grant program for alternative teacher certification, established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code. These funds shall be in augmentation of the funds provided in Item 6360-001-0001 of Section 2.00 of the Budget Act of 1996.

SEC. 7. This act shall not become operative unless Assembly Bill 2460 of the 1995-96 Regular Session is chaptered and becomes effective January 1, 1997.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for a new credentialing process to be in place to support the teachers that will be needed to implement the provisions of the class size reduction program contained in the Budget Act of 1996 and the supporting provisions of law, it is necessary that this act take effect immediately.

BILL NUMBER: AB 351      CHAPTERED 10/12/97

CHAPTER 934  
 FILED WITH SECRETARY OF STATE    OCTOBER 12, 1997  
 APPROVED BY GOVERNOR    OCTOBER 12, 1997  
 PASSED THE ASSEMBLY    SEPTEMBER 11, 1997  
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 AMENDED IN ASSEMBLY    APRIL 16, 1997  
 AMENDED IN ASSEMBLY    MARCH 31, 1997

INTRODUCED BY Assembly Member Scott  
 (Coauthor: Senator Vasconcellos)

FEBRUARY 19, 1997

An act to amend Section 44300 of, and to add Article 5.6 (commencing with Section 44305) to Chapter 2 of Part 25 of, the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 351, Scott. Teacher credentialing.

Existing law authorizes the Commission on Teacher Credentialing (commission) to issue or renew emergency teaching or specialist permits provided certain conditions are met. Existing law 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 3 years of full-time teaching experience or the equivalent thereof. Existing law requires the commission to issue district intern certificates authorizing persons employed by any school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education to provide classroom instruction to pupils in those grades and classes. Existing law, the Teacher Education Internship Act of 1967, authorizes a school district, in cooperation with an approved college or university to establish a teacher education internship program.

This bill would establish the Pre-Internship Teaching Program, and authorize the commission as resources, as specified, are available to school districts, to issue a pre-intern teaching certificate instead of an emergency multiple subjects permit to an individual who meets the minimum requirements set by the commission. The bill would authorize the commission, when resources remain after funding pre-interns pursuing a multiple subject emergency credential, to issue a pre-intern teaching certificate instead of an emergency single subject permit to an individual who is employed by a school district approved by the commission and meets the minimum requirements set by the commission. A pre-intern teaching certificate would be valid for one year and would be renewable, as specified. The minimum requirements for the pre-intern teaching certificate would be required to include a baccalaureate or higher degree, as specified, passage of the basic skills proficiency test,



and a specified number of units in the subject to be taught.

This bill would require the commission to establish criteria for the approval of pre-internship teaching programs, as specified. This bill would require the commission to evaluate the Pre-Internship Teaching Program, as specified, and report its findings to the Legislature and the Legislative Analyst by October 1, 2001.

This bill would provide that funding for administering the Pre-Internship Teaching Program by the commission is contingent upon an appropriation in the annual Budget Act or other act. The bill would state the intent of the Legislature that specified federal funding provided to the State Department of Education and the Commission on Teacher Credentialing be adjusted to provide direct funding for the Commission on Teacher Credentialing for the purposes of the Pre-Internship Teaching Program and the California Paraprofessional Teacher Training Program. The bill would declare that the State Department of Education shall be held harmless for any fiscal penalty exacted by the federal government for the expenditures made by local education agencies or for state operations if funds are provided for this program from the federal Goals 2000: Educate America Act (P.L. 103-227) and the program does not meet the requirements of that federal act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Approximately 100,000 teachers are employed in the elementary schools of the state.

(2) Approximately 1,100 of these teachers are in paid internships and receive systematic support and training as they advance toward full certification.

(3) In the 1995-96 school year, over 6,400 elementary teachers held emergency permits only. Most of these teachers have little experience and no preparation for their teaching responsibilities.

(4) As a result of the implementation of the Class Size Reduction program in the 1996-97 school year, the number of teachers with emergency permits in elementary classrooms is expected to reach 8,000 or more.

(5) Most of the unprepared and untrained teachers with emergency permits are employed in urban schools where pupils need the best trained and most effective teachers.

(6) As a general rule, teachers with emergency permits get very little training or support from the schools that employ them, in part because there are no resources directed to help this group of teachers. As a consequence, between 35 percent and 40 percent of all teachers with emergency permits in both elementary and secondary schools do not teach beyond the first year.

(b) The Legislature recognizes that the success of programs like the Class Size Reduction Program in the primary grades is dependent on the quality of the teachers who work in the schools.

(c) Therefore, it is the intent of the Legislature that all of the following occur:

(1) The commission examine the feasibility of better preparing and retaining pre-interns by providing them with early, focused, and intensive preparation in the subject matter they are assigned to teach and development in classroom management, pupil discipline, and basic instruction methodologies, and by assisting pre-interns to progress into a teacher internship program as expeditiously as

possible.

(2) The innovation of replacing the emergency permit system with intensive pre-intern preparation and development be implemented through a process involving the granting of competitive grants to school districts.

(3) Regular reports be provided to the Legislature regarding the impact of the Pre-Internship Teaching Program, including a final report regarding whether the program should be continued, modified, or discontinued.

(d) Further, the Legislature recognizes that the success of a local program to assist in the development of unprepared and untrained teachers requires the cooperation and participation of governing boards, school administrators and the elected representatives of teachers.

(e) Therefore, it is also the intent of the Legislature that representatives of school boards, school administrators, and classroom teachers participate in the development and implementation of any program created to assist in the development of unprepared and untrained teachers.

SEC. 2. Section 44300 of the Education Code is amended to read:

44300. (a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Documentation that the district has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) It is the intent of the Legislature that all of the following occur:

(1) The commission shall issue pre-intern certificates in place of emergency teaching permits as sufficient resources are made available to school districts to provide services pursuant to Article 5.6 (commencing with Section 44305) to pre-interns pursuing multiple subject or single subject teaching credentials.

(2) If the examination of the Pre-Internship Teaching Program required by this chapter demonstrates that the program should continue because it has been successful in better preparing and retaining pre-intern teachers than the emergency permit system, sufficient resources to fully fund the Pre-Internship Teaching Program shall be appropriated by July 2002. For purposes of this paragraph, two thousand dollars (\$2,000) in state funding per

pre-intern shall be deemed to be sufficient resources.

(3) The commission shall continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

(c) Commencing January 1, 1990, the commission may issue and reissue emergency permits corresponding to the credential types specified in paragraph (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit specified in paragraph (4) of subdivision (b) of Section 44225.

(d) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(e) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(f) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(g) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(h) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

SEC. 3. Article 5.6 (commencing with Section 44305) is added to Chapter 2 of Part 25 of the Education Code, to read:

Article 5.6. California Pre-Internship Teaching Program

44305. (a) As resources are available to school districts to provide services to any pre-intern pursuant to this article, the commission may issue a pre-intern teaching certificate instead of an emergency multiple subjects permit to an individual employed by a school district approved by the commission who meets the minimum requirements set by the commission. When resources remain after funding pre-interns pursuing multiple subject emergency permits, the commission may issue a pre-intern teaching certificate instead of an emergency single subject permit to an individual employed by a school district approved by the commission who meets the minimum requirements set by the commission. In implementing the Pre-Internship Teaching Program, the commission shall consult with representatives of the State Department of Education, classroom teachers, school administrators, other school employees, parents,

school board members, and institutions of higher education.

(b) The pre-intern teaching certificate issued by the commission shall be valid for one year, but may be renewed for one additional year if the holder takes the appropriate subject matter examination required under Section 44282. A pre-intern teacher who passes the subject matter examination in the first or second year of his or her pre-intern teaching shall enroll in a district or university teaching internship or other approved university teaching credential program.

A pre-intern teaching certificate may be renewed for a third year if the employing school district, the cooperating college or university, and the pre-intern support the application for renewal.

(c) The minimum requirements for the pre-intern teaching certificate established by the commission shall include all of the following:

(1) A baccalaureate or higher degree conferred by a regionally accredited institution of higher education.

(2) Passage of the basic skills proficiency test as provided for in Section 44252.

(3) The number of units, as set by the commission, in the subject to be taught.

(d) The commission shall establish criteria for the approval of pre-intern teaching programs. The criteria shall include, but is not limited to, all of the following:

(1) Demonstrated need, as indicated by the percentage of teachers in the district that have not completed basic credential requirements pursuant to state law.

(2) The quality of the preparation, support, and assistance to be provided to teaching pre-interns.

(3) Cost effectiveness, including the number of pre-interns to be served.

(4) Collaboration between district administrators and experienced teachers with permanent status in the development of the plan.

(5) District and college or university collaboration to ensure availability of courses needed by pre-intern teachers.

(6) Pre-intern preparation content, including lesson planning, classroom management and organization, and a schedule for delivering the preparation, with a focus on beginning the preparation before or during the first semester of the pre-internship.

(7) The role of personnel, including experienced teachers with permanent status, in the delivery of pre-intern preparation and support.

(8) That no later than the second year of employment the program for each pre-intern shall reflect the California Standards for the Teaching Profession jointly developed by the commission and the State Department of Education.

(9) Approval of the district plan by the governing board of the school district.

(e) In establishing criteria for review of pre-intern teaching programs pursuant to subdivision (d), the commission shall make every effort to recognize effective district programs for the support and development of emergency permit teachers in operation before July 1, 1998, as meeting the pre-intern teaching program criteria.

(f) A school district may apply to the commission for funding under this article. Based on the criteria in subdivision (d), developed pursuant to the consultation process required by subdivision (a), the commission shall determine which applicants are approved for funding. If funds are provided for this act from the federal Goals 2000: Educate America Act (P.L. 103-227), the commission shall transmit a list of approved applicants to the State Department of Education which shall award grants in a timely manner

exclusively to those school districts that the commission has approved for funding, in the amounts listed, with no school district receiving more than two thousand dollars (\$2,000) per pre-intern employed by the school district.

44306. The commission shall submit an interim report to the Legislature and the Legislative Analyst no later than October 1, 2000, and a final report no later than October 1, 2001, to include the following information regarding the Pre-Internship Teaching Program:

(1) The number of participating school districts and pre-intern teachers served.

(2) The impact of the program on decreasing the number of emergency permits issued.

(3) The retention rates of pre-intern teachers, as compared to the retention rates of emergency permitholders.

(4) The success rates of pre-intern teachers, by year of participation in the program, in meeting requirements for subject matter knowledge required by law.

(5) Assessments by pre-interns of the effectiveness of the pre-intern preparation, support and assistance provided.

(6) A description of in-kind contributions to the pre-intern teaching program provided by participating school districts.

(7) Recommendations regarding whether the Pre-Internship Teaching Program should be continued, modified, or discontinued, including reasons for those recommendations.

44307. This article shall be known and may be cited as the Pre-Internship Teaching Program.

44307.5. The commission shall not require any school district to provide pre-internship services to any individual holding an emergency substitute teaching permit, any teacher who has completed most of the requirements for a preliminary teaching credential, or any teacher who holds a limited assignment emergency permit as a result of consenting to teach temporarily outside of his or her field of certification.

44308. (a) Funding for the purposes of administering the program established pursuant to this article is contingent upon an appropriation in the Budget Act or other act when specified.

(b) It is the intent of the Legislature that federal funding provided to the State Department of Education and the Commission on Teacher Credentialing in Item 6110-001-0890 and 6360-001-0407 be adjusted to provide direct funding for the Commission on Teacher Credentialing for the purposes of the Pre-Internship Teaching Program and the California Paraprofessional Teacher Training Program. The Department of Finance shall make any such adjustments using authority of Section 1.50 of the Budget Act of 1997.

(c) If funds are provided for this act from the federal Goals 2000: Educate America Act (P.L. 103-227) and if the provisions of this article do not meet the requirements of that federal act, the State Department of Education shall be held harmless for any fiscal penalty exacted by the federal government for the expenditures made by local education agencies or for state operations.

BILL NUMBER: AB 2647      CHAPTERED 09/17/98

CHAPTER 533  
 FILED WITH SECRETARY OF STATE    SEPTEMBER 17, 1998  
 APPROVED BY GOVERNOR    SEPTEMBER 16, 1998  
 PASSED THE ASSEMBLY    AUGUST 18, 1998  
 PASSED THE SENATE    AUGUST 6, 1998  
 AMENDED IN SENATE    JULY 30, 1998  
 AMENDED IN ASSEMBLY    MAY 13, 1998  
 AMENDED IN ASSEMBLY    APRIL 30, 1998

INTRODUCED BY    Assembly Member Pacheco

FEBRUARY 23, 1998

An act to amend Section 44842 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2647, Pacheco. School district employees: notice of intent to remain in service.

Existing law deems a probationary or permanent employee of a school district to have declined employment and permits his or her services to be terminated on June 30 of any year in which the employee fails, without good cause, to notify the governing board of the district prior to July 1 of his or her intention to remain or not to remain in the service of the district, if the district requested that notice, as prescribed, by May 30 of that year.

This bill would, for employees of a year-round school in positions requiring certification qualifications, permit termination if the employee does not notify the district prior to June 1 if the district requested this notice by April 30 of that year.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44842 of the Education Code is amended to read:

44842. (a) Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30 of that year.

(b) (1) In the case of an employee of a year-round school serving in a track that starts within 14 days of July 1, and serves in a position requiring certification qualifications, if the school district has, by April 30, requested that the employee notify the

school district by June 1, of that year of his or her intention to remain or not to remain in the service of the school district for the following school year, and the employee, without good cause, fails to provide that notice, the school district may deem the employee to have declined employment and may terminate his or her services as an employee of the school district on June 30 of that year. An employee who gives notice of resignation pursuant to this paragraph after May 31, but before June 30, shall be released from his or her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first.

(2) The request for notice sent to the employee by the school district pursuant to this subdivision shall be in writing and shall, along with a copy of this section, be either personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

(c) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20th consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.

BILL NUMBER: AB 1620      CHAPTERED 09/18/98

CHAPTER      547  
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 AMENDED IN SENATE      JUNE 23, 1998  
 AMENDED IN SENATE      JUNE 10, 1998  
 AMENDED IN SENATE      JUNE 1, 1998  
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 AMENDED IN ASSEMBLY      APRIL 22, 1998  
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 AMENDED IN ASSEMBLY      MARCH 2, 1998  
 AMENDED IN ASSEMBLY      FEBRUARY 5, 1998

INTRODUCED BY      Assembly Member Scott  
 (Principal coauthor:      Assembly Member Pacheco)

JANUARY 5, 1998

An act to amend Section 44830 of, to add Sections 44274, 44274.2, 44274.4, and 44274.5 to, and to repeal Section 44275 of, the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1620, Scott. Education: teacher credentialing.

(1) Under existing law, the Commission on Teacher Credentialing (commission) is required to establish standards for the profession and to issue teaching credentials. Under existing law, the commission may issue a teaching credential to a person who possesses a baccalaureate or higher degree in professional education from an approved institution in another state if the person meets certain criteria.

This bill would delete this provision. This bill would establish alternative standards and procedures for the issuance of teaching credentials to applicants from other states, depending on their levels of experience and education.

This bill would require the commission to conduct periodic reviews, beginning in 1998, to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in California, and to initiate negotiations to provide reciprocity in teacher credentialing if this determination is made. The bill would require the commission to issue an equivalent teaching credential, permit, or certificate to an applicant holding or qualifying for a teaching credential, permit, or certificate awarded by a state that has entered into a reciprocity agreement with the commission. The bill would also require the commission to grant an appropriate credential to any applicant from another state who has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California if



a reciprocity agreement with the other state is pending completion, or if the other state has declined to enter into a reciprocity agreement with California and the applicant has met the requirements of California for teacher fitness.

(2) Existing law requires out-of-state applicants for a clear multiple or single subject teaching credential to meet certain requirements, including a 5th year of study. Under existing law, the minimum requirements for a professional multiple or single subject teaching credential include completion of an approved 5th-year program.

This bill would provide, notwithstanding these or other provisions of law, that an applicant who holds a valid teaching credential from a state other than California, and who has met, at a minimum, every requirement for a California professional multiple or single subject credential except the requirement of completion of a 5th year of study, may be issued an appropriate credential if certain conditions are met. The bill would require the commission to issue a 5-year preliminary specialist instruction credential authorizing instruction of pupils with disabilities to an applicant who holds a valid credential from another state and fulfills other criteria, and to issue a professional clear instruction credential to any applicant who fulfills the requirements for a professional clear Level II Education Specialist Instruction Credential.

(3) Existing law prohibits a school district governing board from initially hiring a certificated person unless that person has demonstrated basic skills or is exempted from the requirement. Under existing law, a school district may hire a teacher credentialed in another state who has not taken the state basic skills test if the school district governing board certifies that no qualified person is available. Existing law requires the board to include certain information in the certification and to submit the certification to the commission, and requires the commission to issue an emergency credential when the certification is received.

This bill would delete these provisions.

(4) The bill would appropriate \$90,000 from the Teacher Credentials Fund for the 1998-99 fiscal year for expenditure by the commission for the purpose of conducting the initial review to determine whether any state has established teacher preparation standards that meet or exceed teacher preparation standards in California.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44274 is added to the Education Code, to read:

44274. (a) The commission shall conduct periodic reviews, beginning in 1998, to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in California.

(b) When the commission determines, pursuant to subdivision (a), that the teacher preparation standards established by any state are at least comparable and equivalent to teacher preparation standards in California, the commission shall initiate negotiations with that state to provide reciprocity in teacher credentialing.

(c) The commission shall award a credential, permit, or

certificate of eligibility to any applicant who holds or qualifies for an equivalent credential, permit, or certificate of eligibility awarded by a state that has established a reciprocity agreement with the commission pursuant to subdivision (b). The commission shall grant an appropriate credential to any applicant from another state who has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California, as determined by the commission pursuant to this section, if both of the following circumstances exist:

(1) A reciprocity agreement with the other state is pending completion, or the other state has declined to enter into a reciprocity agreement with California.

(2) The applicant has met the requirements of California for teacher fitness by obtaining a certificate of clearance or eligibility from the commission.

(d) No reciprocity agreement established pursuant to subdivision (b) shall exempt an out-of-state applicant from submitting an identification card pursuant to Section 44340 and obtaining a certificate of clearance, credential, permit, or certificate of eligibility from the commission.

SEC. 2. Section 44274.2 is added to the Education Code, to read:

44274.2. (a) Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, the commission shall issue a five-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom or a five-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:

(1) A minimum of five years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding elementary or secondary teaching credential from another state.

(3) A baccalaureate degree from a regionally accredited institution of higher education.

(4) Completion of teacher preparation at a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations on which applicant received ratings of satisfactory or better.

(6) In the case of an applicant for a five-year preliminary single subject teaching credential, completion of an academic major in the subject area of the credential sought as determined by the commission.

(7) Passage of the state basic skills proficiency test administered pursuant to Section 44252. The commission may issue a one-year nonrenewable multiple or single subject teaching credential pursuant to paragraph (3) of subdivision (b) of Section 44252 prior to issuance of this preliminary credential to an applicant who has not passed the state basic skills proficiency test.

(b) The commission shall issue a professional clear multiple or single subject teaching credential to any applicant who documents, in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary five-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed 150 clock hours of activities that contribute to his or her competence, performance, and effectiveness in the education profession, and that assist the applicant in meeting or exceeding standards for professional preparation established by the commission.

(c) The commission shall issue a five-year preliminary specialist instruction credential authorizing instruction of pupils with disabilities to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:

(1) A minimum of five years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding special education credential from another state.

(3) Completion of a professional preparation program in the requested education specialist category.

(4) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations on which the applicant received ratings of satisfactory or better.

(6) Passage of the state basic skills proficiency test administered pursuant to Section 44252.

(d) The commission shall issue a professional clear instruction credential to any applicant who fulfills the requirements for the professional clear Level II Education Specialist Instruction Credential, as established by the commission.

SEC. 3. Section 44274.4 is added to the Education Code, to read:

44274.4. (a) Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, the commission shall issue a three-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom or a three-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:

(1) A minimum of three years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding elementary or secondary teaching credential from another state.

(3) A baccalaureate degree from a regionally accredited institution of higher education.

(4) Completion of teacher preparation at a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations for which the applicant received ratings of satisfactory or better.

(6) In the case of an applicant for a three-year preliminary single subject teaching credential, completion of an academic major in the subject area of the credential sought as determined by the commission.

(7) Passage of the state basic skills proficiency test administered pursuant to Section 44252. The commission may issue a one-year nonrenewable multiple or single subject teaching credential pursuant to paragraph (3) of subdivision (b) of Section 44252 prior to issuance of this preliminary credential to an applicant who has not passed the state basic skills proficiency test.

(b) The commission shall issue a professional clear multiple or single subject teaching credential to any applicant who documents, in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary three-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed either of the following:

(A) A program of beginning teacher support and assessment established pursuant to Article 4.5 (commencing with Section 44279.1) of Chapter 2 of Part 25.

(B) An alternative program of beginning teacher induction that the commission determines, in collaboration with the Superintendent of Public Instruction, meets state standards for teacher induction.

SEC. 4. Section 44274.5 is added to the Education Code, to read:

44274.5. Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, an applicant who holds a valid teaching credential from a state other than California, and who has met, at a minimum, every requirement for a California professional multiple or single subject credential except the requirement of completion of a fifth year of study, may request the commission to determine whether the applicant has completed at least equivalent coursework. If the commission determines that the applicant has completed at least equivalent coursework, the commission shall issue the applicant an appropriate credential, if the applicant has submitted a fingerprint card and has met the requirements of California for teacher fitness by obtaining a certificate of clearance or eligibility, a credential, or a permit from the commission.

SEC. 5. Section 44275 of the Education Code is repealed.

SEC. 6. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) (1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position

requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own

basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

SEC. 7. The amount of ninety thousand dollars (\$90,000) is hereby appropriated from the Teacher Credentials Fund for the 1998-99 fiscal year for expenditure by the Commission on Teacher Credentialing for the purpose of conducting the initial review required by Section 44274 of the Education Code.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that proper educational services are provided for California pupils, it is necessary that this act take effect immediately.

BILL NUMBER: AB 457      CHAPTERED 09/01/99

CHAPTER 281  
 FILED WITH SECRETARY OF STATE SEPTEMBER 1, 1999  
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 PASSED THE ASSEMBLY AUGUST 19, 1999  
 PASSED THE SENATE JULY 15, 1999  
 AMENDED IN SENATE JUNE 15, 1999  
 AMENDED IN ASSEMBLY APRIL 27, 1999  
 AMENDED IN ASSEMBLY MARCH 22, 1999

INTRODUCED BY Assembly Member Scott

FEBRUARY 16, 1999

An act to amend Sections 44010 44332, 44346.1, and 44424 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 457, Scott. School employees: sex offense: definition.

(1) Existing law requires the Commission on Teacher Credentialing to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill would also require the commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the offenses that would require revocation of a credential.

(2) Existing law defines "sex offense" for purposes of various provisions relating to the employment of school employees including, among others, provisions that prohibit school districts from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo contendere to charges of, a sex offense and require a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with a sex offense. Among the offenses constituting a sex offense are the sexual exploitation of a child and the employment or use of a minor to perform prohibited sexual acts.

This bill would add to the offenses constituting a sex offense other offenses relating to the depiction of a minor personally engaging in or personally simulating sexual conduct, as defined. By adding these offenses to those offenses defined as a sex offense, the bill would prohibit a school district from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo contendere to charges of, an offense added by this bill to those defined as a sex offense and require a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with an offense added by this bill to those defined as a sex offense, thereby imposing a state-mandated local program.

(3) Existing law authorizes a county or city and county board of education, except where that service is provided by a school district authorized to register certification documents, to issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool

educational programs whose permit applications are being processed.

This bill would prohibit a county or city and county board of education from issuing a temporary certificate to an applicant whose teaching credential is revoked or suspended.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44010 of the Education Code is amended to read:

44010. "Sex offense," as used in Sections 44020, 44237, 44346, 44425, 44436, 44836, 45123, and 45304, means any one or more of the offenses listed below:

(a) Any offense defined in Section 220, 261, 261.5, 262, 264.1, 266, 266j, 267, 285, 286, 288, 288a, 289, 311.1, 311.2, 311.3, 311.4, 311.10, 311.11, 313.1, 647b, 647.6, or former Section 647a, subdivision (a), (b), or (c) of Section 243.4, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision (5) of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision (2) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in those sections was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision (1) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if that offense was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975-76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable



as one or more of the above-mentioned offenses.

(j) Any conviction for an offense resulting in the requirement to register as a sex offender pursuant to Section 290 of the Penal Code.

(k) Commitment as a mentally disordered sex offender under former Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of the Welfare and Institutions Code, as repealed by Chapter 928 of the Statutes of 1981.

SEC. 2. Section 44332 of the Education Code is amended to read:

44332. (a) Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

(b) The county or city and county board of education shall cancel the temporary certificate or permit immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record that would disqualify the applicant.

(c) A temporary certificate issued to a permit applicant is not valid beyond the time that the commission either issues or denies the originally requested permit. A temporary certificate issued to a credential applicant is not valid beyond the time that the commission provides written notification to the county or city and county board of education that the applicant apparently does not possess adequate qualifications, that the commission has received facts that may cause denial of the application, or issues or denies the originally requested credential.

(d) A county or city and county board of education may not issue a temporary certificate to an applicant whose teaching credential is revoked or suspended.

SEC. 3. Section 44346.1 of the Education Code is amended to read:

44346.1. (a) The commission shall deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony or a crime set forth in subdivision (a) of Section 44424 or whose employment has been denied or terminated pursuant to Section 44830.1.

(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(d) Notwithstanding subdivision (a), a person shall not be denied a credential solely on the basis that the applicant or holder has been convicted of a violent or serious felony if the person has

obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

SEC. 4. Section 44424 of the Education Code is amended to read:

44424. (a) Upon the conviction of the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing of a violation, or attempted violation, of a serious or violent felony described in Section 44346.1, or any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194 to 217.1, both inclusive, 220, 222, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of Penal Code Section 272, becoming final, the commission shall forthwith revoke the credential.

(b) Upon a plea of nolo contendere that does not constitute a conviction pursuant to Section 1016 of the Penal Code, all credentials held by the respondent shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(c) The commission shall revoke a credential issued to a person whose employment has been denied or terminated pursuant to Section 44830.1.

(d) Notwithstanding subdivision (a), a credential shall not be revoked solely on the basis that the applicant or holder has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

BILL NUMBER: AB 471      CHAPTERED 09/15/99

CHAPTER 381  
 FILED WITH SECRETARY OF STATE SEPTEMBER 15, 1999  
 APPROVED BY GOVERNOR SEPTEMBER 15, 1999  
 PASSED THE ASSEMBLY AUGUST 30, 1999  
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 AMENDED IN SENATE JUNE 3, 1999  
 AMENDED IN ASSEMBLY APRIL 15, 1999  
 AMENDED IN ASSEMBLY APRIL 5, 1999

INTRODUCED BY Assembly Member Scott and Senator O'Connell  
 (Coauthors: Assembly Members Cunneen, Honda, Keeley, Mazzoni,  
 Soto, and Wildman)  
 (Coauthor: Senator Solis)

FEBRUARY 18, 1999

An act to add Sections 44225.6 and 44225.7 to the Education Code,  
 relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 471, Scott. Teacher credentialing.

Existing law requires the governing board of a school district to employ for positions requiring certification qualifications only persons who possess the qualifications for those positions. Existing law authorizes the Commission on Teacher Credentialing to waive provisions governing the preparation or licensing of educators for certain purposes, including to provide a credential candidate additional time to complete a credential requirement, to allow a school district or school to implement an education reform or restructuring plan, and when deemed appropriate by the commission. Existing law authorizes the commission to issue or renew emergency teaching or specialist permits if certain conditions are met and requires the holder of an emergency permit, among other things, 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 in which he or she is assigned to teach or serve.

This bill would require the commission to report annually to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year and to make this report available to school districts and county offices of education to assist them in the recruitment of credentialed teachers. The bill would also require the commission to include in the report the total number of teacher credentials recommended by all accredited teacher preparation programs authorized by the commission and that number broken down by the type of institution making the recommendation.

This bill would authorize the commission to approve a school district request for the assignment of an individual pursuant to the commission's waiver and emergency permit authority if the district has made reasonable efforts to recruit a fully prepared teacher, as defined, for the assignment with first priority given to candidates who will complete initial preparation requirements within a matter of

months and second priority to a candidate who is enrolled in an approved internship program in the region of the school district. If a suitable individual who meets either of those 2 priorities is not available to the school district, the bill would then authorize a school district, as a last resort, to request approval for the assignment of a person who does not meet that criteria.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) The most important education variable in pupil achievement is a fully prepared classroom teacher.

(2) Research clearly demonstrates that low-achieving pupils perform at levels equal to their peers when they are placed in classrooms with teachers who have completed state-approved preparation programs.

(b) The Legislature intends to do all of the following:

(1) Build upon systematic efforts over the past several years to strengthen teacher recruitment and retention, to the end that every pupil in a California public school classroom is taught by a fully prepared teacher.

(2) Maintain and expand, through the annual Budget Act process and as appropriate, existing state programs designed to expand the pool of prospective teachers, strengthen the pipeline into teaching, and remove unnecessary barriers to teaching careers. Those existing programs include the Paraprofessional Teacher Training Program, the Alternative Certification Program, the California Center for Teaching Careers, the Assumption Program of Loans for Educators, the Cal T Grant Program for teacher candidates, and the California Mathematics Initiative.

(3) Continue to expand the capacity of public institutions of higher education to enroll additional teacher candidates in approved teacher preparation programs, until these efforts result in enough fully prepared teachers to meet the needs of all California schools and classrooms.

SEC. 2. Section 44225.6 is added to the Education Code, to read:

44225.6. (a) By January 10 of each year, the commission shall report to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year. This report shall include the following information:

(1) The number of individuals recommended for credentials by institutions of higher education.

(2) The number of individuals recommended by school districts operating district internship programs.

(3) The number of individuals receiving an initial credential based on a program completed outside of California.

(4) The number of individuals serving in the following capacities by subject matter, county, and school district:

(A) University internship.

(B) District internship.

(C) Pre-Internship.

(D) Emergency permit.

(E) Credential waiver.

(5) The specific subjects and teaching areas in which there are a sufficient number of new holders of credentials to fill the positions currently held by individuals with emergency permits.

(b) The commission shall make this report available to school

districts and county offices of education to assist them in the recruitment of credentialed teachers.

(c) A common measure of whether teacher preparation programs are meeting the challenge of preparing increasing numbers of new teachers is the number of teaching credentials awarded. The number of teaching credentials recommended by these programs and awarded by the commission are indicators of the productivity of teacher preparation programs. The commission shall include in the report prepared for the Legislature and Governor pursuant to subdivision (a) the total number of teacher credentials recommended by all accredited teacher preparation programs authorized by the commission and the number recommended by each of the following:

- (1) The University of California system.
- (2) The California State University system.
- (3) Independent colleges and universities that offer teacher preparation programs approved by the commission.
- (4) Other institutions that offer teacher preparation programs approved by the commission.

SEC. 3. Section 44225.7 is added to the Education Code, to read:

44225.7. (a) The commission may approve a school district request for the assignment of an individual pursuant to subdivision (m) of Section 44225 or Section 44300 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. If a suitable fully prepared teacher is not available to the school district, the district shall make reasonable efforts to recruit an individual for the assignment, in the following order:

(1) A candidate who is scheduled to complete initial preparation requirements within six months.

(2) A candidate who is qualified to participate in an approved internship program in the region of the school district.

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

(c) As the supply of teaching interns increases as a result of legislative efforts to expand the Alternative Certification Program, the commission shall notify school districts that state policy directs the assignment of interns to classrooms when available in a given region, with decreased reliance on persons serving on emergency permits or credential waivers.

(d) As the supply of fully prepared teachers increases as a result of the Legislature's efforts to recruit and retain qualified teachers for California classrooms, the commission shall notify school districts that state policy directs the assignment of fully prepared teachers to California classrooms, with the use of permits or waivers only when school districts are geographically isolated from teacher preparation programs or in the case of unanticipated, short-term need for the assignment of personnel.

(e) As used in this section, a "fully prepared teacher" means an individual who has completed a teacher preparation program. For purposes of this subdivision, a "teacher preparation program" means either a set of courses, including supervised field experience, or an equivalent alternative program, that provides a curriculum of systematic preparation for serving as an educator in California public schools.

BILL NUMBER: SB 837      CHAPTERED 10/07/01

CHAPTER 585  
 FILED WITH SECRETARY OF STATE OCTOBER 7, 2001  
 APPROVED BY GOVERNOR OCTOBER 5, 2001  
 PASSED THE SENATE SEPTEMBER 12, 2001  
 PASSED THE ASSEMBLY SEPTEMBER 10, 2001  
 AMENDED IN ASSEMBLY SEPTEMBER 5, 2001  
 AMENDED IN SENATE APRIL 16, 2001  
 AMENDED IN SENATE MARCH 28, 2001

INTRODUCED BY Senator Scott

FEBRUARY 23, 2001

An act to amend Section 44300 of the Education Code, relating to teacher credentialing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, Scott. Teacher credentialing: emergency permits.

Existing law authorizes the Commission on Teacher Credentialing to issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the Commission on Teacher Credentialing and provided that certain conditions are met, including that the school district made a diligent search for, but is unable to recruit, a sufficient number of certificated teachers.

This bill would define the requirement that a school district make a diligent search for certificated teachers by listing specific requirements.

The bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44300 of the Education Code is amended to read:

44300. (a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Annual documentation that the district has implemented in policy and practices a process for conducting a diligent search that shall include, but is not limited to, distributing job announcements,

contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching As A Priority Block Grant established pursuant to Section 44735, participating in the state and regional recruitment centers established pursuant to Sections 44751 and 90530, and participating in job fairs in this state, but has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The commission may deny a request for an emergency permit that does not meet the justification set forth in subparagraph (A) of paragraph (3) of subdivision (a).

(c) It is the intent of the Legislature that all of the following occur:

(1) The commission shall issue preintern certificates in place of emergency teaching permits as sufficient resources are made available to school districts to provide services pursuant to Article 5.6 (commencing with Section 44305) to preinterns pursuing multiple subject or single subject teaching credentials.

(2) If the examination of the Pre-Internship Teaching Program required by this chapter demonstrates that the program should continue because it has been successful in better preparing and retaining preintern teachers than the emergency permit system, sufficient resources to fully fund the Pre-Internship Teaching Program shall be appropriated by July 2002. For purposes of this paragraph, two thousand dollars (\$2,000) in state funding per preintern shall be deemed to be sufficient resources.

(3) The commission shall continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

(d) Commencing January 1, 1990, the commission may issue and reissue emergency permits corresponding to the credential types specified in paragraph (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit specified in paragraph (4) of subdivision (b) of Section 44225.

(e) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(f) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permitholders with no prior teaching experience.

(g) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(h) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(i) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the shortage of teachers in a timely manner, it is necessary that this act take effect immediately.



# SCHOOLS AND SCHOOL DISTRICTS—FUNDS—REALLOCATION

## CHAPTER 1069

A.B. No. 2859

AN ACT to add Section 45037 to, and to add and repeal Section 41329.3 of, the Education Code, relating to education, and making an appropriation therefor.

[Filed with Secretary of State September 29, 2002.]

### LEGISLATIVE COUNSEL'S DIGEST

AB 2859, Aroner. School finance.

(1) Existing law requires the Superintendent of Public Instruction and the Director of Finance to establish a repayment plan for funds that a local education agency received on the basis of average daily attendance, or other data, that did not comply with statutory or regulatory requirements that were conditions of the apportionments. Existing law authorizes the Controller to withhold the disallowed amount from a school district's next principal apportionment.

This bill would reallocate specified amounts withheld from the Berkeley Unified School District's 2000-01 and 2001-02 principal apportionments and the district's 2002-03 first principal apportionment to the Kern County Office of Education for use by the County Office Fiscal Crisis and Management Assistance Team for purposes of conducting specified assessments and improvement plans, this constituting an appropriation. This bill would impose a state-mandated local program by requiring the County Office Fiscal Crisis and Management Assistance Team to prepare the assessments and improvement plans and by requiring the Berkeley Unified School District, commencing with the 2003-04 fiscal year and continuing through the 2004-05 fiscal year, to allocate a specified sum, in accordance with a specified schedule, to implement the improvement plans. The bill would require an additional amount to be withheld from the district's 2005-06 first principal apportionment if a certain sum is not expended for purposes consistent with the improvement plans.

(2) Existing law provides that whenever a person has rendered service in a position requiring certification qualifications for a period of service during which the person did not have a valid credential, the rendering of service shall be deemed legal if the Commission for Teacher Preparation and Licensing approves the service.

This bill would provide that, except as specified above, for the fiscal year 2001-02 and any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty, calculated pursuant to a specified formula.

(3) This bill would provide that for the 2000-01 school year every person employed by the Emery Unified School District as a teacher in kindergarten or any of grades 1 to 12, inclusive, shall be deemed to have possessed a valid certification document and received specified training.

(4) The bill would make certain findings and declarations regarding the Berkeley Unified School District and the Emery Unified School District and the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

5334

Additions or changes indicated by underline; deletions by asterisks \* \* \*

(5) The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution for that fiscal year.

(6) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

Appropriation: yes.

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

SECTION 1. Section 41329.3 is added to the Education Code, to read:

41329.3. (a) The County Office Fiscal Crisis and Management Assistance Team shall conduct comprehensive assessments and shall complete, by July 1, 2003, the following improvement plans for the Berkeley Unified School District:

(1) An instructional improvement plan that includes special education and programs for English language learners and is consistent with the financial improvement plan required by paragraph (2). The plan shall specify pupil outcomes that reflect significant improvement in pupil achievement, particularly in the areas of reading, writing, and mathematics. Among the areas addressed by the plan shall be the alignment between the written, taught, and tested curriculum consistent with the state's adopted instructional standards, and the use of assessment data to make appropriate pupil placements and allocate district resources. Included in the plan shall be a clear link between professional development for all instructional staff and pupil achievement objectives, including the need for ongoing analysis and use of assessment results to tailor instruction to meet the needs of all pupils.

(2) A financial improvement plan that is consistent with the instructional improvement plan required by paragraph (1) and that includes the current and future projected solvency and fiscal integrity of the school district. The financial improvement plan shall also include, but not be limited to, specific strategies to fund the full implementation of the improvement plans specified in this section and for improving the following:

- (A) Management information systems.
- (B) Accounting and internal control procedures.
- (C) Attendance accounting procedures.

(3) A facilities improvement plan that shall be consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the following:

- (A) Protection and safety for pupils, employees, and district property.
- (B) Ongoing maintenance of district property.
- (C) Management control and procedures for managing all construction and modernization projects.

(4) A personnel management improvement plan that is consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the following:

- (A) The recruitment, retention, screening, assessment, and hiring procedures for all district staff.
- (B) The training of members of the governing board of the school district in the subjects about which members of the governing board must have knowledge in order to discharge their duties as board members effectively.

Additions or changes indicated by underline; deletions by asterisks \* \* \*

5335

(C) The assessment of the administrative practices of the school district and staff development to ensure that staff have the knowledge and skills required to manage effectively the educational programs, finances, safety, and facilities maintenance of the school district.

(D) The calculation and maintenance of appropriate and efficient full-time equivalent staffing rations for all school district staff.

(E) The governance structure of the school district in relation to board policy development, operational effectiveness, and responsiveness to the community.

(F) In addition, the personnel management improvement plan shall provide data and analysis on the number of district certificated personnel who are serving on credential waivers or emergency permits. The plan shall provide for monitoring and support for personnel in their daily instructional duties and in completing subject matter and professional preparation requirements through a traditional, university-based program, alternative certification program, or training to pass the CBEST exam.

(5) A community relations improvement plan that is consistent with the financial improvement plan required by paragraph (2), and that includes, but is not limited to, specific strategies for improving the communication among the governing board, personnel of the school district, pupils, and parents.

(b) Commencing in December 2003, and each six months thereafter until June 2005, the County Office Fiscal Crisis and Management Assistance Team shall file a written status report with the appropriate fiscal and policy committees of the Legislature, including any special committees created for the purpose of reviewing the reports, and with the legislators representing the Berkeley Unified School District, the governing board of the school district, the Alameda County Office of Education, the Superintendent of Public Instruction, the Director of Finance, and the Secretary for Education. The reports shall include the progress that the Berkeley Unified School District is making in meeting the recommendations of the improvement plans developed pursuant to subdivision (a).

(c) The County Office Fiscal Crisis and Management Assistance Team shall provide an accounting of expenditures made by it pursuant to the requirements of this act to the Controller and the Alameda County Office of Education. The Controller shall certify unexpended balances for purposes of subdivision (d) of Section 2.

(d) This section shall remain in effect only until June 1, 2006, and as of that date is repealed, unless a later enacted statute that is enacted before June 1, 2006, deletes or extends that date.

SEC. 2. Section 45037 is added to the Education Code, to read:

45037. (a) Except as provided in Section 45036, for the fiscal year 2001-02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld from state funding otherwise due to the district or county office of education.

(1) Notwithstanding Section 46300, the attendance of the noncertificated person's pupils during the period of service shall be included in the computation of average daily attendance.

(2) The noncertificated person's period of service shall not be excluded from the determination of eligibility for incentive funding for a longer instructional day or year, or both, pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26.

(b)(1) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, add the total number of schooldays on which the person rendered any amount of the service.

(2) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, for a period of service during which the person did not have a valid certification

5336

Additions or changes indicated by underline; deletions by asterisks \* \* \*

document, add the number of schooldays on which the person rendered any amount of the service without a valid certification document.

(3) Divide the number determined in paragraph (2) by the number determined in paragraph (1) and carry the result to four decimal places.

(4) Multiply a school district's revenue limit entitlement for the fiscal year, calculated pursuant to Section 42238, or its funding amount calculated pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24, as applicable, or a county office of education's funding for the fiscal year, for the program in which the noncertificated person rendered service by the number determined in paragraph (3).

(c) Beginning in 2002-03, if a county office of education draws an order for a warrant in favor of a person for whom a period of school district service is included in the calculation set forth in paragraph (2) of subdivision (b), the county office shall be assessed a penalty. The penalty assessed to a county office for any fiscal year in which one or more district teachers did not have a valid certification document shall be equal to the lesser of three amounts as follows:

(1) Fifty percent of all penalties assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).

(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when two or fewer districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part.

SEC. 3. (a) The State Department of Education shall reallocate the sum of five hundred eighty thousand four hundred forty-eight dollars (\$580,448) withheld from the Berkeley Unified School District's 2000-01 and 2001-02 principal apportionments, to the Kern County Office of Education for use by the County Office Fiscal Crisis and Management Assistance Team for the purposes of conducting the assessments and completing the improvement plans specified in Section 41329.3 of the Education Code.

(b) The State Department of Education shall reallocate the sum of one hundred nineteen thousand five hundred fifty-two dollars (\$119,552) scheduled to be withheld from the Berkeley Unified School District's 2002-03 first principal apportionment to the Kern County Office of Education for use by the County Office Fiscal Crisis and Management Assistance Team for the purposes of conducting the assessments and completing the improvement plans specified in Section 41329.3 of the Education Code.

(c) Commencing with the 2003-04 fiscal year, and continuing through the 2004-05 fiscal year, the Berkeley Unified School District shall allocate the sum of four hundred sixty thousand eight hundred ninety-six dollars (\$460,896) from the district's general fund to implement the improvement plans specified in Section 41329.3 of the Education Code in accordance with the following schedule:

(1) In the 2003-04 fiscal year, the Berkeley Unified School District shall expend two hundred thirty thousand four hundred forty-eight dollars (\$230,448) to implement the improvement plan.

(2) In the 2004-05 fiscal year, the Berkeley Unified School District shall expend two hundred thirty thousand four hundred forty-eight dollars (\$230,448) to implement the improvement plan.

(d) Not later than June 30, 2005, the Alameda County Office of Education, with the assistance and concurrence of the Fiscal Crisis and Management Assistance Team, shall review the expenditures made by the Berkeley Unified School District of the funds provided in paragraphs (1) and (2) of subdivision (c) and determine the amount of expenditures made for purposes consistent with the improvement plans, and, if the expenditures are determined

Additions or changes indicated by underline; deletions by asterisks \* \* \*

5337

to be less than four hundred sixty thousand eight hundred ninety-six dollars (\$460,896), the difference shall be withheld from the district's 2005-06 first principal apportionment.

(e) The amounts available in subdivisions (a) and (b) are available for expenditure during the 2002-03 and 2003-04 fiscal years. Unexpended balances as of June 30, 2004, shall be repaid to the General Fund to be reappropriated to the Berkeley Unified School District to implement the improvement plans specified in Section 41329.3 of the Education Code.

SEC. 4. Notwithstanding any provision of the Education Code, for the 2000-01 school year, every person employed by the Emery Unified School District as a teacher in kindergarten or any of grades 1 to 12, inclusive, shall be deemed to have possessed a valid certification document and shall be deemed to have received training pursuant to Section 52127 of the Education Code, if applicable.

SEC. 5. Due to the unique circumstances concerning the Berkeley Unified School District and the district's need to improve its management and operations with the assistance of the Fiscal Crisis and Management Assistance Team, and to unique circumstances involving the operation of the Emery Unified School District, it is necessary that special funding provision be enacted, and the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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BILL NUMBER: SB 2029      CHAPTERED 09/29/02

CHAPTER 1087  
 FILED WITH SECRETARY OF STATE    SEPTEMBER 29, 2002  
 APPROVED BY GOVERNOR    SEPTEMBER 29, 2002  
 PASSED THE ASSEMBLY    AUGUST 20, 2002  
 PASSED THE SENATE    MAY 16, 2002  
 AMENDED IN SENATE    MAY 1, 2002  
 AMENDED IN SENATE    APRIL 17, 2002

INTRODUCED BY    Senator Alarcon

FEBRUARY 22, 2002

An act to amend Sections 44325, 44326, 44328, and 44830.3 of, and to add Section 44329 to, the Education Code, relating to credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 2029, Alarcon. Teacher certification: district interns. Existing law authorizes the Commission on Teacher Credentialing, as a pilot program, to issue district intern certificates authorizing persons employed by the Los Angeles Unified School District to provide classroom instruction to pupils with mild and moderate disabilities in special education classes. Under existing law, prior to assignment to teach pupils with disabilities, persons holding district intern certificates are required to teach one complete school year in a general education program, as specified.

This bill, instead, would authorize the commission until January 1, 2008, to issue those district intern certificates to persons employed by any school district. The bill would eliminate the requirement that a district intern teach one complete school year in a general education program, and instead, would require a school district's professional development plan for district interns teaching in special education programs to include, among other things, training and fieldwork in instructional practices and procedures and pedagogy of general education programs and special education programs.

This bill would require the commission to prepare and submit a report to the Legislature on or before January 1, 2007, that summarizes the regulations adopted by the commission to expand statewide the issuance of those district intern certificates, and that evaluates the effectiveness of persons that hold those certificates.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44325 of the Education Code is amended to read:

44325. (a) The Commission on Teacher Credentialing shall issue district intern certificates authorizing persons employed by any school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education to provide classroom instruction to pupils in those grades and classes

in accordance with the requirements of Section 44830.3. The commission, until January 1, 2008, also shall issue district intern certificates authorizing persons employed by any school district to provide classroom instruction to pupils with mild and moderate disabilities in special education classes, in accordance with the requirements of Section 44830.3.

(b) Each district intern certificate shall be valid for a period of two years. However, a certificate may be valid for three years if the intern is participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities. Upon the recommendation of the school district, the commission may grant a one-year extension of the district intern certificate.

(c) The commission shall require each applicant for a district intern certificate to demonstrate that he or she meets the minimum qualifications for that certificate, including (1) the possession of a baccalaureate degree conferred by a regionally accredited institution of postsecondary education, (2) the successful passage of the state basic skills proficiency test administered under Sections 44252 and 44252.5, (3) the successful completion of the appropriate subject matter examination administered by the commission, or a commission-approved subject matter preparation program for the subject areas in which the district intern is authorized to teach, and (4) the oral language component of the assessment program leading to the bilingual-crosscultural language and academic development certificate for persons seeking a district intern certificate to teach bilingual education classes.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a district intern certificate.

SEC. 2. Section 44326 of the Education Code is amended to read:

44326. (a) Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they have completed an undergraduate academic major or minor.

(b) Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades or classes.

(c) Prior to assignment to teach pupils with mild and moderate disabilities, persons holding district intern certificates issued by the commission under Section 44325 to teach those pupils shall meet the requirements of either subdivision (a) or (b).

(d) Each district intern shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at

the same level or of the same type of credential as the district interns they serve.

SEC. 3. Section 44328 of the Education Code is amended to read:

44328. Unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the completion of successful service as a district intern pursuant to subdivision (b) of Section 44325, and upon the recommendation of the school district governing board, the commission shall award professional credentials to district interns in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

Notwithstanding paragraphs (1) and (2) of subdivision (a) of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision (c) of Section 44259, and Sections 44261, 44265, and 44335, it is the intent of the Legislature that upon recommendation by the governing board, district interns shall be issued professional credentials, rather than preliminary credentials, upon the completion of successful service as a teacher pursuant to subdivision (b) of Section 44325 unless the governing board recommends, and the commission finds substantial evidence that the person is not qualified to teach. Notwithstanding Section 44261, the professional credential awarded to any district intern holding a certificate to teach bilingual classes shall be a basic teaching credential with a bilingual-crosscultural language and academic development emphasis. Notwithstanding Section 44265, the professional credential awarded to any district intern who holds a certificate to teach special education pupils with mild and moderate disabilities shall be a special education specialist instruction credential that authorizes the holder to teach special education pupils with mild and moderate disabilities.

It is the intent of the Legislature that institutions of higher education that operate approved programs of professional preparation work cooperatively with school districts that offer district intern programs for a special education specialist credential to apply the regular education coursework and fieldwork from the special education district intern program toward earning a multiple or single subject teaching credential through the institution.

SEC. 4. Section 44329 is added to the Education Code, to read:

44329. On or before January 1, 2007, the commission shall prepare and submit a report to the Legislature that summarizes the regulations adopted by the commission to expand statewide the issuance of district intern certificates that authorize classroom instruction to pupils with mild and moderate disabilities. The report shall also analyze the effectiveness of persons who hold those certificates.

SEC. 5. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education or special education programs for pupils with mild and moderate disabilities, may in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant



to Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development, classroom organization and management, pedagogy, and methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. In addition, persons holding district intern certificates issued by the commission pursuant to Section 44325 shall receive orientation in methods of teaching pupils with mild and moderate disabilities. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes and, for person holding district intern certificates issued by the commission pursuant to Section 44325, special education programs for pupils with mild and moderate disabilities at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes and, for persons holding district intern certificates issued by the commission pursuant to Section 44325, instruction in the etiology and methods of teaching children with mild and moderate disabilities.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of

mandatory training and supervised fieldwork that shall include, but not be limited to, instructional practices, and the procedures and pedagogy of both general education programs and special education programs that teach pupils with disabilities.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation, which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

**EXHIBIT 3**  
**COPIES OF CODE SECTIONS CITED**

## § 44225. Powers and duties

The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as provided for in Article 4 (commencing with Section 44250). The commission shall uniformly consider the results of the basic skills proficiency test in conjunction with other pertinent information about the qualifications of each candidate for a preliminary credential, and may award the credential on the basis of the overall performance of a candidate as measured by several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion. Upon application by a regionally accredited institution of higher education, the commission may categorically grant credit to coursework completed in an accredited program of professional preparation, as specified by this paragraph, by undergraduates of that institution, where the commission finds there are adequate assurances of the quality of necessary undergraduate instruction in the liberal arts and in the subject area or areas to be taught.

(2) The professional teaching credential, to be granted upon successful passage of a state examination or assessment in the subject or subjects appropriate to the grade level to be taught, to include college level basic reading, writing, and mathematics skills, and completion of a period of beginning teacher support that includes assessments of ability to teach subject matter to pupils, ability to work well with pupils, classroom management, and instructional skills. A candidate who successfully passes the examination or assessment pursuant to paragraph (1) shall be deemed to have passed the state examination or assessment in the subject or subjects to be taught pursuant to this paragraph.

(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:

(1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.

(2) Credentials for teaching adult education classes and vocational education classes.

Additions or changes indicated by underline; deletions by asterisks \* \* \*

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, through its credentialing of teachers, that public school teachers satisfy all of the following criteria:

- (1) Are academically talented.
- (2) Are knowledgeable of the subjects to be taught in the classroom.
- (3) Are creative and energetic.
- (4) Have the human skills to motivate and inspire pupils to achieve their goals.
- (5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.
- (6) Be willing to relate the educational process and their instructional strategies to meet pupils' needs.
- (7) Are able to work effectively with and motivate pupils from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.
- (8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all pupils regardless of their ethnicity, race, gender, age, religious background, primary language, or handicapping condition.

(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.<sup>1</sup>

(f) Collect, compile, and disseminate information regarding exemplary practices in supporting and assessing beginning teachers.

(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.

(h) Adopt a framework and general standards for the accreditation of preparation programs for teachers and other certificated educators pursuant to Article 7 (commencing with Section 44320).

(i) Appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing. The commission shall establish criteria for membership on those committees, and shall determine the terms of committee members. Appointments to standing committees by the commission shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(j) Consult with classroom teachers, faculty members from institutions of higher education that maintain accredited programs of professional preparation for teachers, administrators or other school services personnel, and other experts to aid in the development of examinations and assessments, and to study the impact of examinations and assessments on the teaching profession. To increase the fairness of its certification decisions, the commission may uniformly consider the results of tests, subtests, and

Additions or changes indicated by underline; deletions by asterisks \* \* \*

assessments in conjunction with each other, and in conjunction with other pertinent information about the qualifications of each candidate. The commission may award credentials on the basis of average overall performances by candidates on several criteria of professional competence, provided that each candidate meets minimum standards set by the commission on each criterion.

(k) Adopt standards for all examinations and assessments which shall ensure that all prospective teachers demonstrate an understanding of the history and cultures of the major ethnic populations of this state and of teaching strategies for the acquisition of English language skills by non-English-speaking pupils.

(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. This article shall govern the issuance of any credential, certificate, or permit, except as follows:

(1) A credential, certificate, or permit shall remain in force as long as it is valid and continues to be valid under the laws and regulations that were in effect when it was issued.

(2) The commission shall grant teaching credentials pursuant to statutes that were in effect on December 31, 1988, to candidates who, prior to the effective date of regulations to implement subdivision (a), are in the process of meeting the requirements for teaching credentials that were in effect on December 31, 1988, except that neither enrollment as an undergraduate student nor receipt of a baccalaureate degree from a regionally accredited institution prior to the effective date of the regulations shall, by themselves, exempt a candidate from the requirements of subdivision (a). Enrollment in a preparation program for teachers prior to the effective date of the regulations shall not exempt a candidate from the requirements of paragraph (2) of subdivision (a), if the candidate's preliminary credential was granted after the effective date of the regulations.

(m) Review requests from school districts, county offices of education, private schools, postsecondary institutions, and individual applicants for the waiver of one or more of the provisions of this chapter or other provisions governing the preparation or licensing of educators. The commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be, or has been, completed by the credential candidate or candidates affected or that a waiver is necessary to accomplish any of the following:

(1) Give a local education agency one semester or less to address unanticipated, immediate, short-term shortages of fully qualified educators by assigning a teacher who holds a basic teaching credential to teach outside of his or her credential authorization, with the teacher's consent.

(2) Provide credential candidates additional time to complete a credential requirement.

(3) Allow local school districts or schools to implement an education reform or restructuring plan.

(4) Temporarily exempt from a specified credential requirement small, geographically isolated regions with severely limited ability to develop personnel.

(5) Provide other temporary exemptions when deemed appropriate by the commission.

No provision in this chapter may be waived under Section 33050 and 33051, after June 30, 1994, by the State Board of Education.

(n) It is the intent of the Legislature that the commission develop models for voluntary use by California colleges and universities which do not have these models in place, to assist in the screening of applications for admission to teacher education programs. The models shall give emphasis to the following qualifications of the applicants: academic talent, knowledge of subjects to be taught, basic academic skills, creativity, experience in working with children and adolescents, ability to motivate and inspire pupils, and willingness to relate education to pupils with a wide variety of cultural, ethnic, and academic backgrounds. The commission may continue to administer the state basic skills proficiency test, in order (1) to utilize the results of this test in awarding preliminary teaching credentials and emergency permits, and (2) to enable colleges and universities to utilize this test in conjunction with other appropriate sources of information in teacher preparation admission decisions. However, it is the intent of the Legislature that applicants for admission to teacher preparation programs may not be denied admission solely on the basis of state basic skills proficiency test results. The commission may recover the costs of administering and developing the test by charging examinees a fee for taking the test.

(o) It is the intent of the Legislature that the commission encourage colleges and universities to design and implement, by August 1, 1990, concentrated internship programs for persons who have attained a bachelor's degree in the field in which they intend to teach. Those programs would be targeted at subject area shortages, would substitute for conventional training programs, and would include a full summer session of college level coursework, a one-year internship, or the equivalent, a seminar throughout the internship, and a summer session following the internship. Educator preparation through internship programs shall be subject to Article 10 (commencing with Section 44370).

(p) Grant a field placement certificate to any candidate who has been admitted to an accredited program of professional preparation, and who must complete a supervised practicum in public elementary or secondary schools as a condition for completion of the program. The commission shall establish standards for the issuance of field placement certificates.

(q) Propose appropriate rules and regulations to implement the act which enacts this section.

(r) Adopt subject matter assessments for teaching credentials after developing those assessments jointly with the Superintendent of Public Instruction.

(Amended by Stats.1993, c. 378 (S.B.322), § 1.)

§ 44225.7. Fully prepared teachers; approval of candidates where fully prepared teachers are unavailable

(a) The commission may approve a school district request for the assignment of an individual pursuant to subdivision (m) of Section 44225 or Section 44300 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. If a suitable fully prepared teacher is not available to the school district, the district shall make reasonable efforts to recruit an individual for the assignment, in the following order:

- (1) A candidate who is scheduled to complete initial preparation requirements within six months.
  - (2) A candidate who is qualified to participate in an approved internship program in the region of the school district.
- (b) If a suitable individual who meets the priorities listed in subdivision (a) is not available to the school district, the district may, as a last resort, request approval for the assignment of a person who does not meet that criteria.

(c) As the supply of teaching interns increases as a result of legislative efforts to expand the Alternative Certification Program, the commission shall notify school districts that state policy directs the assignment of interns to classrooms when available in a given region, with decreased reliance on persons serving on emergency permits or credential waivers.

(d) As the supply of fully prepared teachers increases as a result of the Legislature's efforts to recruit and retain qualified teachers for California classrooms, the commission shall notify school districts that state policy directs the assignment of fully prepared teachers to California classrooms, with the use of permits or waivers only when school districts are geographically isolated from teacher preparation programs or in the case of unanticipated, short-term need for the assignment of personnel.

(e) As used in this section, a "fully prepared teacher" means an individual who has completed a teacher preparation program. For purposes of this subdivision, a "teacher preparation program" means either a set of courses, including supervised field experience, or an equivalent alternative program, that provides a curriculum of systematic preparation for serving as an educator in California public schools.

(Added by Stats.1999, c. 381 (A.B.471), § 3.)

§ 44258.9. Review of teacher assignments; affidavits of teacher and employee assignments; reports; sanctions for misassignments

\* \* \*(a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).

\* \* \*

(b)(1) Each county superintendent of schools shall annually monitor and review school district certificated employee assignment practices according to the following priority:

(A) Schools and school districts that are likely to have problems with teacher misassignment based on past experience or other available information.

(B) All other schools on a four-year cycle.

\* \* \*(2) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel shall be submitted to each affected district within 45 calendar days of the monitoring activity.

(e) \* \* \* County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:

(1) The numbers of teachers assigned and types of assignments made by local district governing boards under the authority of Sections 44256, 44258.2, and 44263 of the Education Code.

(2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.

(3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.

(4) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.

(f) Commencing in 1990, the Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments which shall be based, in part, on the annual reports of the county superintendents of schools.

(g)(1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credential holders.

Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.

(2) Commencing July 1, 1989, any certificated person who has been required by an administrative superior to accept an assignment for which he or she has no legal authorization shall, after exhausting any existing local remedies, notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools shall, within 15 working days, advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who has filed a written notification with the county superintendent of schools shall be exempt from the provisions of Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.

(3) Commencing July 1, 1989, the county superintendent of schools shall notify, through the office of the district superintendent, any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(4) Commencing July 1, 1989, the county superintendent of schools shall notify any superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 days of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(h) Commencing July 1, 1989, each applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.

(Amended by Stats.1996, c. 204 (A.B.3488), § 12, eff. July 22, 1996.)



§ 44300. **Emergency teaching or specialist permits; justifications; approval and denial; legislative intent; credential types; written statements by exclusive representative of certificated employees; orientation; training; pupil personnel services; application of section**

(a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) \* \* \* Annual documentation that the district has \* \* \* implemented in policy and practices a process for conducting a diligent search \* \* \* that shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching As A Priority Block Grant established pursuant to Section 44735, participating in the state and regional recruitment centers established pursuant to Sections 44751 and 90530, and participating in job fairs in this state, but has been unable to recruit \* \* \* a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(b) The commission may deny a request for an emergency permit that does not meet the justification set forth in subparagraph (A) of paragraph (3) of subdivision (a).

(c) It is the intent of the Legislature that all of the following occur:

(1) The commission shall issue preintern certificates in place of emergency teaching permits as sufficient resources are made available to school districts to provide services pursuant to Article 5.6 (commencing with Section 44305) to preinterns pursuing multiple subject or single subject teaching credentials.

(2) If the examination of the Pre-Internship Teaching Program required by this chapter demonstrates that the program should continue because it has been successful in better preparing and retaining preintern teachers than the emergency permit system, sufficient resources to fully fund the Pre-Internship Teaching Program shall be appropriated by July 2002. For purposes of this paragraph, two thousand dollars (\$2,000) in state funding per preintern shall be deemed to be sufficient resources.

(3) The commission shall continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

(d) Commencing January 1, 1990, the commission may issue and reissue emergency permits corresponding to the credential types specified in paragraph (4) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit specified in paragraph (4) of subdivision (b) of Section 44225.

(e) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(f) Commencing January 1, 1990, a person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall 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. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permitholders with no prior teaching experience.

(g) The holder of an emergency permit shall 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. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(h) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in any special education class or program.

(i) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.

(Amended by Stats.1993, c. 378 (S.B.322), § 5; Stats.1997, c. 344 (S.B.674), § 2; Stats.1997, c. 934 (A.B.351), § 2; Stats.2001, c. 585 (S.B.837), § 1, eff. Oct. 7, 2001.)

## § 44301. Examinations

(a) Any person who does not hold a valid California teaching credential that requires a baccalaureate degree shall be required to pass the appropriate subject matter competency examination or examinations, as determined by the commission, before he or she may be initially issued an emergency multiple- or single-subject teaching permit, except an emergency substitute teaching permit, authorizing him or her to teach a subject that is specified by the commission.

(b) The commission may issue an emergency multiple- or single-subject teaching permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing agency certifies all of the following to the commission:

(1) The applicant has not had the opportunity to take the test.

(2) The applicant shall take the appropriate subject matter competency test at its next regularly scheduled administration.

(3) The employing agency shall discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing agency evidence of having passed the required subject matter competency test on that date.

(c) The emergency teaching permit issued pursuant to subdivision (b) shall expire on the next regular expiration date for emergency permits, or on a date that is eight weeks after the date on which the required subject matter competency test was administered, whichever date comes first.

(d) The commission shall waive the requirements of this section for each applicant for each of the following:

(1) An emergency single-subject teaching permit, if the applicant has successfully completed at least 18 semester units, or nine semester units of upper division or graduate coursework, at a regionally accredited institution of postsecondary education, in the subject area to be taught.

(2) An emergency multiple-subjects permit, if the applicant has successfully completed at least 40 semester units, or the equivalent, at a regionally accredited institution of postsecondary education, in the subjects that are commonly taught in elementary schools, as determined by the commission.

\* \* \*

(Amended by Stats.1994, c. 922 (A.B.2587), § 85.)

§ 44326. Extent of authorization of district intern certificates; teaching prerequisite; mentor teachers

(a) Persons holding district intern certificates issued by the commission under Section 44325 to teach in grades 9 to 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized program, or in departmentalized bilingual classes, shall only be authorized to teach in the subject areas in which they have completed an undergraduate academic major or minor.

(b) Persons holding district intern certificates issued by the commission under Section 44325 to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject matter coursework prescribed in Section 44314 shall be authorized to teach in those grades or classes.

(c) Prior to assignment to teach pupils with mild and moderate disabilities, persons holding district intern certificates issued by the commission under Section 44325 to teach those pupils shall meet the requirements of either subdivision (a) or (b) \* \* \*.

(d) Each district intern shall be required to teach with the assistance and guidance of certificated employees of the district who have been classified as mentor teachers under Article 4 (commencing with Section 44490) of Chapter 3, or with the assistance and guidance of certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level or of the same type of credential as the district interns they serve.

(Amended by Stats.1994, c. 673 (S.B.1657), § 3; Stats.2002, c. 1087 (S.B.2029), § 2.)

§ 44327. Standards for quality of district intern programs; records of credit earned; transfers of credit; program reviews; information dissemination

(a) On or before July 1, 1995, the commission, in consultation with participating school districts and other affected organizations, shall revise existing standards, and adopt additional standards, as necessary, related to the quality of the training, support, evaluation, and performance of district interns. The standards shall be appropriate for an alternative program of teacher recruitment, preparation, and certification. Each school district with a district intern program is responsible for maintaining appropriate records of the program so that the credit earned by each district intern is transferable to his or her academic record in the same manner as if the intern had participated in a college or university program. To the extent feasible, the standards shall also be equivalent to the standards of the commission for professional preparation programs in colleges and universities.

(b) Commencing July 1, 1989, the commission shall periodically review district intern programs on the basis of the standards adopted pursuant to subdivision (a).

(c) The commission is not authorized to approve district intern programs. On or before March 15, 1988, the commission shall inform all school districts in the state of the district intern program option, and shall disseminate its recommended standards to all districts. On or before March 15, 1995, the commission shall inform school districts of the current district intern program options.

(Amended by Stats.1994, c. 922 (A.B.2587), § 86; Stats.1994, c. 673 (S.B.1657), § 4.)

§ 44332. Temporary certificates

(a) Except where that service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

(b) The county or city and county board of education shall cancel the temporary certificate or permit immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record that would disqualify the applicant.

\* \* \* (c) A temporary certificate issued to a permit applicant \* \* \* is not valid beyond the time that the commission either issues or denies the originally requested permit. \* \* \* A temporary certificate issued to a credential applicant \* \* \* is not valid beyond the time that the commission provides written notification to the county or city and county board of education that the applicant apparently does not possess adequate qualifications, that the commission has received facts that may cause denial of the application, or issues or denies the originally requested credential.

(d) A county or city and county board of education may not issue a temporary certificate to an applicant whose teaching credential is revoked or suspended.  
 (Amended by Stats.1999, c. 281 (A.B.457), § 2.)

**§ 44332.5. Registration of certificates by certain districts; temporary certificate of clearance**

(a) A school district which may issue warrants pursuant to Section 42647 may, at its discretion, provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the school district.

(b) During any period when summary criminal history information is not available from the Federal Bureau of Investigation, no applicant for an initial credential, certificate, or permit shall be employed in a position requiring certification qualifications until he or she has met the minimum requirements for a temporary certificate of clearance. A temporary certificate of clearance or a credential, certificate, or permit authorizing service in the public schools shall be issued when the applicant has:

(1) Made full disclosure of all facts necessary to establish his or her true identity.

(2) Made a statement under penalty of perjury that he or she has not been convicted of a crime which would constitute grounds for the denial of the credential, permit, or certificate applied for.

An applicant shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to the applicant's fitness to teach or to perform other duties for which he or she is certificated, or which is related to his or her competence to perform the duties authorized by his or her credential.

(3) Paid to the Commission for Teacher Preparation and Licensing the amount of twelve dollars (\$12) or the fees or costs which have been or will be assessed by the Federal Bureau of Investigation for the issuance of its summary criminal history of the applicant when this information is once again made available to the commission. The fees authorized by this paragraph shall be applicable to all credentials, permits, and certificates which were applied for or issued after October 1, 1981.

(c) Upon receipt of a statement from the Federal Bureau of Investigation that it has no summary criminal history information on the applicant, or upon receipt of the summary criminal history information and clearance by the Committee of Credentials, a temporary certificate of clearance shall be converted to a regular certificate of clearance.

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1982, c. 996, p. 3633, § 3, eff. Sept. 14, 1982.)

§ 44830. Employment of certificated persons

(a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), \* \* \* or (m).

Additions or changes indicated by underline; deletions by asterisks \* \* \*

271

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c)(1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

\* \* \*

(m) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

(Amended by Stats.1996, c. 948 (A.B.1068), § 2, eff. Sept. 26, 1996, operative Feb. 11, 1997; Stats.1998, c. 547 (A.B.1620), § 6.)



§ 44830.3. Employment of district interns; conditions; professional development plans; compensation for preservice; credentialing

(a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education \* \* \* or special education programs for pupils with mild and moderate disabilities, \* \* \* may in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation \* \* \* employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to Article 4 (commencing with Section 44490) of Chapter 3 or by certificated employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development \* \* \*, classroom organization and management, pedagogy, and methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. In addition, persons holding district intern certificates issued by the commission pursuant to Section 44325 shall receive orientation in methods of teaching pupils with mild and moderate disabilities. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes and, for person holding district intern certificates issued by the commission pursuant to Section 44325, special education programs for pupils with mild and moderate disabilities at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes and, for persons holding district intern certificates issued by the commission pursuant to Section 44325, instruction in the etiology and methods of teaching children with mild and moderate disabilities.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities also shall include 120 clock hours of mandatory \* \* \* training and \* \* \* supervised fieldwork that shall include, but not be limited to, \* \* \* instructional practices, and the procedures and pedagogy of both general education programs and special education programs that teach pupils with disabilities.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation, which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

(Amended by Stats.1994, c. 673 (S.B.1657), § 8; Stats.1996, c. 303 (A.B.1432), § 1; Stats.1996, c. 948 (A.B.1068), § 3, eff. Sept. 26, 1996, operative Feb. 11, 1997; Stats.2002, c. 1087 (S.B.2029), § 5.)

§ 44842. Failure to notify governing board of intention to remain; failure to report for duty; termination; application

(a) \* \* \* Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30 of that year.

(b)(1) In the case of an employee of a year-round school serving in a track that starts within 14 days of July 1, and serves in a position requiring certification qualifications, if the school district has, by April 30, requested that the employee notify the school district by June 1, of that year of his or her intention to remain or not to remain in the service of the school district for the following school year, and the employee, without good cause, fails to provide that notice, the school district may deem the employee to have declined employment and may terminate his or her services as an employee of the school district on June 30 of that year. An employee who gives notice of resignation pursuant to this paragraph after May 31, but before June 30, shall be released from his or her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first.

(2) The request for notice sent to the employee by the school district pursuant to this subdivision shall be in writing and shall, along with a copy of this section, be either personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

(c) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20th consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.

(Amended by Stats.1998, c. 533 (A.B.2647), § 1.)

**§ 44885.5. District interns; classification as probationary or permanent employees**

(a) Any school district shall classify as a probationary employee of the district any person who is employed as a district intern pursuant to Section 44830.3 and any person who has completed service in the district as a district intern pursuant to subdivision (b) of Section 44325 and Section 44830.3 and is reelected for the next succeeding school year to a position requiring certification qualifications.

The governing board may dismiss or suspend employees classified as probationary employees pursuant to this subdivision in accordance with the procedures specified in Section 44948 or 44948.3 as applicable.

(b) Every certificated employee, who has completed service as a district intern pursuant to subdivision (b) of Section 44325 and pursuant to Section 44830.3 and who is further reelected and employed during the succeeding school year as described in subdivision (a) shall, upon reelection for the next succeeding school year, to a position requiring certification qualifications, be classified as and become a permanent employee of the district.

The governing board shall notify the employee, on or before March 15 of the employee's last complete consecutive school year of probationary employment in a position requiring certification qualification as described in this subdivision, of the decision to reelect or not reelect the employee for the next succeeding school year to this type of a position. In the event the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Added by Stats.1983, c. 498, § 48, eff. July 28, 1983. Amended by Stats.1983, c. 1302, § 15.1, eff. Sept. 30, 1983; Stats.1987, c. 1468, § 9.)

**§ 44901. Permanent status of employees who have served in more than one district; notices**

(a) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the fourth consecutive school year.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of two complete consecutive school years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the third consecutive school year be classified as a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for two complete consecutive school years, upon being elected for the third consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the third consecutive school year be classified as and become a permanent employee of the last district in which he or she was employed prior to his or her election for the third consecutive school year.

The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the districts in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

(Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1983, c. 498, § 49, eff. July 28, 1983.)

## EDUCATION CODE

### § 45037. Teachers lacking valid certification documents; assessment of penalty against school district or county office of education; calculation

(a) Except as provided in Section 45086, for the fiscal year 2001-02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld from state funding otherwise due to the district or county office of education.

(1) Notwithstanding Section 46300, the attendance of the noncertificated person's pupils during the period of service shall be included in the computation of average daily attendance.

(2) The noncertificated person's period of service shall not be excluded from the determination of eligibility for incentive funding for a longer instructional day or year, or both, pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26.

(b)(1) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, add the total number of schooldays on which the person rendered any amount of the service.

(2) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, for a period of service during which the person did not have a valid certification document, add the number of schooldays on which the person rendered any amount of the service without a valid certification document.

(3) Divide the number determined in paragraph (2) by the number determined in paragraph (1) and carry the result to four decimal places.

(4) Multiply a school district's revenue limit entitlement for the fiscal year, calculated pursuant to Section 42238, or its funding amount calculated pursuant to Article 4 (commencing with Section 42230) of Chapter 7 of Part 24, as applicable, or a county office of education's funding for the fiscal year, for the program in which the noncertificated person rendered service by the number determined in paragraph (3).

(c) Beginning in 2002-03, if a county office of education draws an order for a warrant in favor of a person for whom a period of school district service is included in the calculation set forth in paragraph (2) of subdivision (b), the county office shall be assessed a penalty. The penalty assessed to a county office for any fiscal year in which one or more district teachers did not have a valid certification document shall be equal to the lesser of three amounts as follows:

(1) Fifty percent of all penalties assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).

(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when two or fewer districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part.

(Added by Stats.2002, c. 1069 (A.B.2859), § 2.)

**EXHIBIT 4  
REGULATIONS CITED**

## Division 8. Commission on Teacher Credentialing

### Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970

#### Article 1. General Provisions and Definitions

##### § 80000. Scope.

NOTE: Authority cited for Section 80000: Sections 44232, 44254, 44263, 44342, and 44343, Education Code.

##### HISTORY

1. Amendment and renumbering of Part I, Division 7, Subchapter 17, Article 1 (Sections 5900–5903.2) to Part VIII, Chapter 1, Article 1 (Sections 80000–80006), filed 12–16–77; effective thirtieth day thereafter (Register 77, No. 51). For prior history see Registers 76, No. 12 and No. 5; Register 74, No. 51; and Register 73, No. 26.
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

##### § 80000.1. Continuation of Rights.

NOTE: Authority cited: Section 44225, Education Code.

##### HISTORY

1. New section filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
2. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

##### § 80001. Definitions and Terms.

For purposes of Part VIII:

(a) "Applicant" means any applicant for a credential issued by the Commission.

(b) "Application for a credential" includes an application for a credential, an application for a renewal of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.

(c) "Chairman" means the Chairman of the Commission pursuant to Education Code Section 44218.

(d) "Commission" means the Commission on Teacher Credentialing as defined in Education Code Section 44203(a) and as constituted under Education Code Section 44210.

(e) "Credential" means any credential, life diploma, permit, or document issued by, or under the jurisdiction of, the Commission which entitles the holder thereof to perform services for which certification qualifications are required.

(f) "Degree" means a baccalaureate or higher degree as specified in Education Code Section 44259(a) earned through an approved college or university, regardless of its title, when the degree program contains no less subject matter preparation than a similar degree in a subject field other than professional education in the same institution.

(g) "Denial" includes the denial of any portion of an application for a credential, even though the requested credential is issued or renewed.

(h) "Executive Secretary" means the Executive Secretary to the Commission pursuant to Education Code Section 44220.

(i) "Issuance" means the granting of a credential based upon the application for or renewal of that credential.

(j) "Vice-Chairman" means the Vice-Chairman to the Commission.

(k) "Professional" credential means a credential for which all statutory and regulatory requirements have been met, excluding credentials issued on partial, preliminary, or emergency bases. A "clear" credential means a professional credential as herein defined.

(l) "Signature" or "signed" as used in this Chapter may include an electronic signature, as defined in Government Code section 16.5 and the California Code of Regulations, Title 2, Sections 22002 and 22005 or under any applicable state or federal law.

(m) "Submitted" as used in this Chapter includes any documentation required by the Commission that is delivered in-person, via a delivery service or electronically.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252 and 44267.5, Education Code.

##### HISTORY

1. Amendment filed 5–30–78; effective thirtieth day thereafter (Register 78, No. 22).
2. Amendment filed 1–11–79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment filed 7–25–83; effective thirtieth day thereafter (Register 83, No. 30).
4. New subsections (l)–(m) and amendment of NOTE filed 5–8–2002 as an emergency; operative 5–8–2002 (Register 2002, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–5–2002 or emergency language will be repealed by operation of law on the following day.
5. A Certificate of Compliance as to 5–8–2002 order transmitted to OAL 9–5–2002 and filed 10–17–2002 (Register 2002, No. 42).

##### § 80002. Issuance of Prior Credentials.

NOTE: Authority cited: Section 44225, Education Code.

##### HISTORY

1. Repealer filed 11–2–82; effective thirtieth day thereafter (Register 82, No. 45).

##### § 80003. Multiple Subject Teaching Credential Authorization for Service.

The Multiple Subject Teaching Credential authorizes the holder to provide the services described below in grades twelve and below, including preschool, and in classes organized primarily for adults.

(a) Teach all subjects in a self-contained class;

(b) Teach in a team teaching setting or regroup students across classrooms as authorized in Education Code Section 44258.15. For the purpose of this section, team teaching is defined as two teachers of the same grade level exchanging students for the purpose of instruction in specific subjects. Regrouping of students is the practice of two or more teachers combining students across classes for specific instructional purposes;

(c) Teach core classes to students in grades five through eight pursuant to Education Code Section 44258.1. Core classes consist of teaching two or more subjects to the same group of students; and

(d) Teach any of the core subjects he or she is teaching to a single group of students in the same grade level as the core classes for less than fifty percent of his or her work day.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(e), 44256(b), 44258.1 and 44258.15, Education Code.

##### HISTORY

1. Repealer and new section filed 2–11–2000; operative 3–12–2000 (Register 2000, No. 6). For prior history, see Register 97, No. 20.

##### § 80004. Single Subject Teaching Credential Authorization for Service.

(a) The Single Subject Teaching Credential authorizes the holder to teach the subject area(s) listed on the document in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) The holder of a Single Subject Teaching Credential in the following subject areas is authorized to teach health science:

(1) Health Science,

(2) Life Science, and

(3) Physical Education if the document was initially issued prior to January 1, 1981.

(c) The holder of a Single Subject Teaching Credential in Agriculture, Business, Home Economics, Industrial Arts, or Industrial and Technology Education is authorized to teach the subject area listed on the document in classes designated as technical, trade, or vocational by the employing agency.

NOTE: Authority cited: Section 44225(e), Education Code. Reference: Sections 44225(g) and 44256, Education Code.

##### HISTORY

1. Amendment filed 3–26–81; effective thirtieth day thereafter (Register 81, No. 13).
2. New subsection (c) filed 6–28–82; effective thirtieth day thereafter (Register 82, No. 27).
3. Amendment of section heading, section and NOTE filed 5–31–2000; operative 6–30–2000 (Register 2000, No. 22).

### § 80005. Authorization for Subject Areas for Service in Departmentalized Classes.

(a) The holder of a Single Subject Teaching Credential may be assigned to teach the subjects which fall within the broad subject area listed on their document as found in 1 through 16. If a subject is listed below, it may only be taught by the holder of a Single Subject Teaching Credential with the broad subject area listed on their document. The holder of a Single Subject Teaching Credential may be assigned to teach a subject not listed below if the employing agency has determined its subject-matter content is directly related to the broad subject area.

(1) Agriculture: agricultural management, agricultural mechanics, agricultural science, animal science, forestry, horticulture, landscaping, and plant science;

(2) Art: art appreciation, art history, arts and crafts, art theory, calligraphy, cartooning, ceramics, commercial art, costume design, crafts, design, drawing, humanities, illustration, interior decoration, jewelry, leathermaking, painting, photography, sculpture, stagecraft, and yearbook;

(3) Business: accounting, business communications, business English, business mathematics, business management, business marketing, computer concepts and applications, consumer education, data processing, economics, general office occupations, keyboarding, marketing, shorthand, typewriting, and word processing;

(4) English: composition, creative writing, debate, drama, forensics, grammar, humanities, journalism, language arts, language structure, literature, poetry, public speaking, speech, theater arts, and yearbook;

(5) Health: child development, family life, human sexuality, nutrition, sexually transmitted disease education, and substance abuse;

(6) Home Economics: child development, clothing, consumer education, family life, foods, family economics, housing, human development, interior design, nutrition, parenting, and textiles;

(7) Industrial and Technology Education: automotive mechanics, carpentry, computer technology, construction, drafting, electricity, electronics, industrial crafts, industrial design, metals, millwork, photography, plastics, radio and television, technical science/power mechanics, welding, and woods;

(8) Languages Other Than English: courses in culture, grammar, composition, language structure, and literature of the language listed on the document;

(9) Mathematics: basic or general mathematics, algebra, calculus, computer science, consumer mathematics, geometry, mathematical analysis, statistics and probability, and trigonometry;

(10) Music: instrumental music, music appreciation, music theory, and vocal music;

(11) Physical Education: aquatics, dance, fundamental and creative movement, gymnastics, interscholastic sports, motor development or learning, physical conditioning, sports, and weightlifting;

(12) Science: Biological Science: anatomy, biology, botany, ecology, environmental science, evolution, genetics, physiology, and zoology;

(13) Science: Chemistry: chemical reactions, qualitative analysis, quantitative analysis, and structure and stability;

(14) Science: Geoscience: astronomy, cosmology, earth science, forestry, geology, meteorology, oceanography, and paleontology;

(15) Science: Physics: energy, mechanics, and thermodynamics;

(16) Social Science: American government, anthropology, contemporary issues, current events, cultural studies, economics, ethnic studies, geography, government, history, humanities, international government, law, politics, psychology, sociology, United States history, and world history.

(b) The holder of a teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may be assigned, with his or her consent, to teach subject-matter classes which do not fall within or are not directly related to the broad subject areas listed in (a) if the employing agency has determined the teacher has the requisite knowledge and skills. Verification of this decision must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Educa-

tion Code Section 44258.9(b). Such courses may include, but are not limited to, life skills, conflict management, study skills, leadership, teen skills, and study hall. Service in such assignments is limited to the grade level authorized by the teaching credential.

NOTE: Authority cited: Section 44225(e), Education Code. Reference: Sections 44225(q) and 44258.9, Education Code.

#### HISTORY

1. New section filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22). For prior history, see Register 82, No. 27.

### § 80006. Reading Instruction.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256 and 44282, Education Code.

#### HISTORY

1. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

### § 80014. Requirements for the Reading Certificate.

(a) The requirements for the Reading Certificate include all of the following:

(1) Possession of a valid credential as specified in Education Code Section 44203(e).

(2) Completion of three years of successful full-time teaching experience in any grades preschool through adult, exclusive of student teaching, internship teaching, or teaching while holding an emergency credential or permit.

(3) An approved reading certificate program and recommendation for the certificate by a California institution of higher education authorized by the Commission or the Committee on Accreditation to recommend for the certificate.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

#### HISTORY

1. New section filed 10-23-97; operative 11-22-97 (Register 97, No. 43).  
2. Change without regulatory effect amending section filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

#### § 80014.1. Authorization of and Period of Validity of the Reading Certificate.

(a) Authorization of the Reading Certificate: The Reading Certificate authorizes the holder to provide the following services to students at one or more school sites, at the grade levels authorized by the prerequisite credential in Education Code Section 44203(e):

(1) Provide student assessment in reading, and student instruction that is responsive to the assessments;

(2) Develop, implement and adapt reading instruction, and assist teachers with respect to the prevention and intervention of reading difficulties; and

(3) Develop, implement and adapt instruction, and assist teachers, to enable all students to read and comprehend the content of the curriculum.

(b) Period of validity: The Reading Certificate shall remain valid as long as the prerequisite credential in Education Code Section 44203(e) remains valid.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

#### HISTORY

1. New section filed 10-23-97; operative 11-22-97 (Register 97, No. 43).

#### § 80014.2. Application Procedure for a Reading Certificate.

Each applicant for a Reading Certificate shall submit form Application for Credential Authorizing Public School Service (form 41-4, rev. 7/96) to the California Commission on Teacher Credentialing or through the recommending institution, whichever is appropriate, which shall be accompanied by all of the following:

(a) If the applicant does not already have fingerprint clearance on file with the Commission, the certificate application must include duplicate personal identification cards as specified in Section 80442 and form Application for Character and Identification Clearance (form 41-CIC, rev. 11/96).

(b) The fee(s) as specified in Section 80487.

(c) Official transcripts listing college and university course work as specified in Section 80435.



(d) Scores on the Reading Instruction Competence Assessment (RICA), if applicable.

NOTE: Authority cited: Sections 44225(q) and 44254, Education Code. Reference: Section 44254, Education Code.

#### HISTORY

1. New section filed 10-23-97; operative 11-22-97 (Register 97, No. 43).

### § 80015. Requirements for the Crosscultural, Language and Academic Development (CLAD) Certificate.

A Crosscultural, Language and Academic Development (CLAD) Certificate can be earned in the following ways:

(a) Through supplementary coursework: The requirements for earning a CLAD Certificate through supplementary coursework include (1) through (4) below:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Verification of experience learning a second language obtained through one of the options described in subsections (A) through (P). One of the options must be completed. Partial completion of more than one option will not be accepted except that an applicant may combine partial completion of semester units under option (A) with language training under option (B) at fifteen hours of training equaling one semester unit. Any option or the combination of (A) and (B) must be completed with one language.

(A) Completion of six semester units (or nine quarter units) in coursework that emphasizes the learning of a language other than English (including American Sign Language). A grade of "C" or better. "Pass," or "Credit," must be earned in each course. This option must be verified by an official transcript from a regionally accredited college or university, or comparable institution outside the United States. Professional Development and Continuing Education units from such institutions are acceptable. Coursework in the methodology of teaching a language is not acceptable.

(B) Completion of 90 hours of language training, with a grade of "C" or better or the equivalent, in a language other than English offered under the auspices of the California Department of Education's Bilingual Teacher Training Program (BTTP) or by a county office or school district whose program, prior to its implementation, has been deemed equivalent to the BTTP by the California Department of Education. This training is to be verified by a letter signed by an authorized representative of the BTTP or county or district program.

(C) Successful completion of the training in a language other than English given by the Peace Corps to volunteers preparing to serve in a non-English speaking country, verified by official Peace Corps documentation.

(D) Passage of either the Oral Subtest, the Essay Subtest, or the Reading Comprehension and Usage Subtest in a language other than English of a Bilingual Certificate of Competence Examination (administered pursuant to Education Code Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992), verified by an official score report.

(E) Passage of any two of the four parts (listening, reading, speaking, and writing) of Test 6 of the CLAD/BCLAD Examinations, described in Section 80015.3, verified by an official score report.

(F) Passage of any nationally administered, standardized examination in a language other than English for which the Commission has established a passing score, verified by an official score report.

(G) A proficiency level of "novice-high" or above on the American Council on the Teaching of Foreign Languages, Inc. (ACTFL) Proficiency Guidelines or "0+" (zero plus) or above on the Interagency Language Roundtable (ILR) Proficiency Descriptions, verified by an official score report.

(H) A score on a College-Level Examination Program (CLEP) examination in a language other than English administered by the College Board equal to or higher than the minimum score recommended by the American Council on Education for awarding credit for two semesters, verified by an official score report.

(I) Possession of a teaching credential from another state that authorizes instruction in a language other than English.

(J) Residence in a non-English speaking country or countries for twelve consecutive months at age 18 or older, verified by passports, work visas, letters from employers, or other documents.

(K) Successful completion of one academic year (over a single period) at age 14 or above at a school in which all instruction, except in the subject area of English, was delivered in a language other than English, verified by an official transcript or a letter from the school.

(L) Successful completion of two academic years between the ages of 10 and 14, inclusive, at a school in which all instruction, except in the subject area of English, was delivered in a language other than English, verified by an official transcript or a letter from the school.

(M) Initial arrival at age 12 or older in the United States after having spent the years from birth to age 12 in a non-English speaking country or countries, verified by a birth certificate, passport, entry visas, or other documents.

(N) Successful completion of three years of course work in a language other than English in grades seven through 12 in a public or private school with an average grade of B or better, verified by an official transcript or a letter from the school.

(O) Achievement of a score on the Advanced Placement Examination in a language other than English offered by Educational Testing Service for which college credit or advanced standing is awarded, verified by either an official transcript or a letter from the registrar's or admission's office from a regionally accredited institution of higher education.

(P) Achievement on a college or university placement examination in a language other than English for which 1) a minimum of six semester academic units or the equivalent quarter units are awarded or 2) placement in an advanced level course, defined as no lower than the second year of a multi-year sequence, is given or 3) an exemption from a one year requirement is granted. This must be verified by either an official transcript or a letter from the registrar's or admission's office from a regionally accredited institution of higher education.

(3) Completion of 24 semester units (or 36 quarter units) or 12 upper-division/graduate semester units (or 18 upper-division/graduate quarter units) of coursework. The coursework must be applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university, and must be verified by an official transcript from such an institution. A grade of "C" or higher, "Pass," or "Credit" must be earned in each course. All of the coursework must be in the three subject areas listed in subsections (A), (B), and (C) below, and all three of the subject areas must be covered in the set of coursework used to satisfy this requirement.

(A) Language structure and first- and second-language development, including the following:

1. Language structure and use: universals and differences (including the structure of English), and

2. Theories and factors in first- and second-language development.

(B) Methodology of bilingual instruction, instruction for English language development, and specially designed academic instruction delivered in English, including the following:

1. Theories and methods of bilingual education.

2. Theories and methods of instruction for English language development.

3. Theories and methods of specially designed academic instruction delivered in English, and

4. Language and content area assessment.

(C) Culture and cultural diversity, including the following:

1. Nature and content of culture,

2. Crosscultural contact and interactions,

3. Cultural diversity in the United States and California, and

4. Providing culturally responsive instruction.

(4) Submission of a complete application packet and fee(s) as specified in Section 80487.

(5) The holder of a Supplementary Authorization in either English as a Second Language (ESL) or Introductory ESL may use that document to earn a CLAD Certificate. A Supplementary Authorization in ESL or Introductory ESL will remain valid as long as the holder's prerequisite teaching credential remains valid. A Supplementary Authorization in ESL or Introductory ESL authorizes instruction for English language de-

velopment, as defined in Education Code Section 44253.2(a), at the levels and in the grades specified in Sections 80057.5 and 80089 as those sections existed on January 1, 1993. The requirements for earning a CLAD Certificate for holders of the Supplementary Authorization in ESL or Introductory ESL include all of the following:

(A) Experience learning a second language as specified in Section 80015(a)(2).

(B) Completion of three semester units (or four quarter units) of coursework in the theories and methods of specially designed academic instruction delivered in English. The coursework must be applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university, and must be verified by an official transcript from such an institution. A grade of "C" or higher, "Pass," or "Credit" must be earned in each course.

(C) Submission of a complete application packet and fee(s) as specified in Section 80487.

(6) The holder of a certificate of completion issued pursuant to Education Code § 44253.10 may use that document to earn a CLAD Certificate. The requirements for earning a CLAD Certificate for holders of such a certificate of completion include all of the following:

(A) Possession of a valid credential or permit as specified in Section 80015.2(a).

(B) Experience learning a second language as specified in Section 80015(a)(2).

(C) Completion of coursework as follows:

1. Holders of a certificate of completion for specially designed academic instruction delivered in English (SDAIE) earned by successful completion of either the staff development program specified in Section 80680(a)(1) or an equivalent three semester unit (or four quarter unit class) at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper-division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)3, and (C)4.

2. Holders of a certificate of completion for English language development (ELD) earned by successful completion of either the staff development program specified in Section 80680(a)(2) or an equivalent three semester unit (or four quarter unit) class at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper-division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, and (C)4.

3. Holders of two certificates of completion, one for SDAIE and one for ELD earned by successful completion of either the staff development programs specified in Section 80680(a)(1) and 80680(a)(2) or two equivalent three semester unit (or four quarter unit) classes at a regionally accredited college or university must complete six semester units (or eight quarter units) of upper-division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, (B)3, and (C)4.

4. Holders of a certificate of completion for both SDAIE and ELD earned by successful completion of either the staff development program specified in Section 80680(a)(3) or an equivalent three semester unit (or four quarter unit) class at a regionally accredited college or university must complete nine semester units (or twelve quarter units) of upper-division/graduate coursework as described in Section 80015(a)(3) above except that the coursework need not include the topics listed in subsections (A)1, (A)2, (B)2, (B)3, and (C)4.

(D) Submission of the original certificate or certificates of completion, or a verified true copy, as established in § 80435, of each certificate, used to apply for the CLAD Certificate.

(E) Submission of a complete application packet and fee(s) as specified in Section 80487.

(b) By examination: The requirements for earning a CLAD Certificate by examination include all of the following:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Experience learning a second language as specified in Section 80015(a)(2).

(3) Tests 1, 2, and 3 of the CLAD/BCLAD Examinations described in Section 80015.3. Each passing score must have been earned within five years prior to the date of application for a CLAD Certificate.

(4) Submission of a complete application packet and fee(s) as specified in Section 80487.

(c) By converting a Language Development Specialist Certificate: Converting a Language Development Specialist Certificate to a CLAD Certificate is not required. Unless used to apply for a CLAD Certificate, a Language Development Specialist Certificate shall remain valid as long as the holder's prerequisite teaching credential remains valid. The Language Development Specialist Certificate authorizes the same services as the CLAD Certificate as specified in Section 80015.2(b). The requirements for earning a CLAD Certificate by converting a Language Development Specialist Certificate include all of the following:

(1) Submission of the valid Language Development Specialist Certificate issued to the applicant.

(2) Submission of a complete application packet and a fee equal to one-half of the current credential application fee as specified in Section 80487.

NOTE: Authority cited: Sections 44253.9 and 44225(q), Education Code. Reference: Sections 44253.3, 44253.6, 44253.10, 44225(b) and 44225(d), Education Code.

#### HISTORY

1. New section filed 5-18-94; operative 7-1-94 (Register 94, No. 20).
2. Amendment of subsection (a)(2) and new subsections (a)(2)(N)-(P) filed 3-12-97; operative 4-11-97 (Register 97, No. 11).
3. Editorial correction of subsection (a)(2)(G) (Register 97, No. 46).
4. Amendment of section and NOTE filed 3-10-98; operative 4-9-98 (Register 98, No. 11).
5. Amendment of subsection (a)(2)(N) filed 1-8-2001; operative 2-7-2001 (Register 2001, No. 2).
6. Change without regulatory effect repealing subsection (b)(3), redesignating former subsection (b)(3)(A) as new subsection (b)(3) and repealing subsections (b)(3)(B)-(C) filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

#### § 80015.1. Requirements for the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

A Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate can be earned in one of the following ways:

(a) By examination: The requirements for earning a BCLAD Certificate by examination include all of the requirements specified in subsections (1), (2), and (3) below:

(1) Possession of a valid credential or permit as specified in Section 80015.2(a).

(2) Completion of one of the requirements listed below in subsections (A) through (I). The Bilingual Certificate of Competence (BCC) Examination referred to in this section is the examination that was administered pursuant to Education Code Sections 44253.5 and 44253.6 as those sections existed on December 31, 1992. All test scores used to qualify for a BCLAD Certificate, with the exception of scores on the BCC Examination, must have been earned within seven years prior to the date of application for the BCLAD Certificate. BCC Examination scores used to qualify for a BCLAD Certificate must have been earned within nine years prior to the date of application for the BCLAD Certificate. The CLAD/BCLAD Examinations referred to in this subsection are those examinations described in Section 80015.3. In subsections (A), (E), (F), and (I) below, passage of the Language Component of the BCC Examination means passage of all three sections of that component that assess proficiency in a language other than English: oral, essay, and reading comprehension and usage. Passage of only one or two of these three sections will require the passage of all parts of Test 6 of the CLAD/BCLAD Examinations except those parts that assess the same area of proficiency assessed on the section(s) of the Language Component of the BCC Examination that were passed.

(A) Passage of the Culture, Methodology, and Language Components of the BCC Examination.

(B) Passage of Tests 1 through 6 of the CLAD/BCLAD Examinations.

(C) Passage of Tests 4, 5 and 6 of the CLAD/BCLAD Examinations and one of the following:

1. Possession of a Language Development Specialist Certificate (pursuant to Article 3.5, commencing with Section 44475, of Chapter 3 of the Education Code as that article existed on December 31, 1992).

2. Completion of the coursework described in Section 80015(a)(3).

3. Possession of a CLAD Certificate as described in Section 80015.

(D) Passage of the Culture and Methodology Components of the BCC Examination and passage of Test 6 of the CLAD/BCLAD Examinations.

(E) Passage of the Language and Culture Components of the BCC Examination and passage of Tests 2 and 4 of the CLAD/BCLAD Examinations.

(F) Passage of the Language and Methodology Components of the BCC Examination and passage of Test 5 of the CLAD/BCLAD Examinations.

(G) Passage of the Culture Component of the BCC Examination and passage of Tests 1–4 and 6 of the CLAD/BCLAD Examinations.

(H) Passage of the Methodology Component of the BCC Examination and passage of Tests 1, 3, 5, and 6 of the CLAD/BCLAD Examinations.

(I) Passage of the Language Component of the BCC Examination and passage of Tests 1–5 of the CLAD/BCLAD Examinations.

(3) Submission of a complete application packet and fee(s) as specified in Section 80487.

(4) In subsections (B), (C), (D), (G), and (H) above, the requirement to pass Test 6 of the CLAD/BCLAD Examinations may be waived by either of the following:

(A) Possession of a valid, non-emergency California Single Subject or Standard Secondary Teaching Credential with a major in a language other than English.

(B) Possession of a three-year or higher degree from a foreign institution in which all instruction is delivered in a language other than English. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States.

(b) By converting a Bilingual Certificate of Competence: Converting a Bilingual Certificate of Competence to a BCLAD Certificate is not required. Unless used to apply for a BCLAD Certificate, a Bilingual Certificate of Competence shall remain valid as long as the holder's prerequisite teaching credential remains valid. The Bilingual Certificate of Competence authorizes the same services as the BCLAD Certificate as specified in Section 80015.2(c). The requirements for earning a BCLAD Certificate by converting a Bilingual Certificate of Competence include all of the following:

(1) Submission of the valid Bilingual Certificate of Competence issued to the applicant.

(2) Submission of a complete application packet and a fee equal to one-half of the current credential application fee as specified in Section 80487.

NOTE: Authority cited: Sections 44253.9 and 44225(q), Education Code. Reference: Sections 44253.4, 44253.6, 44225(b) and 44225(d), Education Code.

#### HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Change without regulatory effect repealing subsection (a)(2)(C)1. and renumbering subsections filed 7–31–2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

### § 80015.2. Prerequisite Credential or Permit for, Authorization of, and Period of Validity of the Crosscultural, Language and Academic Development (CLAD) Certificate and the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

(a) Applicants for a Crosscultural, Language and Academic Development (CLAD) Certificate or a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate, must possess a valid Cal-

ifornia teaching credential, services credential, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12 inclusive, or classes primarily organized for adults, except for the following:

(1) Emergency credentials or permits.

(2) Exchange credentials as specified in Education Code Section 44333.

(3) District intern certificates as specified in Education Code Section 44325.

(4) Sojourn certified employee credentials as specified in Education Code Section 44856.

(5) Teacher education internship credentials as specified in Article 3 (commencing with Education Code Section 44450) of Chapter 3.

(b) Authorization of the CLAD Certificate: The CLAD Certificate authorizes the holder to provide both of the following services to limited-English-proficient students:

(1) Instruction for English language development, as defined in Education Code Section 44253.2(a), in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except in the following situations:

(A) If the prerequisite credential or permit specified in Section 80015.2(a) is a children's center instructional permit, or a children's center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit.

(B) If the prerequisite credential or permit specified in Section 80015.2(a) is a designated subjects teaching credential in adult education, then instruction for English language development shall be limited to classes organized primarily for adults.

(2) Specially designed academic instruction delivered in English, defined in Education Code Section 44253.2(b) as specially designed content instruction delivered in English, in the subjects and at the levels authorized by the prerequisite credential or permit specified in Section 80015.2(a).

(c) Authorization of the BCLAD Certificate: The BCLAD Certificate authorizes the holder to provide both of the services authorized by the CLAD Certificate as specified in Section 80015.2(b) and both of the following services to limited-English-proficient students whose primary language is the language indicated on the BCLAD Certificate:

(1) Content instruction delivered in the students' primary language in the subjects and at the levels authorized by the prerequisite credential or permit specified in Section 80015.2(a).

(2) Instruction for primary language development, as defined in Education Code Section 44253.2(d), in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except in the following situations:

(A) If the prerequisite credential or permit specified in Section 80015.2(a) is a children's center instructional permit, or a children's center supervision permit, then instruction for primary language development shall be limited to the programs authorized by that permit.

(B) If the prerequisite credential or permit specified in Section 80015.2(a) is a designated subjects teaching credential in adult education, then instruction for primary language development shall be limited to classes organized primarily for adults.

(d) Period of validity: The CLAD Certificate and the BCLAD Certificate shall remain valid as long as the prerequisite credential or permit specified in Section 80015.2(a) remains valid.

NOTE: Authority cited: Section 44253.9, Education Code. Reference: Sections 44253.3 and 44253.4, Education Code.

#### HISTORY

1. New section filed 5–18–94; operative 7–1–94 (Register 94, No. 20).
2. Amendment of subsection (b)(2) filed 3–10–98; operative 4–9–98 (Register 98, No. 11).

### § 80015.3. The CLAD/BCLAD Examinations.

(a) The CLAD/BCLAD Examinations include the following six tests:

- (1) Test 1, covering language structure and first- and second-language development, including topics such as the following:

(A) Language structure and use: universals and differences (including the structure of English)

(B) Theories and factors in first- and second-language development.

(2) Test 2, covering methodology of bilingual instruction, instruction for English language development, and specially designed academic instruction delivered in English, including topics such as the following:

(A) Theories and methods of bilingual education.

(B) Theories and methods of instruction for English language development.

(C) Theories and methods of specially designed academic instruction delivered in English.

(D) Language and content area assessment.

(3) Test 3, covering culture and cultural diversity, including topics such as the following:

(A) Nature and content of culture.

(B) Crosscultural contact and interactions.

(C) Cultural diversity in United States and California.

(D) Providing culturally responsive instruction.

(4) Test 4, covering methodology for primary language instruction, including topics such as the following:

(A) Instructional delivery.

(B) Language and content assessment in the primary language.

(C) Evaluation and use of primary language materials for instruction and assessment.

(5) Test 5, covering the culture of emphasis, which is the culture associated with the language to be indicated on the BCLAD Certificate. There will be multiple Test 5s, each covering a different culture of emphasis and each including such as the following:

(A) Origins and characteristics of the culture of emphasis.

(B) The culture of emphasis in the United States and California.

(6) Test 6, covering the language of emphasis, which is the language to be indicated on the BCLAD Certificate. There will be multiple Test 6s, each covering a different language of emphasis and consisting of the following four parts:

(A) Listening.

(B) Reading.

(C) Speaking.

(D) Writing.

(b) Application to take the CLAD/BCLAD Examinations: Applicants to take any or all of Tests 1-5 of the CLAD/BCLAD Examinations and any or all of the four parts of Test 6 of the CLAD/BCLAD Examinations must be made to the Commission or its contracted agency.

NOTE: Authority cited: Section 44253.9, Education Code. Reference: Section 44253.5, Education Code.

HISTORY

1. New section filed 5-18-94; operative 7-1-94 (Register 94, No. 20).
2. Amendment of section and NOTE filed 3-10-98; operative 4-9-98 (Register 98, No. 11).

**§ 80015.4. Multiple and Single Subject Credentials with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.**

(a) Teachers who complete a Commission-approved professional preparation program for a Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis following the implementation date of this section will be issued a Multiple or Single Subject Credential with a Bilingual, Crosscultural, Language and Academic Development Emphasis.

(b) Teachers who hold a non-emergency Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis may convert that credential to a Multiple or Single Subject Credential with a Bilingual, Crosscultural, language and Academic Development Emphasis of the same type and with the same validity period as the former credential by meeting the following requirements:

(1) Submission of a valid non-emergency Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis issued to the applicant.

(2) Submission of a completed application packet and a fee equal to one-half of the current credential application fee as specified in Section 80487.

(c) Upon renewal of a preliminary, clear, or professional clear Multiple or Single Subject Credential with a Bilingual Crosscultural Emphasis, the holder of that credential for no additional fee beyond the credential renewal fee, will, if all renewal requirements are met, be issued a Multiple or Single Subject Credential with a Bilingual, Crosscultural, Language and Academic Development Emphasis.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(d), Education Code.

HISTORY

1. New section filed 5-18-94; operative 7-1-94 (Register 94, No. 20).

**§ 80016. Certificates of Completion of Staff Development to Teach English Language Development and/or Specially Designed Academic Instruction Delivered in English to Limited-English-Proficient Students.**

(a) Applicants for a Certificate of Completion of Staff Development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students must meet the following requirements:

(1) hold a valid basic teaching credential as defined in Education Code Section 44203(e);

(2) by January 1, 1999, meet the employment status criteria described in Education Code Section 44253.10(a)(1) as verified by the teacher under penalty of perjury and subject to audit by the Commission;

(3) complete one of the following staff development programs in methods of specially designed content instruction delivered in English or English language development, or both, as specified, that has been determined by the Commission to meet the guidelines and standards established pursuant to Education Code Section 44253.10, prior to January 1, 2005, and submit verification by the school district, county office of education, college or university, or other approved agency, whose program has been approved by the Commission, on the Recommendation for Certificate of Completion of Staff Development form (41-395 rev. 5/00) provided by the Commission:

(A) To provide specially designed content instruction delivered in English as defined in Education Code Section 44253.2(b) to students in a class or subject authorized by the applicant's basic teaching credential: 45 clock hours in either specially designed content instruction delivered in English or in a combination of specially designed content instruction delivered in English and English language development.

(B) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a departmentalized class in the subject and grade authorized by the applicant's basic teaching credential: the same 45 clock hours in specially designed content instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.

(C) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a self-contained classroom, either 1. or 2. below:

1. nine years of experience in California public schools verified by the teacher under penalty of perjury and subject to audit by the Commission, experience or training in teaching limited-English-proficient students as described in Title 5 Section 80689.2(a)(2) verified by the teacher under penalty of perjury and subject to audit by the Commission, and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.

2. fewer than nine years of experience in California public schools or insufficient experience or training in teaching limited-English-proficient students to meet the requirements of subsection (a)(3)(C)1. above and the same 45 clock hours in specially designed academic instruction

delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above, plus, within three years of completing the staff development in subsection (A) and before January 1, 2008, an additional 45 clock hours in English language development, or combination of specially designed content instruction delivered in English and English language development.

(4) Submit a completed Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00), verification of completion of the above requirements, including the Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00) and employment-status and experience self-verifications, and a fee of forty-five dollars.

(b) Period of validity: The Certificate of Completion of Staff Development shall remain valid as long as the basic teaching credential, defined in (a)(1), remains valid.

NOTE: Authority cited: Sections 44225(q) and 44253.10, Education Code. Reference: Sections 44203(e), 44253.2 and 44253.10, Education Code.

#### HISTORY

1. New section filed 4-25-2001; operative 5-25-2001 (Register 2001, No. 17).

### § 80020. Additional Assignment Authorizations for Specified Teaching Credentials.

(a) The holder of a General Kindergarten-Primary Teaching Credential may be assigned, with his or her consent, to teach self-contained classes in grades four through eight.

(b) The holder of a Standard Elementary Teaching Credential may be assigned, with his or her consent, to teach self-contained classes in grades preschool, ten through twelve, and in classes organized primarily for adults, and to teach departmentalized classes in the subject or subjects of his or her majors or minors in grades nine and below.

(c) The holder of a Standard Teaching Credential for Early Childhood Education may be assigned, with his or her consent, to teach self-contained classes in grades four through twelve, and in classes organized primarily for adults, and to teach departmentalized classes in the subject or subjects of his or her majors or minors in grades nine and below.

(d) The holder of a General Secondary Teaching Credential may be assigned, with his or her consent, to teach departmentalized classes in grades kindergarten through six in the subjects of his or her majors or minors or in subjects in which he or she has taught successfully for three years within the ten years prior to the assignment.

(e) The holder of a General Junior High Teaching Credential may be assigned, with his or her consent, to teach classes in grades kindergarten through grades six in the subjects of his or her majors or minors or in subjects in which he or she has taught successfully for three years within the ten years prior to the assignment.

(f) The holder of a Standard Secondary Teaching Credential may be assigned, with his or her consent, to teach departmentalized classes in grades preschool, kindergarten through six, and in classes organized primarily for adults in the subjects of his or her majors or minors.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

#### HISTORY

1. New section filed 9-20-94; operative 10-20-94 (Register 94, No. 38).

### § 80020.1. Additional Assignment Authorizations for Specific Special Education Credentials.

(a) The holder of the following credentials may be assigned, with his or her consent, to teach preschool age students in the disability area(s) authorized by the credential. The holder must have successfully taught preschool age students for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Mentally Retarded,

(2) Standard Limited Specialized Preparation Teaching Credential with a major in Mentally Retarded,

(3) Exceptional Children Teaching Credential with a major in Mentally Retarded,

(4) Standard Restricted Teaching Credential with a minor in Trainable Mentally Retarded or Educable Mentally Retarded, and

(5) Special Secondary Teaching Credential with a major in Mentally Retarded.

(b) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to preschool in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to preschool for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Speech and Hearing Handicapped, Deaf and Severely Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(2) Standard Limited Specialized Preparation Teaching Credential with a major in Speech and Hearing Handicapped, Deaf and Severely Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(3) Exceptional Children Teaching Credential with a major in Speech Correction and Lip Reading, Deaf or Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

(4) Standard Restricted Teaching Credential with a minor in Speech and Hearing Therapy, Deaf and Severely Hard-of-Hearing, Visually Handicapped, Orthopedically Handicapped Including the Cerebral Palsied, Deaf-Blind, or Severely Hard-of-Hearing, and

(5) Special Secondary Teaching Credential with a major in Correction of Speech Defects, Deaf, Lip Reading, or Partially Sighted Child, and Blind.

(c) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to preschool in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to pre-kindergarten for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:

(1) Specialist Instruction Teaching Credential with a major in Communication Handicapped, Physically Handicapped or Visually Handicapped.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(b) and 44225(e), Education Code.

#### HISTORY

1. New section filed 4-7-2003; operative 5-7-2003 (Register 2003, No. 15).

### § 80020.3. Additional Assignment Authorizations for Specified Administrative and Supervision Credentials.

(a) The holder of a General Elementary or General Secondary School Administration Credential may be assigned, with his or her consent, to any administrative position in a school district or county office of education provided that he or she has been employed successfully for a minimum of three years in an administrative assignment authorized by the credential.

(b) The holder of a General Supervision or Standard Supervision Credential may be assigned, with his or her consent, to any administrative position in a school district or county office of education provided that he or she has been employed successfully for a minimum of three years in an administrative assignment authorized by the credential.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

#### HISTORY

1. New section filed 9-20-94; operative 10-20-94 (Register 94, No. 38).

### § 80020.4. Teachers Serving as Staff Developer.

(a) The holder of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may serve as school-site, school district, and or county staff developer in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) A teacher serving as the staff developer for a specific subject must hold a credential in the subject or have his or her expertise in the subject verified and approved by the local governing board.

(c) The holder of a California designated subjects adult teaching credential may serve as the school-site, school district, and or county staff developer for adult teaching subject areas.

(d) The holder of a California designated subjects vocational teaching credential may serve as the school-site, school district, and or county staff developer for vocational teaching subject areas.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Section 44225(d), Education Code.

**HISTORY**

1. New section filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).

**§ 80020.4.1. Services a Teacher May Provide.**

(a) The holder of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning at the school site in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) The holder of a California designated subjects adult teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for adult teaching subject areas.

(c) The holder of a California designated subjects vocational teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for vocational teaching subject areas.

(d) Irrespective of the provisions set out in this section, only individuals who hold either the Reading and Language Arts Specialist Credential or Administrative Services Credential may develop, direct, implement, and coordinate school district or county reading programs. Effective July 1, 2004, school site reading programs may only be developed, directed, implemented, or coordinated by individuals who hold the Reading and Language Arts Specialist Credential, Restricted Reading Specialist Credential, Reading Certificate, or Administrative Services Credential.

(e) An individual who has developed, directed, implemented, or coordinated reading programs for a minimum of three years prior to July 1, 2004, on the basis of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, shall be authorized to continue in such assignment. Verification of this teaching experience must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Education Code Section 44258.9(b).

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d) and 44258.9(b), Education Code.

**HISTORY**

1. New section filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).
2. Amendment of section heading and section filed 12-23-2002; operative 1-22-2003 (Register 2002, No. 52).

**§ 80020.5. Additional Assignment Authorizations for Specified Pupil Personnel Services Credentials.**

The holder of a General Pupil Personnel Services Credential or a Standard Designated Services Credential with Specialization in Pupil Personnel Services may be assigned, with his or consent, to provide the services authorized by the credential in preschools and in schools organized primarily for adults.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

**HISTORY**

1. New section filed 9-20-94; operative 10-20-94 (Register 94, No. 38).

**Article 2. Credential Types, Authorizations, and Requirements**

**§ 80023. Types of Emergency Permits.**

The following types of emergency permits are governed by the provisions of Sections 80023.1 through 80026.6, except 80025.

(a) Emergency Multiple Subject Teaching Permit.

(b) Emergency Multiple Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.

(c) Emergency Multiple Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.

(d) Emergency Single Subject Teaching Permit with an authorization to teach one or more of the subjects identified in Education Code Section 44282.

(e) Emergency Single Subject Teaching Permit with a Bilingual, Crosscultural Language and Academic Development (BCLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.

(f) Emergency Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.

(g) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing

(h) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.

(i) Emergency Library Media Teacher Services Permit.

(j) Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.

(k) Emergency Crosscultural, Language and Academic Development (CLAD) Permit.

(l) Emergency Education Specialist Instruction Permit: Mild/Moderate Disabilities.

(m) Emergency Education Specialist Instruction Permit: Moderate/Severe Disabilities.

(n) Emergency Education Specialist Instruction Permit: Physical and Health Impairments.

(o) Emergency Education Specialist Instruction Permit: Deaf and Hard-of-Hearing.

(p) Emergency Education Specialist Instruction Permit: Visual Impairments.

(q) Emergency Education Specialist Instruction Permit: Early Childhood Special Education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265 and 44300, Education Code.

**HISTORY**

1. Repealer and new section filed 4-20-94; operative 5-20-94 (Register 94, No. 16). For prior history, see Register 93, No. 25.
2. Amendment filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. New subsections (r)-(w) and amendment of NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).
4. Change without regulatory effect repealing subsections (g)-(l) and relettering subsections filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

**§ 80023.1. General Provisions Governing Emergency Permits.**

The provisions of this section shall apply to all emergency permits specified in Section 80023.

(a) Terms that are used in Sections 80023 through 80027, inclusive, are defined as follows:

(1) The terms "employing agency" and "local education agency" mean the school district, charter school, county office of education, non-public, nonsectarian school or agency, or school operating under the di-

rection of a California state agency, which submits an emergency permit application to the Commission in order to employ the applicant.

(2) "Applicant" is the individual for whom an emergency permit application is submitted.

(3) "Regionally accredited college or university" means an institution of postsecondary education accredited by a regional accrediting body recognized by the Council on Postsecondary Accreditation and the United States Department of Education. In California the regional accrediting body is the Western Association of Schools and Colleges (WASC).

(4) "Related credential" refers to the credential that provides the same authorization as a particular emergency permit.

(b) The following entities may submit emergency permit applications. Each application shall be submitted to the Commission on behalf of the applicant.

(1) Public school districts in California.

(2) County offices of education or county superintendents of schools in California.

(3) Schools that operate under the direction of a California state agency.

(4) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(5) Charter Schools as defined in Education Code Section 47600.

(c) Emergency permits are valid for the length of time specified as follows:

(1) An emergency permit is valid for one year.

(2) The expiration date of an emergency permit which is dependent upon the possession of a valid basic credential will expire with that credential if it expires before the date explained above. The emergency permit may be extended, with an application and fee but without verification of reissuance requirements, to the end of the specified period when the basic credential is renewed.

(3) An individual who holds an emergency permit that was initially issued prior to January 1, 1998, and that is in effect on or after January 1, 1998, may receive one or more reissuances of that permit for a maximum of five additional one-year periods.

(4) An individual who is issued an initial emergency permit on or after January 1, 1998, may receive one or more reissuances of that permit for a maximum of four additional one-year periods.

(d) Teaching or service authorized by an emergency permit shall be restricted to schools operated by the employing agency that requested the permit.

(e) A grade of "C" or higher, "Pass", or "Credit" must be earned in each course required for the initial issuance and reissuance of an emergency permit. "Non-remedial" coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44251(c) and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsections (a)(1) and (b)(3) and new subsections (b)(4) and (c)(3) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Change without regulatory effect amending section and NOTE filed 1-13-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
4. Amendment of subsection (a)(1), new subsection (b)(5), amendment of subsection (c)(2) and new subsection (e) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

#### § 80023.2. General Requirements for the Initial Issuance of Emergency Permits.

The following requirements apply to the initial issuance of all emergency permits specified in Section 80023.

(a) The applicant must possess a baccalaureate or higher degree from a regionally accredited college or university.

(b) The applicant must verify passage of the California Basic Educational Skills Test (CBEST), unless exempt by statutes or regulations.

(c) The applicant must satisfy the requirements for the permit being requested as specified in Sections 80024.1 through 80024.8.

(d) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(e) If the applicant does not already have fingerprint clearance on file with the Commission, the permit application must include two fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-93), and fee(s). No permit will be issued until the clearance process is completed.

(f) Issuance of an emergency permit also requires the submission of a complete application packet, including a completed Application for Credential Authorizing Public School Service (form 41-4, rev 11-94), payment of the fee(s) required by Section 80487, and other documents required by the Commission to verify completion of all requirements for the emergency permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsections (c) and (f) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).

#### § 80024. Emergency Teaching and Services Credential for Other Than 30-Day Substitute Teaching Service.

NOTE: Authority cited: Sections 44232, 44254, 44263, and 44342, Education Code.

#### HISTORY

1. Repealer filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).

[The next page is 405.]

### § 80024.1. Emergency Multiple or Single Subject Teaching Permits.

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(3) The applicant must verify one of the following:

(A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or

(B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:

1. For the Emergency Single Subject Teaching Permit, at least 18 semester units, or nine upper division or graduate semester units, of course work in the subject to be taught; or

2. For the Emergency Multiple Subject Teaching Permit, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization:

(1) An Emergency Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) An Emergency Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (q) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

#### HISTORY

1. New section filed 4-6-81; effective date thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
4. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
5. Amendment of subsections (a)(2) and (a)(3)(D)3. filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
6. Repealer of subsections (a)(3)(A) and (a)(3)(D)-(a)(3)(D)3., subsection relettering, amendment of newly designated subsection (a)(3)(B)2. and amendment of NOTE filed 4-27-98; operative 5-27-98 (Register 98, No. 18).
7. Amendment of subsections (a)(2) and (b) and new subsection (b)(1) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.2. Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis.

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must verify target-language proficiency by one of the following:

(A) Passage in the target language of the listening and speaking sections of Test 6 of the CLAD/BCLAD Examinations, or the oral language component of the Bilingual Certificate of Competence (BCC) examination, or

(B) Passage in the target language of an assessment covering oral language proficiency, both listening and speaking, administered by a California college or university as a part of its Commission accredited BCLAD emphasis program, or

(C) Passage in the target language for which the Commission has no BCLAD Test 6 of an assessment covering oral language proficiency, both listening and speaking, performed by an approved organization pursuant to Education Code Section 44253.5(a), or

(D) Possession of a three-year or higher degree from a foreign institution in which all instruction was delivered in the target language. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States, or

(E) Possession of a valid, non-emergency California Single Subject or Standard Secondary Teaching Credential with a major in the target language.

(3) The applicant must verify subject-matter competence by one of the following:

(A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or

(B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:

1. For the Emergency Single Subject Teaching Permit with a BCLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or

2. For the Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(4) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit with a BCLAD Emphasis, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization.

(1) An Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a BCLAD Emphasis in the target language(s) listed on the permit.

(2) An Emergency Single Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with a BCLAD Emphasis in the target language(s) and authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (q) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

#### HISTORY

1. Renumbering and amendment of section 80029 to section 80024.2 filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).



3. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
4. Amendment of section heading and section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
5. Amendment of subsection (a)(2)(D), new subsection (a)(2)(E), repealer of subsections (a)(3)(A) and (a)(3)(D)-(a)(3)(D)3., subsection relettering, amendment of newly designated subsection (a)(13)(B)2. and amendment of NOTE filed 4-27-98; operative 5-27-98 (Register 98, No. 18).
6. Amendment of subsections (a)(2)(B), (a)(4) and (b) and new subsection (b)(1) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

**§ 80024.2.1. Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.**

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis include all of the following:

- (1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.
- (2) The applicant must verify one of the following:
  - (A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or
  - (B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:
    1. For the Emergency Single Subject Teaching Permit with a CLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or
    2. For the Emergency Multiple Subject Teaching Permit with a CLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Multiple or Single Subject Teaching Permit with a CLAD Emphasis, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization:

(1) An Emergency Multiple Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a CLAD Emphasis.

(2) An Emergency Single Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with a CLAD Emphasis in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(d), (g), and (g) and 44300, Education Code. Reference: Sections 44300 and 44301, Education Code.

**HISTORY**

1. New section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
2. Repealer of subsections (a)(2)(A) and (a)(2)(D)-(a)(2)(D)3., subsection relettering, amendment of newly designated subsection (a)(2)(B)2. and amendment of NOTE filed 4-27-98; operative 5-27-98 (Register 98, No. 18).
3. Amendment of subsections (a)(3) and (b) and new subsection (b)(1) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

**§ 80024.3. Emergency Specialist Instruction Permits for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped.**

(a) To reissue an Emergency Specialist Instruction Permit for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(1) Emergency Specialist Instruction Permits shall not be reissued after June 30, 2001.

(c) Authorization: An Emergency Specialist Instruction Permit authorizes the same service as the Specialist Instruction Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

**HISTORY**

1. Renumbering and amendment of section 80030 to section 80024.3 filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 1-14-91; operative 1-14-91 (Register 91, No. 7).
4. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
5. Amendment of subsections (a)(2)(B)-(a)(3) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
6. Amendment of subsection (a)(4) and new subsection (b)(1) filed 9-26-97; operative 10-26-97 (Register 97, No. 39).
7. Repealer of subsections (a)-(a)(4) and relettering and amendment of former subsection (h) to new subsection (a) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

**§ 80024.3.1. Emergency Resource Specialist Permit.**

(a) Requirements for the initial issuance of an Emergency Resource Specialist Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) Either (A) or (B) below:

(A) The applicant must possess a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or

(B) The applicant must possess or show eligibility for an out-of-state credential in special education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution.

(3) Either (A), (B), or (C) below:

(A) The applicant who holds a basic California teaching credential which does not authorize instruction for special education students must demonstrate intent to enroll in a Commission accredited program for the appropriate Special Education Specialist Instruction Credential within the valid period of the emergency permit.

(B) The applicant who holds a California teaching credential which authorizes instruction for special education students must demonstrate intent to either enroll in a Commission accredited program or complete the assessment for the Resource Specialist Certificate of Competence as outlined in Sections 80070.2 through 80070.8 within the valid period of the emergency permit.

(C) The applicant who holds or is eligible for an out-of-state credential in special education must demonstrate intent to enroll in either a Commission accredited program for the appropriate Special Education Specialist Instruction Credential or the basic teaching credential, as appropriate to his or her training, within the valid period of the emergency permit.

(b) To reissue an Emergency Resource Specialist Permit the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6, except in lieu of the six semester units of coursework or ninety clock hours of professional devel-

opment described in Section 80026.6(a)(5), the applicant who holds a California teaching credential which authorizes instruction for special education students may complete the assessment for the Resource Specialist Certificate of Competence provided for in Section 80070.6.

(c) Authorization: An Emergency Resource Specialist Permit authorizes the same service as the Resource Specialist Certificate of Competence.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
2. Amendment of subsections (a)(3)(A)-(b) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.3.2. Emergency Education Specialist Instruction Permits.

(a) Requirements for the initial issuance of an Emergency Education Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) In addition, the applicant must meet (A), (B), (C) or (D) below:

(A) must possess a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or

(B) must possess or show eligibility for an out-of-state credential in special education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution, or

(C) must verify a minimum of three years of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students in a public school or a state certified nonpublic, nonsectarian school or a state certified nonpublic, nonsectarian agency with students in the age range of the authorization being requested, or

(D) must verify a minimum of nine semester units of coursework in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in 80026.6.

(1) The applicant who completed a professional preparation program as described in Section 80048.3(b)(2) must complete at least six semester units of coursework toward completion of the requirements described in Section 80048.3(b)(4) through (8) in lieu of the requirements described in 80026.6(a)(5)(A).

(2) The applicant who has not completed the subject matter knowledge requirement specified in Section 80413(a)(3) may, for the first reissuance only, take all components of the appropriate subject matter examination as described in Section 80071 in lieu of six semester units of coursework from a regionally accredited college or university.

(c) Authorization: An Emergency Education Specialist Instruction Permit authorizes the same service as the Education Specialist Instruction Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265 and 44300, Education Code.

#### HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

2. Amendment of subsections (a)(2)(D)-(b) and new subsection (b)(2) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.4. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.

(a) Requirements for the initial issuance of an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) The applicant must verify either of the following:

(A) Possession of a valid Clinical or Rehabilitative Services Credential in Language, Speech and Hearing; or

(B) Possession of a baccalaureate degree from a regionally accredited college or university and successful completion of an organized program of at least two full years or 60 semester units, including a minimum of 75 hours of supervised clinical practice with school-age children, in a regionally accredited college or university, in the area of language, speech and hearing.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(4) The Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization shall not be issued initially after July 1, 2000.

(b) To reissue an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization, authorizes the same service as a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, including the Special Class Authorization.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44268 and 44300, Education Code.

#### HISTORY

1. New section filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 1-14-91; operative 1-14-91 (Register 91, No. 7).
4. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
5. Amendment of subsection (a)(3) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
6. Amendment of section heading and subsections (a)(3) and (b) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.5. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing.

(a) Requirements for the initial issuance of an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing include all of the following:

(1) The applicant and the employing agency must meet the general requirements as stated in Section 80023.2.

(2) The applicant must verify possession of a baccalaureate degree from a regionally accredited college or university and successful completion of an organized program of at least two full years or 60 semester units, including a minimum of 75 hours of supervised clinical practice with school-age children, in a regionally accredited college or university, in the area of language, speech and hearing.

(3) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(4) The Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing shall not be issued initially after July 1, 2000.

(b) To reissue an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing authorizes the same service as a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44268 and 44300, Education Code.

#### HISTORY

1. Repealer and new section filed 4-20-94; operative 5-20-94 (Register 94, No. 16). For prior history, see Register 83, No. 31.
2. Amendment of subsection (a)(3) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of subsections (a)(3) and (b) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.6. Emergency Library Media Teacher Services Permit.

(a) Requirements for the initial issuance of the Emergency Library Media Teacher Services Permit are as follows:

(1) Persons holding a valid California Teaching Credential must verify all of the following:

(A) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(B) The applicant must possess a valid California Teaching Credential based on a baccalaureate degree and a professional preparation program, including student teaching.

(C) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(2) Persons holding or eligible for a valid service credential from a state other than California must verify all of the following:

(A) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(B) The applicant must verify possession of or eligibility for an out-of-state credential or certificate authorizing service as a school librarian.

(C) The applicant must provide a written affirmation of his or her intent to complete the requirements set forth in Section 80026.6 during the period of the permit.

(b) To reissue an Emergency Library Media Teacher Services Permit, the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6.

(c) Authorization. An Emergency Library Media Teacher Services Permit authorizes the same service as a Library Media Teacher Services Credential.

NOTE: Authority cited: Section 44225 subsections (b) and (q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 6-14-90; operative 7-14-90 (Register 90, No. 33).
2. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
3. Amendment of subsections (a)(1)(C) and (a)(2)(C) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
4. Amendment of subsections (a)(1)(C) and (a)(2)(C)-(b) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.7. Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.

(a) Requirements for the initial issuance of an Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must possess a valid credential or permit as specified in Education Code Section 44253.4(b)(1).

(3) The applicant must verify target-language proficiency by one of the following:

(A) Passage in the target language of the listening and speaking sections of Test 6 of the CLAD/BCLAD Examinations, or the oral language component of the Bilingual Certificate of Competence (BCC) examination, or

(B) Passage in the target language of an assessment covering oral language proficiency, both listening and speaking, administered by a California college or university as a part of its Commission accredited BCLAD emphasis program, or

(C) Passage in the target language for which the Commission has no BCLAD Test 6 of an assessment covering oral language proficiency, both listening and speaking, performed by an approved organization pursuant to Education Code Section 44253.5(a), or

(D) Possession of a valid, non-emergency California Single Subject or Standard Secondary Teaching Credential with a major in the target language, or

(E) Possession of a three-year or higher degree from a foreign institution in which all instruction was delivered in the target language. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States.

(b) To reissue an Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit the applicant and the employing agency must meet the requirements for reissuance of emergency permits specified in Section 80026.6 except in lieu of the six semester units of coursework or ninety clock hours of professional development described in Section 80026.6(a)(5), the applicant must complete both of the following:

(1) Pass either Test 4, Test 5, or all four parts of Test 6 of the CLAD/BCLAD Examinations if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If all of these tests were passed prior to the issuance of the emergency permit being reissued, three semester units of coursework required for the CLAD Certificate may be substituted. Passage of the four parts of Text 6 is not required of anyone who qualifies for the emergency permit by completion of subsections (D) or (E) in section 80024.7(a)(3) above.

(2) Pass either Test 1, Test 2, or Test 3 of the CLAD/BCLAD Examinations if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If all of these tests were passed, or if the applicant opts to complete coursework in lieu of taking these tests, three semester units of coursework required for the CLAD Certificate may be substituted.

(c) Authorization. The Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit authorizes the same service as the Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
2. Amendment of subsections (a)(3)(B) and (b)-(b)(2) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80024.8. Emergency Crosscultural, Language and Academic Development (CLAD) Permit.

(a) Requirements for the initial issuance of an Emergency Crosscultural, Language and Academic Development (CLAD) Permit include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must possess a valid credential or permit as specified in Education Code Section 44253.3(b)(1).

(b) To reissue an Emergency Crosscultural, Language and Academic Development (CLAD) Permit the applicant and the employing agency

must meet the requirements for reissuance of emergency permits specified in Section 80026.6 except in lieu of the six semester units of coursework or ninety clock hours of professional development described in Section 80026.6(a)(5), the applicant must complete any two of the following: Test 1, Test 2, or Test 3 of the CLAD/BCLAD Examination, if these tests, or their equivalent as detailed in Section 80015.1, were not passed prior to issuance of the emergency permit being reissued. If the tests were passed, or if the applicant opts to complete coursework in lieu of taking the tests, three semester units of coursework required for the CLAD Certificate may be substituted for each test not taken.

(c) Authorization. The Emergency Crosscultural, Language and Academic Development (CLAD) Permit authorizes the same service as the Crosscultural, Language and Academic Development (CLAD) Certificate.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
2. Amendment of subsection (b) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

### § 80025. Emergency 30-Day Substitute Teaching Permit.

(a) Requirements for the issuance and reissuance of an Emergency 30-Day Substitute Teaching Permit include all of the following:

- (1) Possession of a baccalaureate or higher degree from a regionally accredited college or university;
- (2) Passage of the California Basic Educational Skills Test (CBEST);
- (3) Submission to the Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-93).

(b) Authorization: The Emergency 30-Day Substitute Teaching Permit authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults within each county in which the permit is registered provided the employing agency has a completed Statement of Need on file for the school year. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The Statement of Need for 30-day Substitute Teachers must:

- (1) describe the situation or circumstances that necessitate the use of an emergency permit holder, and
- (2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency, and
- (3) be prepared and signed by, as applicable, the superintendent of the employing school district, the superintendent of the employing county if the service will be rendered in county operated schools, or the head of the state agency under which the employing school operates.

(d) An Emergency 30-Day Substitute Teaching 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.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(e), 44252(a), 44252(b), 44300, 44332.5(b), 44339, 44340 and 44341, Education Code.

#### HISTORY

1. Amendment filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment filed 6-15-93; operative 7-15-93 (Register 93, No. 25).
4. Amendment of section heading and text filed 4-20-94; operative 5-20-94 (Register 94, No. 16).

### § 80025.1. Emergency Career Substitute Teaching Permit.

(a) Requirements for the initial issuance of an Emergency Career Substitute Teaching Permit include all the following:

- (1) Possession of a baccalaureate or higher degree from a regionally accredited institution of higher education;
- (2) Passage of the California Basic Educational Skills Test (CBEST) unless exempted by statutes or regulations;
- (3) Verification, by employer(s), of either:
  - (A) Three consecutive years of at least ninety days per year of day-to-day substitute teaching in the California school district requesting the permit in the three years immediately preceding the date of application, or
  - (B) If the county office of education is responsible for the assignment of day-to-day substitutes for all their school districts, three consecutive years of at least ninety days per year of day-to-day substitute teaching accumulated from one or more California school districts in the county requesting the permit in the three years immediately preceding the date of application;
- (4) Statement of endorsement signed by the superintendent of the employing school district or county office of education stating that the individual has served successfully in the district(s) and the district(s) would allow the individual to substitute teach for up to 60 days for one teacher during the school year;
- (5) Verification that the employing agency will make available to the permit holder the staff development activities that are offered to their regular teaching staff; and
- (6) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41-4, rev 6-97); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-96).

(b) Requirements for the reissuance of an Emergency Career Substitute Teaching Permit include all the following:

- (1) Statement of continued endorsement from the superintendent of the employing school district or county office of education;
- (2) Verification that staff development activities that were offered to their regular teaching staff were made available to the permit holder; and
- (3) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41-4, rev 6-97); and the fee(s) as specified in Section 80487.

(c) Authorization: The Emergency Career Substitute Teaching Permit authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 60 days for any one teacher during the school year. The permit shall be restricted to the schools operated by the employing agency that requested the permit.

(d) An Emergency Career Substitute Teaching 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.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(d) and (e), 44252(b), 44339, 44340 and 44341.

#### HISTORY

1. New section filed 8-6-98; operative 9-5-98 (Register 98, No. 32). For prior history, see Register 82, No. 45.

### § 80025.2. Emergency Substitute Teaching Permit for Prospective Teachers.

(a) Requirements for the initial issuance of an Emergency Substitute Teaching Permit for Prospective Teachers include all the following:

- (1) Completion of a minimum of ninety semester units of course work from a regionally accredited institution of higher education;
- (2) Verification of current enrollment in a regionally accredited four-year California institution of higher education;
- (3) Passage of the California Basic Educational Skills Test (CBEST) unless exempted by statutes or regulations; and

(4) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41-4, rev 6-97); the fee(s) as specified in Section 80487; and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-96).

(b) Requirements for the one-time reissuance of an Emergency Substitute Teaching Permit for Prospective Teachers include all the following:

(1) Fifteen semester units of course work from a regionally accredited four-year California institution of higher education completed since the previous permit was issued;

(2) Verification of continued enrollment in a regionally accredited four-year California institution of higher education; and

(3) Submission to the California Commission on Teacher Credentialing of a completed Application for Credential Authorizing Public School Service (form 41-4, rev 6-97); and the fee(s) as specified in Section 80487.

(c) Authorization: The Emergency Substitute Teaching Permit for Prospective Teachers authorizes the holder to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher and not more than 90 days total during the school year.

(d) An Emergency Substitute Teaching Permit for Prospective Teachers 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.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(d) and (e), 44252(b), 44339, 44340 and 44341.

#### HISTORY

1. New section filed 8-6-98; operative 9-5-98 (Register 98, No. 32).

### § 80025.3. Day to Day Substitute Teaching.

(a) The holder of a valid California teaching or services credential for which the requirements are equal to or greater than those listed in Title 5 Section 80025(a)(1) and (2) for an Emergency 30-Day Substitute Teaching Permit is authorized to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year. Holders of teaching or services credentials issued prior to February 1, 1983 will not be held to the requirement in Education Code §44252(b) if the requirements for the credential included a bachelor's degree and a professional preparation program.

(b) The holder of a permit or credential issued according to the provisions of Title 5 Section 80023.2, 80025.1 or 80071.4(c) may, in addition to the authorization of the permit, serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults during the valid period of the permit in any district within the county listed on the document. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The provisions of this section do not apply to teachers who hold documents issued under the provisions of Education Code Sections 44305, 44321 or 44325.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Section 44225(e), Education Code.

#### HISTORY

1. New section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51).

### § 80025.4. Substituting in a Special Education Classroom.

(a) The holder of a document authorizing day-to-day substitute teaching according to the provisions of Title 5 Sections 80025 and 80025.3 is authorized to serve as a substitute in a special education classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a special

education substitute for more than 20 days for any one teacher during the school year.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Section 44225(e), Education Code.

#### HISTORY

1. New section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51).

### § 80025.5. Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service.

(a) Requirements for issuance and reissuance of the Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service include all of the following:

(1) High School Diploma or equivalent as defined in Section 80034(h);

(2) Verification, by employers, of five years of work experience directly related to a subject listed in Section 80035.5. Forty-eight semester units or the quarter unit equivalent of postsecondary vocational training, related to that vocational education subject and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. Teaching shall not be considered as acceptable work experience.

(3) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); verification of completion of requirements specified in Subsections (a)(1), and (a)(2), above; unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93); and payment of a fee as specified in Section 80487. Requirements for the third and subsequent reissuances shall also include verification of completion of 30 clock hours of professional growth requirements as specified in Section 80569.

(b) Authorization. The Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service authorizes the holder to serve as a substitute in any classroom in any county in which the permit is registered provided the employing agency has a completed Statement of Need. Such substitute teaching shall be part of a program of technical, trade or vocational education. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(c) The Statement of Need for 30-day Substitute Teachers must:

(1) describe the situation or circumstances that necessitate the use of an emergency permit holder, and

(2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency, and

(3) be prepared and signed by, as applicable, the superintendent of the employing school district, the superintendent of the employing county if the service will be rendered in county operated schools, or the head of the state agency under which the employing school operates.

(d) An Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching 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.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44300(g), Education Code.

#### HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80026. Declaration of Need for Fully Qualified Educators.

Submission of a Declaration of Need for Fully Qualified Educators by the employing agency shall be a prerequisite to the issuance of any emergency permit and/or limited assignment permit for that agency. Charter schools as defined in Education Code Section 47600 shall be exempt from submitting a Declaration of Need for Fully Qualified Educators. The Declaration of Need for Fully Qualified Educators by an employing agency shall be valid for no more than twelve months, and shall expire on the June 30 following its submission to the Commission, unless the

employing agency has an approved Plan to Develop Fully Qualified Educators which specifies a period of validity longer than twelve months. The Declaration of Need for Fully Qualified Educators shall be submitted to the Commission on a form to be provided by the Commission, and shall include all of the following information:

(a) **Estimated Need:** This shall include the title(s) and number of each type of emergency permit and limited assignment permit which the employing agency estimates, based on previous year actual needs and projections of enrollment, it will need during the year covered by the Declaration. In addition, it shall include each subject to be listed on Emergency Single Subject and Limited Assignment Single Subject Teaching Permits and the target language on Emergency Multiple Subject or Single Subject Teaching Permits with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis or on Emergency BCLAD Permits. The Declaration of Need for Fully Qualified Educators shall be revised, when the number of emergency permits and limited assignment permits needed exceeds the estimate by ten percent, by the governing board or superintendent/administrator of the employing agency, as specified in subsection (e) below.

(b) **Efforts to Recruit Certified Personnel.** This shall include a brief description of efforts that the employing agency has undertaken to locate and recruit individuals who hold the needed credentials, such as dated copies of written announcements of its vacancy or vacancies which were mailed to college or university placement centers.

(c) **Efforts to Establish Alternative Training Options.** The Declaration shall:

(1) identify the names of institutions of higher education co-sponsoring internships or other certification programs with the employing agency or, if no such programs exist, briefly explain why;

(2) if the employing agency participates in pre-internship or internship programs, estimate the number which the employing agency reasonably expects to employ during the year covered by the Declaration; and

(3) indicate whether the employing agency has considered developing a "Plan to Develop Fully Qualified Educators" in cooperation with other education agencies in the region pursuant to Section 80026.4, or if not, briefly explain why.

(d) **Stipulation of Insufficiency of Suitable Applicants.** The employing agency shall certify that there is an insufficient number of certificated persons who meet the employing agency's specified employment criteria to fill necessary positions.

(e) **Adoption of the Declaration.** The Declaration of Need for Fully Qualified Educators shall be adopted by the governing board of a school district, or by the superintendent of a county office of education or by the administrator of a state school or nonpublic, nonsectarian school or agency.

(1) A Declaration of Need for Fully Qualified Educators by a school district shall be adopted by the governing board in a regularly-scheduled, public meeting of the board. The entire Declaration of Need for Fully Qualified Educators shall be included in the board agenda, and shall not be adopted by the board as part of a consent calendar.

(2) A superintendent of a county office or the administrator of a state school or nonpublic, nonsectarian school or agency shall publicly announce his or her intent to adopt a Declaration of Need for Fully Qualified Educators at least 72 hours prior to adopting the Statement. The adopted Statement shall be signed by the superintendent or administrator.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. Repealer and new section filed 4-20-94; operative 5-20-94 (Register 94, No. 16). For prior history, see Register 81, No. 15.
2. Amendment of subsections (a), (c), (e) and (e)(2) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of first paragraph and subsection (c)(1), new subsection (c)(2) and subsection renumbering filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

4. Amendment of first paragraph and subsection (a) filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-15-2001 order transmitted to OAL 10-9-2001 and filed 11-19-2001 (Register 2001, No. 47).

#### § 80026.1. Information to Applicants.

The local education agency shall inform each applicant for an emergency permit specified in Section 80023 of all of the following:

(a) that the employing agency will provide the orientation, guidance and assistance required by Section 80026.5.

(b) the name, or if providing the name is not feasible, the position, of the individual responsible for providing the guidance and assistance required by Section 80026.5:

(c) that, in order to reissue an emergency permit, the applicant must complete a minimum of six semester units, or nine quarter units, of approved course work for the related credential or, for the first reissuance, be participating in a professional development program, and complete the equivalent as described in the employing agency's "Plan to Develop Fully Qualified Educators", unless exceptions for reissuance are listed under the specific requirement for the type of emergency permit for which application is being made.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsection (c) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of subsection (c) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).

#### § 80026.4. Plan to Develop Fully Qualified Educators.

(a) Any employing agency may submit a Plan to Develop Fully Qualified Educators to the Commission for approval. Such a Plan shall be developed by the employing agency, in collaboration with a county office of education, regionally accredited college or university, Special Education Local Planning Area, or other public education entity in the region of the employing agency, as appropriate. The Plan shall describe efforts by the employing agency to:

(1) recommend to the Commission the certification of personnel who, by virtue of education, training or experience, have been judged by certificated educators from the employing agency as competent to serve in an assignment, but are not yet certified to do so;

(2) support and assist persons who have training and experience in teaching, but neither training nor experience in the area to which they will be assigned; and

(3) provide development activities for persons who have neither training nor experience in teaching, for example, through university or district internships, technologically based learning, or intensive professional development programs.

(b) Any Plan To Develop Fully Qualified Educators may propose alternatives to enrollment in a Commission accredited preparation program for the first year of development of persons granted an emergency permit for the first time. Such alternatives shall be designed to provide ninety clock hours of professional development and to be equivalent to at least 6 units of course work offered to first-year emergency permit holders by a college or university with an preparation program accredited by the Commission. Any such proposed alternatives shall include information on how the performance of the applicants for the reissuance of an emergency permit shall be evaluated.

(c) Any Plan To Develop Fully Qualified Educators may propose ways for the employing agency to streamline or decentralize existing procedures for the issuance or reissuance of any or all of the emergency permits listed in Section 80023 to allow the employing agency to devote more personnel or fiscal resources to supporting, assisting and developing fully qualified educators, and fewer resources to paperwork or other tasks associated with applying for emergency permits.

(d) Plans to Develop Fully Qualified Educators may be initially approved by the Commission until January 1, 2003 and all approved Plans to Develop Fully Qualified Educators shall no longer be offered after January 1, 2004.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsections (b)-(c) filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).
3. New subsection (d) filed 5-21-2002; operative 6-20-2002 (Register 2002, No. 21).

### § 80026.5. Orientation, Guidance and Assistance.

(a) Orientation, Guidance and Assistance to Holders of the Emergency Teaching Permit. The employing agency shall provide an orientation to teaching for the holders of the emergency teaching permits specified in Section 80023. Each recipient of an emergency teaching permit that is issued after January 31, 1994 shall attend an orientation when he or she obtains an emergency teaching permit for the first time. The employing agency may vary the nature, content and duration of the orientation to match the amount of training and experience previously completed by emergency permit teachers.

(1) The orientation to teaching shall include, but not be limited to, an overview of all of the following topics:

(A) the curriculum that the emergency permit teacher is expected to teach;

(B) effective techniques of classroom instruction at the emergency permit teacher's assigned level: preschool, elementary, middle, secondary, or adult education; and

(C) effective techniques of classroom management at the emergency permit teacher's assigned level: elementary or secondary.

(2) To the extent reasonably feasible, the orientation to teaching shall occur before the emergency permit teacher begins his or her teaching assignment.

(b) Commencing July 1, 1994, the employing agency shall assign an experienced educator to guide and assist each holder of an emergency teaching permit specified in Section 80023. The experienced educator shall:

(1) be a certificated employee of the employing agency, or a certificated retiree of a California school district or county office of education; and

(2) have completed at least three years of full-time classroom teaching experience.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).

### § 80026.6. Requirements for the Reissuance of Emergency Permits.

(a) The reissuance requirements for an emergency permit identified in Section 80023 shall include all of the following:

(1) A completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94),

(2) Payment of the fee(s) required by Section 80487.

(3) Prior submission of a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(4) Verification that orientation, guidance and assistance have been provided as required in Section 80026.5.

(5) For the first reissuance only, an evaluation by a Commission-accredited professional preparation institution identifying requirements the emergency permit holder must complete to be eligible for the related credential.

(6) The following, unless exceptions for reissuance are listed under the specific requirements for the type of emergency permit for which application is being made:

(A) Completion of at least six semester units (or the equivalent quarter units) of approved coursework in a Commission-accredited professional preparation program required for issuance of the related credential; or

(B) for the first reissuance only, completion of a minimum of ninety hours of professional development activities that are directly related to the subject or class authorized by the emergency permit if the applicant is employed by a employing agency with a Plan to Develop Fully Qualified Educators which has been accredited by the Commission. This option will no longer be available after January 1, 2004.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

#### HISTORY

1. New section filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
2. Amendment of subsection (a)(5) filed 8-8-95; operative 9-7-95 (Register 95, No. 32).
3. Amendment of section heading and section filed 11-12-99; operative 11-12-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 46).
4. Amendment of subsection (a)(6)(B) filed 5-21-2002; operative 6-20-2002 (Register 2002, No. 21).

### § 80027. Limited Assignment Multiple or Single Subject Teaching Permit.

(a) Requirements for the initial issuance of a Limited Assignment Multiple or Single Subject Teaching Permit include all of the following:

(1) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(2) Applicant is currently employed by the local governing board requesting such assignment.

(3) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

(4) Applicants who have not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or 44929.23 shall be assigned an experienced educator by the employing agency in the subject area of the Limited Assignment Multiple or Single Subject Teaching Permit who has completed 3 years of full-time classroom teaching experience in that subject area.

(5) The Limited Assignment Single Subject Teaching Permit may be issued in the subject areas listed in Education Code Section 44257.

(6) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

(7) The applicant submits a completed Application for Credential Authorizing Public School Service (form 41-4, rev. 8/00), and the fee(s) as specified in Section 80487.

(b) Requirements for the renewal of a Limited Assignment Multiple or Single Subject Teaching Permit.

(1) Applicant is currently employed by the local governing board requesting such assignment.

(2) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

(3) An application for the renewal of a Limited Assignment Multiple or Single Subject Teaching Permit shall be submitted to the Commission by the employing agency, and shall include all of the following.

(A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 8/00).

(B) Payment of the fee(s) required by Section 80487.

(C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.

(4) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(5) Validation of Professional Development Statement. The holder of a Limited Assignment Multiple or Single Subject Teaching Permit who has previously taught three or more years on a credential other than an

emergency credential or permit may submit the following in lieu of the required 6 semester units:

(A) Verification that he or she has completed ninety hours of professional development activities that are directly related to the subject or class authorized by the Limited Assignment Multiple or Single Subject Teaching Permit; and

(B) Submission of a Validation of Professional Development Statement, signed by the employing agency and the permit holder, that includes a brief description of the content of the teacher's professional development program, a brief description of the means by which the employing agency validated the quality and appropriateness of the teacher's professional development program, and a brief description of the manner in which the results of the teacher's professional development program were evaluated.

(6) An individual may renew a Limited Assignment Multiple or Single Subject Teaching Permit in any one specific subject only twice during his or her lifetime.

(7) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

(c) Authorization:

(1) A Limited Assignment Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) A Limited Assignment Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

(d) The Limited Assignment Multiple or Single Subject Teaching—Permit shall be 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.

NOTE: Authority cited: Sections 44225(d), (g) and (q) and 44300, Education Code. Reference: Section 44300, Education Code.

#### HISTORY

1. Amendment filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).
2. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment of section heading, text and NOTE filed 4-20-94; operative 5-20-94 (Register 94, No. 16).
4. Amendment of subsections (a)(1), (a)(3), (a)(4) and (b)(3)(A), new subsections (b)(3)(D) and (b)(5), and amendment of subsection (d) and NOTE filed 7-6-98; operative 7-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 28).
5. Amendment of section heading and section filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 6-15-2001 order transmitted to OAL 10-9-2001 and filed 11-19-2001 (Register 2001, No. 47).

### § 80028. Certificate of Clearance.

A Certificate of Clearance is a document, issued by the Commission, which verifies that the holder meets personal and health qualifications necessary to obtain a regular California teaching or services credential.

(a) Each candidate for an initial credential shall, prior to admission to student teaching under any professional preparation program approved by the Commission, obtain a Certificate of Clearance in accordance with (1) or (2) below.

(1) No less than 60 working days prior to admission to student teaching, the candidate shall submit the following materials to the Commission:

(A) Completed application form.

(B) One-half of the credential issuance/reissuance or renewal fee specified in Section 80487(a)(1) unless otherwise established by law. The fee shall apply toward the initial credential if the Certificate of Clearance accompanies the credential application.

(C) Duplicate personal identification cards as specified in Section 80442 including appropriate fees specified in Section 80487 (a) (b) and 80487(a) (7) or by law.

The Certificate of Clearance shall be issued when the Commission has verified the candidate's personal and health status.

(2) At any time prior to admission to student teaching, the candidate shall submit the following materials to the dean/director of teacher education or the chief campus officer of the institution of higher education at which such admission is sought:

(A) All materials as specified in (A), (B) and (C) of subsection (a)(1) of this section.

(B) An affidavit attesting to the identification and personal and health qualifications of the candidate, completed and signed, under penalty of perjury, by the candidate.

The dean/director of teacher education or chief campus officer of the institution shall complete and sign, under penalty of perjury, an affidavit stating as follows: "I am the dean/director of teacher education or the chief campus officer at the above institution of higher education. I have personally examined the identification documents of this applicant and know that he/she is in fact the person he/she represents himself/herself to be. I have personally interviewed the candidate and explained to him/her the very serious consequences of any concealment or falsification of his/her identity or fitness. I hereby certify under penalty of perjury that the foregoing is true and correct."

The dean/director of teacher education or chief campus officer of the institution shall forward all materials to the Commission and will retain copies of all materials submitted. Copies of these materials shall serve in lieu of actual issuance of the Certificate of Clearance and shall authorize admission to student teaching.

The Certificate of Clearance shall be issued when the Commission has verified the candidate's personal and health status.

(b) Each potential candidate for an initial credential may, prior to admission to any professional preparation program approved by the Commission, obtain a Certificate of Clearance.

Application for the Certificate of Clearance shall be submitted to the Commission and shall include all materials specified in (A), (B), and (C) of subsection (a)(1) of this section.

The Certificate of Clearance shall be issued when the Commission has verified the potential candidate's personal and health status.

Except as provided in Subsection (a), institutions and local education agencies should not construe this as an authorization or direction to require this clearance of all students.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44320(b), Education Code.

#### HISTORY

1. Repealer and new section filed 4-16-81; effective thirtieth day thereafter (Register 81, No. 16).
2. Amendment of subsection (a) (1) filed 4-8-88; operative 5-8-88 (Register 88, No. 17).

### § 80029. Emergency Bilingual/Crosscultural Teaching Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44254, Education Code.

#### HISTORY

1. Renumbering and amendment of Section 80029 to Section 80024.2 filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).

### § 80030. Emergency Specialist Credentials in Learning Handicapped, Severely Handicapped, and Physically Handicapped.

NOTE: Authority cited: Sections 44225 and 44252, Education Code; Reference: Sections 44254, 44265 and 44274, Education Code.

#### HISTORY

1. Renumbering and amendment of Section 80030 to Section 80024.3 filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15).



**§ 80031. Emergency Services Credential in Health (School Nurse).**

NOTE: Authority cited: Sections 44225 and 44252, Education Code; Reference: Section 44254, 44265 and 44274, Education Code.

**HISTORY**

1. Renumbering and amendment of Section 80031 to 80024.5 filed 4-6-81; effective thirtieth day thereafter (Register 81, No. 15)

**§ 80032. Terms of Issuance and Renewal of Teaching and Services Credentials.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44260, Education Code.

**HISTORY**

1. Renumbering from Section 80032 to Section 80493 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

**§ 80032.1. Health Education Unit Requirement.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44261, Education Code.

**HISTORY**

1. Renumbering from Section 80032.1 to Section 80421 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

**§ 80032.2. Special Education Training for Teachers and Administrators.**

(a) The Special Education training requirement specified in Section 67.5 of Chapter 1247 of the Statutes of 1977 shall be required of each applicant for a clear Multiple or Single Subject teaching credential or an Administrative Services credential issued in accordance with the provisions of Section 44259 of the Education Code. This requirement may be satisfied by a course of study, which may be offered or accepted by an approved college or university. The college or university recommending the applicant for a clear Multiple or Single Subject teaching credential or Administrative Services credential shall submit a plan for Commission approval indicating how this requirement will be met. Each plan submitted to the Commission shall include but not be limited to the following:

- (1) A description of the program elements which lead to the demonstration of the knowledge and skills as provided herein;
- (2) A description of how such program elements relate to each specified knowledge and skill area for each credential;
- (3) A description of the specific program options available to each candidate for acquiring the knowledge and skills;
- (4) Provisions for giving credit or establishing equivalency toward completion of this requirement in the form of in-service training, work taken for credit at other institutions, including out-of-state institutions, or a combination of these or other options.

(b) After July 1, 1979 no institutional recommendation shall be issued for the clear Multiple or Single Subject teaching credential unless the recommending institution has presented evidence that the candidate has completed a program preparing the individual to:

- (1) Recognize children's academic strengths and weaknesses, perceptual characteristics, and preferred learning modalities (i.e., auditory, visual, kinesthetic) through formal and informal assessment procedures appropriate for classroom teachers to administer;
- (2) Be able to assess the characteristics and behavior of exceptional pupils in terms of program and developmental needs;
- (3) Recognize the differences and similarities of exceptional and non-exceptional pupils;

(4) Analyze non-discriminatory assessment including a sensitivity to cultural and linguistic factors;

(5) Produce and evaluate short- and long-term educational objectives for regular classroom aspects of the Individualized Education Program goals;

(6) Utilize various diagnostic/prescriptive materials and procedures in reading, language arts, math, and perceptual-motor development, when appropriate;

(7) Apply diagnostic information toward the modification of traditional school curriculum and materials for selected children;

(8) Identify and teach non-academic areas, i.e., socialization skills, career and vocational education;

(9) Promote pupil growth in the affective domain and in inter-personal relationships;

(10) Be able to communicate appropriate information in a positive manner to other professionals and to parents;

(11) Understand current legislation dealing with Special Education, including the concept of least restrictive environment, and due process for parents and teachers.

(c) After July 1, 1979 no institutional recommendation shall be issued for the Administrative Services credential unless the recommending institution has presented evidence, consistent with its approved plan, that the candidate has completed a program preparing the individual to:

(1) Be able to assess the characteristics and behavior of exceptional pupils in terms of program and developmental needs;

(2) Recognize the differences and similarities of exceptional and non-exceptional pupils;

(3) Analyze non-discriminatory assessment including a sensitivity to cultural and linguistic factors;

(4) Discuss interpersonal relationships and human relations problems and issues with students and parents;

(5) Communicate information in a positive manner to teachers and parents;

(6) Evaluate the concept of least restrictive environments and its implications for the instructional process;

(7) Define and explain the admission, review, and dismissal processes of Special Education legislation;

(8) Formulate and illustrate an Individualized Educational Program in consultation with the appropriate support personnel and parents for individuals with exceptional needs;

(9) Identify and select alternative instructional programs;

(10) Contrast and explain individual projections of Special Education legislation as they pertain to parents, teachers and students;

(11) Apply diagnostic information toward the modification of traditional school curriculum and materials for selected children.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44225 and 44259, Education Code.

**HISTORY**

1. New section filed 11-6-78; effective thirtieth day thereafter (Register 78, No. 45).

**§ 80033. Life Credentials.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44255, Education Code.

**HISTORY**

1. Repealer and new section filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39.)

[The next page is 411.]

2. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).
3. Repealer filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

**§ 80034. Designated Subjects Credentials and Programs:  
Definition and Terms.**

(a) The term "Academic Subjects," as it applies to designated subjects adult education credentials, means those studies that are liberal, classical and/or related to high school graduation requirements, rather than technical or vocational, including, but not limited to the subjects contained within the following categories:

- (1) Elementary and Secondary Basic Skills;
- (2) English;
- (3) English as a Second Language;
- (4) Fine Arts;
- (5) A Language Other than English (specify);
- (6) Mathematics;
- (7) Science; and
- (8) Social Sciences.

(b) The term "non-academic subjects," as it applies to designated subjects adult education credentials, means those subjects that are technical or vocational, rather than liberal or classical, including, but not limited to the subjects contained within the following categories:

- (1) Adults with Disabilities;
- (2) Health and Safety;
- (3) Home Economics;
- (4) Older Adults;
- (5) Parent Education; and
- (6) Vocational Education.

(c) "Local Education Agency" (LEA) as it applies to designated subjects credentials, means any of the following categories of agencies which are authorized to develop, submit and implement a Commission-approved program of personalized preparation, as listed in Sections 80040.2, 80040.2.5 and 80042:

- (1) A California public school district or consortium of school districts;
- (2) A California county superintendent of schools office;
- (3) A California regional occupation program or center;
- (4) A California State Agency;
- (5) A Commission-approved teacher preparation institution.

(d) "Employing School District" (ESD) means a California school district, county superintendent of schools office, or other public education agency, or private school of equivalent status that employs holders of designated subjects credentials to teach vocational, adult or special subjects classes.

(e) "Two years of successful teaching" means:

(1) for any designated subjects teaching credential, teaching a minimum of one course in each of four terms within the five-year period of validity of the preliminary designated subjects credential. Two of these terms must be with one ESD; or

(2) for the designated subjects vocational education teaching credential, a minimum of 360 clock hours of supervised occupational student teaching.

(f) "Program of Personalized Preparation" means a program submitted by a LEA approved by the Commission on Teacher Credentialing for the purpose of developing pedagogical or andragogical skills and understandings specific to the needs of designated subjects credential holders.

(g) "Equivalent to the high school diploma" means:

(1) a diploma based on passage of the General Education Development Test; or

(2) the foreign equivalent to the high school diploma which is a diploma, certificate, or the title awarded to mark the completion of a program normally requiring twelve years of schooling, or required for admission to an institution of higher education. Examples of such foreign equivalents are listed in the "Placement Recommendation" of the American Association of College Registrars and Admission Officers' "World Educa-

tion Series," and the U.N.E.S.C.O. "World Survey of Education, IV, Higher Education".

(h) "Work experience," as it applies to designated subjects vocational education teaching credentials, means full-time or part-time experience directly related to the subject to be named on the credential. Work experience may be paid or not paid. No more than one year of work experience shall apply toward meeting designated subjects credential requirements during any twelve calendar month period. 1500 clock hours shall be the minimum required for each year of work experience. Part-time work experience may be cumulated to equate to the required 1500 clock hours of work experience.

(i) "Vocational teaching experience" means experience as a teacher or instructor of the specific subject to be named on the credential in any course that is intended to result in the entry-level employment of the students enrolled in that course. One class hour of vocational teaching experience is equal to one clock hour of work experience.

(j) "College level related coursework" means postsecondary coursework that is offered by an accredited college or university that directly relates to the subject to be named on the credential. One semester unit of college or university coursework, for the purpose of computing work experience for the designated subjects vocational education credential only, equates to sixty-two and one-half (62 1/2) clock hours.

(k) "Non-college related coursework" means coursework, workshops, or seminars offered by an agency other than an accredited college or university that provides upgrading or development of skills directly related to the subject to be named on the credential. One class hour of non-college related coursework is equal to one clock hour of work experience.

(l) "Occupational internship" means a planned occupational experience offered by an educational agency in cooperation with an employer designed to provide the intern with depth, breadth and expertise in the subject to be named on the credential. One class hour of occupational internship experience is equal to one clock hour of work experience.

(m) "Supervised occupational student teaching" means a planned course of instruction that is approved by the Commission and offered by an LEA for the purpose of providing the student teacher with depth, breadth and expertise in pedagogical skills through actual classroom teaching experience in an occupational program or programs in the public schools. Such occupational student teaching shall be offered by the LEA if there is an appropriate course or program available where the supervised occupational student teaching may occur. Supervised occupational student teaching shall be offered in cooperation with an ESD and shall be supervised by both the LEA and the ESD.

(n) "Verification of experience" or "verification of work experience" means confirmation of the applicant's qualifying experience, in writing, signed by the applicant's past or present employer(s) on company letterhead that attests to and or includes all of the following:

- (1) employer's name, address and telephone number;
- (2) the working relationship of the person signing the verification to the applicant;
- (3) beginning and ending dates of employment;
- (4) complete description of duties;
- (5) a statement as to whether or not the employment was full-time; if employment was less than full-time, an accounting of the number of hours the applicant was employed;

(6) If the applicant was self-employed or if the applicant's experience was avocational, verification shall include a statement, signed by the applicant under penalty of perjury, detailing the information described in (n)(1) through (n)(5), above, and must be further substantiated, in writing, by other person(s) having first-hand knowledge of the applicant's self-employment or avocation, such as the applicant's accountant, major supplier of goods, or major user of goods or services.

(o) "Experience," as it applies to designated subjects adult education teaching credentials, means full-time or part-time experience directly related to the subject to be named on the credential. Experience may be paid or not paid. No more than one year of experience shall apply toward

meeting designated subjects credential requirements during any twelve calendar month period. 1500 clock hours shall be the minimum required for each year of experience. Part-time experience may be cumulated to equate to the required 1500 clock hours of experience.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260, 44260.1, 44260.2, 44260.3, 44260.4 and 44260.5, Education Code.

**HISTORY**

1. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of subsections (d) and (h)(2) and new subsections (i)-(m) filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80034.5. Holder of Designated Subjects Full-Time Vocational Education Teaching Credential or Designated Subjects Full-Time Adult Education Teaching Credential Serving as a Substitute.**

(a) The holder of a valid designated subjects full-time vocational education teaching credential may, with his or her consent, serve as a substitute in grades 12 and below, and in classes organized primarily for adults, in technical, trade or vocational courses, including, but not limited to, agricultural occupations, technical occupations, or trade occupations which shall be part of a vocational education program. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

(b) The holder of a valid designated subjects full-time adult education teaching credential may, with his or her consent, serve as a substitute in courses organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(d) and 44349, Education Code.

**HISTORY**

1. New section filed 3-10-89; operative 4-9-89 (Register 89, No. 11).

**§ 80035. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Full-Time Vocational Education Teaching Credentials.**

(a) The minimum requirements for the issuance of an initial preliminary full-time vocational education teaching credential shall include all of the following:

(1) Verification, by employers, of five years of work experience directly related to each subject to be named on the credential and listed in Section 80035.5. Forty-eight semester units or the quarter unit equivalent of postsecondary vocational training, related to the subject to be named on the credential and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. One year of the required work experience shall be within the three years immediately preceding the issuance of the preliminary credential. Except as provided below, teaching shall not be considered as acceptable work experience. For purposes of meeting the requirement of one year of work experience within the three years immediately preceding the issuance of the preliminary credential, any of the following or a combination of the following may be cumulated to total 1500 clock hours:

- (A) work experience,
- (B) vocational teaching experience,
- (C) college level related coursework,
- (D) non-college related coursework, or
- (E) an occupational internship,
- (2) Verification of a high school diploma or the equivalent;
- (3) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(4) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including Level I and Level II requirements of the program of personalized preparation;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation, signed by a Commission-approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying work experience, the fee(s) as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary full-time vocational education teaching credential shall include all of the following:

(1) A valid initial preliminary full-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary full-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary full-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear full-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary full-time vocational education teaching credential;

(2) Verification by the ESD of two years of successful teaching in the subject(s) and grade level(s) authorized by the preliminary vocational education teaching credential while holding the valid preliminary full-time vocational education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear full-time vocational education teaching credential authorizes the holder to teach in the subject named on the credential as specified in Section 80035.5 in grades 12 and below, and in classes organized primarily for adults, in technical, trade or vocational courses which shall be part of a program of technical, trade or vocational education.

(f) **Period of Validity.** The period of validity of the preliminary and clear full-time vocational education teaching credentials shall be as follows:

(1) A preliminary full-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(3) shall be valid for one year. The one-year preliminary full-time vocational education teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(3) and submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94) and the fee(s), as specified in Section 80487;

(2) An initial preliminary full-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(3) A preliminary full-time vocational education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant;

(4) A clear full-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) **Renewal Requirements.** A clear full-time vocational education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94) and the payment of a fee as specified in Section 80487. A clear full-time vocational education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487, and verification of completion of 150 clock hours of professional growth requirements as described in Section 80569.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44253, 44256(d), 44260, 44260.1, 44260.8, 44277 and 44335, Education Code.

#### HISTORY

1. Renumbering and amendment of former Section 80035 to Section 80040 and new Section 80035 filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

#### § 80035.1. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part-Time Vocational Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary part-time vocational education teaching credential shall include all of the following:

(1) Verification, by previous employers, of five years of work experience, directly related to each subject to be named on the credential and listed in Section 80035.5. Forty-eight semester units or the quarter unit equivalent of postsecondary vocational training, related to the subject to be named on the credential and verified by official transcript, may be substituted for a maximum of two of the five years of work experience. This substitution may be made on a pro rata basis up to the two year maximum. One year of the required work experience shall be within the three years immediately preceding the issuance of the preliminary credential. Except as provided below, teaching shall not be considered as acceptable work experience.

For purposes of meeting the requirement of one year of work experience within the three years immediately preceding the issuance of the

preliminary credential, any of the following or a combination of the following may be cumulated to total 1500 clock hours:

- (A) work experience,
- (B) vocational teaching experience,
- (C) college level related coursework,
- (D) non-college related coursework, or
- (E) an occupational internship.

(2) Verification of a high school diploma or the equivalent;

(3) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the program of personalized preparation;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA or ESD on a form approved by the Commission; verification of the applicant's qualifying work experience; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(4); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary part-time vocational education teaching credential shall be all of the following:

(1) A valid initial preliminary part-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary part-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary part-time vocational education teaching credential;

(2) Verification by a Commission-approved LEA of completion of all Level I requirements of a Commission-approved program of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verification as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear part-time vocational education teaching credential shall include all of the following:

(1) A valid preliminary vocational education teaching credential;

(2) Verification by the ESD of two years of successful teaching in the subject(s) and grade level(s) authorized by the preliminary vocational education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification of requirements as specified in (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear part-time vocational education teaching credential authorizes the holder to teach not more than half-time in the subject named on the credential in grades 12 and below, and in classes organized primarily for adults, in technical, trade or voca-

tional courses which shall be part of a program of technical, trade or vocational education. For the purpose of this credential, half-time for the holder of this credential who teaches in only one school district shall not exceed one-half of a full-time assignment for vocational educators in that school district. Half-time for the holder of this credential who teaches in more than one school district shall not exceed one-half of the greatest number of hours considered to be a full-time assignment for vocational educators in any one of the districts.

(f) Period of Validity. The period of validity of the preliminary and clear part-time vocational education teaching credential shall be as follows:

(1) An initial preliminary part-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(2) A preliminary part-time vocational education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant;

(3) A clear part-time vocational education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear part-time vocational education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94) and the payment of a fee as specified in Section 80487. A clear part-time vocational education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); the payment of a fee as specified in Section 80487; two years of work experience, completed during the five year period of validity of the clear credential, directly related to the subject named on the credential; and verification of completion of professional growth requirements as described in Section 80569.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(d), 44260.5, 44260.8 and 44277, Education Code.

#### HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80035.5. Subject Classification System for Designated Subjects Vocational Education Teaching Credentials.

(a) LEAs and/or ESDs shall recommend applicants for designated subjects vocational education teaching credentials in one of the following subjects:

accounting occupations; agriculture business management and marketing; agriculture mechanics; airframe and powerplant mechanics; amusement and theme park occupations; animal care; animal control; animal production; athletic trainer; automotive body repair and refinishing; automotive brake installation and repair; automotive electrical systems service and repair; automotive heating and air-conditioning service; automotive mechanics; automotive parts counterperson; automotive suspension and steering repair; automotive transmission and transaxle service and repair; avionics; banking; barbering; bicycle repair; biomedical equipment technology; boat building; business management; carpentry; child care; clothing, alteration and repair; commercial art; commercial diving; commercial photography; communications electronics; computer applications; computer assisted manufacturing; computer electronics; computer maintenance and repair; computer program-

ming; computer systems operation; concrete placing and finishing; construction equipment operation; construction inspection; control system maintenance and repair; cosmetology; court reporting; crop production; custodial services; customer service representative; dental services; diesel equipment mechanics; dietetics and nutrition service; drafting occupations; drywall installation; elderly care services (non-medical); electric motor repair; electrical power distribution; electrician; electronic consumer products service; electronic publishing; electronics assembly; energy, environment and resource management; engine performance technician; event and conference planning; fabric maintenance services; family and human service occupations; fashion design; fashion manufacturing (factory and custom); fashion merchandising; financial management and services; fire control and safety; fire fighting; floor covering installation; floriculture and floristry; food and beverage production and preparation; food and beverage services; forestry, natural resources and rural recreation; foundry work; furniture making, finishing and refinishing; general contracting; glazing; hazardous materials occupations; health care biotechnology services; health care diagnostic services; health care information services; health care preventive services; health care supportive services; heating, air-conditioning and ventilation installation and service; heavy equipment maintenance and repair; hotel and lodging occupations; hybrid microelectronics; income tax preparation; industrial ceramics manufacturing; industrial electronics; industrial maintenance; information processing; information systems management; instrument repair; insurance occupations; interior design; interior maintenance (residential and commercial); international trade; jewelry design, fabrication, and repair; landscaping; law enforcement occupations; legal office occupations; locksmithing and safe repair; machine tool operation and machine shop; major appliance repair; manicuring and pedicuring; marine power plant maintenance and repair; marketing; masonry; medical office services; metal fabrication; millwork and cabinet making; motor sweeper operator; motorcycle service and repair; multimedia production; nursing services; office occupations; optical goods work; ornamental nursery operation; painting-construction; pipefitting and steamfitting; plastering; plastics and composites manufacturing occupations; plumbing; pool and spa service; printing and graphics occupations; product development, testing and demonstration; protective and security services; real estate; recreation; refrigeration installation and maintenance; residential and commercial repair and remodeling; robotics; roofing; secretary/stenographer; sheet metal fabrication; shoe repair; small appliance repair; small business ownership and/or management; small engine service and repair; stage technology; structural and reinforcement iron work; structural pest control; surveying; teaching/teacher aide; technical illustration; telecommunications; textile design; textile production and fabrication; therapeutic services; tile setting; tool and die making; tow truck operation; travel services; truck and bus driving; upholstering; warehousing; water treatment; welding; other vocational, trade, or technical occupation (specify).

(b) From time to time the Executive Director of the Commission on Teacher Credentialing may establish new subjects, each of which shall be brought to the Commission on Teacher Credentialing on a regular basis for inclusion in Section 80035.5(a).

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260, 44260.1 and 44260.5, Education Code.

#### HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80036. Specific Requirements for and Authorization of the Full-time Designated Subjects Preliminary and Clear Adult Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary full-time adult education teaching credential shall include all of the following:

(1) Verification of five years of experience and/or education related to each subject to be named on the credential. The experience and/or education shall meet the criteria specified in Section 80036.2.

4023

(2) Verification of a high school diploma or the equivalent;

(3) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(4) Verification of passage of the California Basic Educational Skills Test, as specified in Education Code Section 44252. Applicants for an adult education teaching credential authorizing the teaching of adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, or in a non-academic subject are exempt from this requirement;

(5) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including Level I and Level II requirements of the program of personalized preparation;

(6) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying experience, if experience is offered in partial satisfaction of requirements; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary full-time adult education teaching credential shall include all of the following:

(1) A valid initial preliminary full-time adult education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary full-time adult education teaching credential shall include all of the following:

(1) A valid preliminary full-time adult education teaching credential;

(2) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(3) Verification of completion of the health education unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verification as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear full-time adult education teaching credential shall include all of the following:

(1) A valid preliminary adult education teaching credential;

(2) Verification by the ESD of two years of successful teaching adult learners in the subject(s) authorized by the preliminary adult education teaching credential while holding the valid preliminary full-time adult education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I and Level II requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirement specified in Education Code Section 44260.8;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by the Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear full-time adult education teaching credential authorizes the holder to teach the subjects named on the credential as specified in Section 80036.3 in courses organized primarily for adults.

(f) Period of Validity. The period of validity of the preliminary and clear full-time adult education teaching credentials shall be as follows:

(1) A preliminary full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(3) shall be valid for one year. The one-year preliminary adult education teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(3) and submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94) and the fee, as specified in Section 80487;

(2) An initial preliminary full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years, but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(3) A preliminary full-time adult education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant.

(4) A clear full-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear full-time adult education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487. A clear full-time adult education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94), the payment of a fee as specified in Section 80487, and verification of completion of 100 clock hours of professional growth requirements as described in Section 80567.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44253, 44260.2, 44260.3, 44260.8, 44277 and 44335, Education Code.

#### HISTORY

1. Amendment of subsection (a)(2) filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

2. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

3. Amendment of section heading, section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80036.1. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Part-Time Adult Education Teaching Credential.

(a) The minimum requirements for the issuance of an initial preliminary part-time adult education teaching credential shall include all of the following:

(1) Verification of five years of experience and/or education related to each subject to be named on the credential and listed in Section 80036.3. The experience and/or education shall meet the criteria specified in Section 80036.2;

(2) Verification of a high school diploma or the equivalent;

(3) Verification of passage of the California Basic Educational Skills Test, as specified in Education Code Section 44252. Applicants for an adult education teaching credential authorizing the teaching of adults in an apprenticeship program or in a non-academic subject are exempt from this requirement;

(4) Verification, signed by a Commission-approved LEA, or by an ESD authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the program of personalized preparation;

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission; verification of the applicant's qualifying experience and education; the fee as specified in Section 80487; verifications as specified for requirements (a)(1) through (a)(5); and, unless clearance is already on file with the Commission, personal identification on duplicate fingerprint cards and the Application for Character and Identification Clearance (REV. 11/93).

(b) The minimum requirements for the continuance of a preliminary part-time adult education teaching credential shall be all of the following:

(1) A valid initial preliminary part-time adult education teaching credential;

(2) Verification by a Commission-approved LEA to the ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation. In the event that the ESD is not known to the LEA, such verification shall be provided directly to the candidate.

(c) The minimum requirements for the one-time reissuance of a preliminary part-time adult education teaching credential shall include all of the following:

(1) A valid preliminary part-time adult education teaching credential;  
 (2) Verification by a Commission-approved LEA of completion of all Level I requirements of a Commission-approved of personalized preparation;

(3) Verification of completion of the health unit requirements specified in Education Code Section 44260.8;

(4) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee(s) as specified in Section 80487; and verifications as specified for requirements (c)(2) through (c)(4).

(d) The minimum requirements for the clear part-time adult education teaching credential shall include all of the following:

(1) A valid preliminary adult education teaching credential;  
 (2) Verification by the ESD of two years of successful teaching adult learners in the subject(s) authorized by the preliminary adult education teaching credential;

(3) Verification by a Commission-approved LEA of completion of all Level I requirements of a Commission-approved program of personalized preparation;

(4) Verification of completion of the health unit requirements specified in Education Code Section 44260.8,

(5) Submission of a completed Application for Credential Authorizing Public School Service (REV. 11/94); a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verification as specified for requirements (d)(2) through (d)(5).

(e) Authorization. The preliminary or clear part-time adult education teaching credential authorizes the holder to teach not more than half-time in the subject named on the credential in courses organized primarily for adults. For the purpose of this credential, half-time for the holder of this credential who teaches in only one school district shall not exceed one-half of a full-time assignment for adult educators in that school district. Half-time for the holder of this credential who teaches in more than one school district shall not exceed one-half of the greatest number of hours considered to be a full-time assignment for adult educators in any one of the districts.

(f) Period of Validity. The period of validity of the preliminary and clear part-time adult education teaching credentials shall be as follows:

(1) An initial preliminary part-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years but shall authorize service for no more than two years from the date of issuance of the credential unless the holder presents verification of having met requirements for continuance, by a Commission-approved LEA, to his or her ESD of the successful completion of all Level I requirements of a Commission-approved program of personalized preparation;

(2) A preliminary part-time adult education teaching credential reissued on the basis of the applicant's satisfaction of all requirements specified in subsection (c) shall be valid for five years. Only one five-year reissuance shall be allowed to any qualifying applicant;

(3) A clear part-time adult education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (d) shall be valid for five years.

(g) Renewal Requirements. A clear part-time adult education teaching credential is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); and the payment of a fee as specified in Section 80487. A clear part-time adult education teaching credential that is initially issued on or after July 1, 1996, is renewable on the basis of submission of an Application for Credential Authorizing Public School Service (REV. 11/94); the payment of a fee as specified in Section 80487 and verification of completion of professional growth requirements as described in Section 80567.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.5, 44260.8 and 44277, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80036.2. Qualifying Experience and/or Education for the Designated Subjects Adult Education Teaching Credential.**

(a) Qualifying experience, or experience and education, or education, for an adult education credential authorizing the teaching of a non-academic subject shall meet one of the criteria described in the table below:

<i>Education and/or Training</i>	<i>Years of Subject-Related Experience Required</i>
High School Diploma or equivalent . . . . .	+ 5 years
Twenty four semester units of collegiate course work, including a minimum four semester units in the subject to be taught . . . . .	+ 4 years
Forty eight semester units of collegiate course work, including a minimum eight semester units in the subject to be taught . . . . .	+ 3 years
Seventy two semester units of collegiate course work, including a minimum twelve semester units in the subject to be taught . . . . .	+ 2 years
Ninety six semester units of collegiate course work, including a minimum sixteen semester units in the subject to be taught . . . . .	+ 1 year
Baccalaureate degree with subject matter in the field to be taught verified by at least one of the following: . . . . .	+ 0 years
Completion of 20 semester units or 10 upper division semester units in the subject to be taught.	

(b) Qualifying education for an adult education credential authorizing the teaching of an academic subject shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units or 10 upper division semester units in the subject to be taught.

(c) Qualifying education for an adult education credential authorizing the teaching of English as a Second Language shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units or 10 upper division semester units in one or any combination of the following:

- (1) Teaching English as a Second Language (TESL);
- (2) Teaching English to Speakers of Other Languages (TESOL);
- (3) English;
- (4) any language other than English;

- (5) linguistics;
- (6) bilingual/bicultural studies;
- (7) teaching reading;
- (8) speech.

(d) Qualifying education for an adult education credential authorizing the teaching of Elementary and Secondary Basic Skills shall include a baccalaureate or higher degree completed at a regionally accredited college or university and completion of 20 semester units with at least three units in four of the following six areas: English, mathematics, science, social sciences, fine arts and a foreign language.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.2, 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80036.3. Subject Classification System for Designated Subjects Adult Education Teaching Credentials.**

(a) LEAs or ESDs shall recommend applicants for designated subjects adult education teaching credentials in a subject(s) contained within the categories that follow:

Category	Subject (to be named on the credential)
Adults with Disabilities	adaptive arts and crafts; adaptive computer technology; adaptive physical education; health; self-maintenance skills; other (specify)
Elementary and Secondary Basic Skills	elementary and secondary basic skills (includes basic education—grades one through eight; arithmetic; reading; individualized high school learning lab/G.E.D./contract class settings; citizenship); other (specify)
English	English
English as a Second Language	English as a second language
Fine Arts	fine arts
A Language Other than English (specify)	a specific language, other than English
Health and Safety	CPR; environmental safety; first aid; health education; nutrition; physical fitness and conditioning; safety education; other (specify)
Home Economics	arts and crafts; clothing construction; consumer education; decorative arts; dietetics and food management; nutrition; food preparation; home management; interior design; textiles; upholstery; other (specify)
Mathematics	mathematics
Older Adults	communication skills; creative arts; health; performing arts; physical fitness; public affairs; retirement planning; safety; self-maintenance; other (specify)
Parent Education	parent education; childbirth education; human development; family management; other (specify)
Science	life science, including general science; physical science, including general science; other (specify)

Social Sciences	social sciences
Vocational Education	aeronautics; agriculture; bookkeeping and accounting; building and construction trades; business management; career development; computer applications; computer programming; computer systems operation; computer technology; cosmetology; electronics technology; financial services; health occupations; industrial technology; information processing/keyboarding; marine technology; marketing; nursing; office occupations; small business ownership/management; other (specify)

(b) From time to time the Executive Director of the Commission on Teacher Credentialing may establish new categories or subjects, each of which shall be brought to the Commission on Teacher Credentialing on a regular basis for inclusion in Section 80036.3(a).

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.2, 44260.3 and 44260.5, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section heading, repealer of subsections (a)-(b)(17), new subsections (a)-(b) and amendment of NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80036.5. Effect of Changes Upon Certain Holders of Designated Subjects Teaching Credentials.**

A preliminary Designated Subjects Adult Education Teaching Credential or a preliminary Designated Subjects Vocational Education Teaching Credential which was issued prior to effective date of this Section shall remain in force as it is valid and shall be renewed, provided all requirements for renewal are met in accordance with the requirements that were in effect at the time that credential was issued.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44225, Education Code.

HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.**

(a) The minimum requirements for the preliminary special subjects teaching credential shall include all of the following:

(1) Experience, or experience and education, or education in each special subject to be named on the credential, which totals four years. One year of the required experience shall be within the three-year period immediately preceding the issuance of the credential. This requirement shall be verified in one of the following ways:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, experience is to be verified by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, experience is to be verified by the adjutant general of the State of California; or

(C) for the special subject: Reserve Officers Training Corp (R.O.T.C.), experience is to be verified by the branch of military service sponsoring the program in the employing school district; or

(D) for the special subject: Driver Education and Training, a baccalaureate degree from a regionally accredited college or university and a valid California Driver's License.

(2) License, or recommendation, or course work shall meet one of the following criteria:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, possession of a properly rated valid certificate, issued by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, a recommendation from the adjutant general of the State of California;



(C) for the special subject: R.O.T.C., a recommendation from the branch of military service sponsoring the program in the employing school districts;

(D) for the special subject: Driver Education and Training, twelve semester hours of subject-matter course work in driver education;

(E) for the special subject: Limited Driver Training, a valid California driver's license; submission of a current transcript of driving record from the Department of Motor Vehicles; possession of a written statement from the prospective employing school district attesting to the applicant's ability to actually perform behind-the-wheel driver instruction; and possession of written assurance, from the prospective employing school district, that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization.

(3) Verification of a high school diploma or the equivalent;

(4) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;

(5) Verification of passage of the California Basic Education Skills Test, as specified in Education Code Section 44252.

(6) Verification by the Employing School District (ESD) or a Commission-approved Local Education Agency (LEA) that the applicant is aware of the requirements for the clear credential, including the program of personalized preparation;

(7) Submission of a completed application form; a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission; the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(6); and personal identification on duplicate fingerprint cards.

(b) The minimum requirements for the clear special subjects teaching credential shall include all of the following:

(1) A valid preliminary special subjects teaching credential;

(2) Verification by the ESD of two years, or the equivalent, of successful teaching as defined in subsection 80034(f) and as authorized by the preliminary special subjects teaching credential;

(3) Verification by a Commission-approved LEA of completion of nine semester units, or 135 clock hours, in a Commission-approved program(s) of personalized preparation;

(4) Verification of completion of the health unit requirement specified in Education Code Section 44261, by one of the means specified in Section 80421;

(5) Submission of a completed application form; a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; the fee as specified in Section 80487; and verifications as specified for requirements (b)(2), (b)(3) and (b)(4).

(c) Authorization. The preliminary or clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults.

(d) Period of Validity. The period of validity of the preliminary and clear special subjects teaching credentials shall be as follows:

(1) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(4) shall be valid for one year. The one-year preliminary special subjects teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(4) and submission of a completed application form and the fee, as specified in Section 80487;

(2) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years;

(3) A clear special subjects education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (b) shall be valid for five years and is renewable on the basis of an application and payment of a fee.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44260.4, 44261 and 44335, Education Code.

#### HISTORY

1. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

#### § 80037.5. Subject Matter Programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Driver Training.

(a) To be approved by the Commission, a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall include 12 semester hours, or 180 clock hours, of subject matter course work and/or staff development work in driver education and training.

(b) To be granted preliminary approval or continued approval by the Commission as a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training, the program must be developed, submitted and implemented by a Local Education Agency (LEA). An LEA, as it applies to subject matter programs in driver education and training means any of the following categories of agencies:

(1) A California public school district or consortium of school districts;

(2) A California county superintendent of schools office;

(3) A California regional occupational program or center;

(4) A California State Agency;

(5) A Commission-approved teacher preparation institution.

(c) An LEA desiring to develop a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall file with the Commission a request for approval, signed by the Chief Administrative Officer of the agency or agencies constituting the LEA. This request shall include a complete description of how the program will meet all requirements, including each standard of program quality and effectiveness adopted by the Commission as set forth in this regulation with a particular focus upon how the LEA proposes to assure that students will acquire the competencies, skills and knowledge required.

(d) The request for approval of standards of program quality and effectiveness for subject matter programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training shall specify the competencies, skills and knowledge to be required of the student in each of the following areas:

(1) Motivation (including, but not limited to the ability to identify and use important motivational factors in driving, including risk tolerance, emotion, intrinsic motivators, and resistance to negative learning);

(2) Knowledge (including, but not limited to the ability to identify and use the knowledge related to driving in the Highway Transportation System, including the California Vehicle Code, driving tasks, human factors, and the physics of driving);

(3) Attention (including, but not limited to the ability to make use of attention in driving, including alertness, divided attention, and switching attention);

(4) Detection and Perception (including, but not limited to the acquisition of knowledge and the ability to use detection and perception skills which includes the driver's searching, scanning, noticing potential hazards, and the mental processing of information from the senses);

(5) Evaluation of Potential Perceived Hazards (including, but not limited to, the ability to evaluate perceived potential hazards, including factors such as speed and distance, risk assessment, other road users' expectations and motivations);

(6) Decision Making (including, but not limited to the ability to identify and weigh options while driving, selecting and timing responses to optimize benefits and reduce or eliminate negative impacts);

(7) Motor Skills (including, but not limited to the demonstration, behind the wheel, of adequate psychomotor skills to properly execute an intended action, including executing correct choices, sensitivity to vehicle response, controlling acceleration and speed, controlling deceleration, steering, and error correction);

(8) Safety Margin (including, but not limited to the ability to practice an adequate safety margin, including the management of the time and space available for detection, perception, evaluation, decision, and response, as well as the control of safety margin through choice of driving speed and vehicle placement);

(9) Responsibility (including, but not limited to the practice of basic self-correction and self-control needed for safe, mature, efficient, and socially responsible use of the roads, including the self-monitoring of one's driving behavior and its effects on other road users, a commitment to driving unimpaired, conflict avoidance, use of safety restraints, positive/negative communication among road users, and energy/environmental conservation);

(10) Diversity and Equity in the Program (including, but not limited to understanding and appreciation of the role of human diversity in Driver Education and Training, including cultural, ethnic, gender, age, socio-economic, language diversity, and individuals with exceptional needs, including the promotion of educational equity by utilizing instructional, advisement and curricular practices that offer equal access to program content and career options for all credential candidates);

(11) Computer Literacy and Educational/Instructional Technology (including, but not limited to the employment of multiple strategies, activities and materials that are appropriate for effective instruction and assessment of learning and development in Driver Education and Training and that provide the foundation for the credential candidates to examine and use technology in the teaching and learning process. Credential candidates will demonstrate knowledge of basic operations, terminology and capabilities of computer-based technologies)'

(12) Program Organization and Management (including, but not limited to the demonstration and management of a driver education and training program, including scheduling, budgeting, facilities and equipment, legal aspects, public relations, parent involvement, and evaluation);

(13) Behind the Wheel (including, but not limited to the demonstration of competence in teaching the content identified in these standards as well as those California laws and regulations that are applicable to novice drivers under actual on-street driving conditions, including the demonstration of knowledge of a variety of additional techniques and methods, including simulators, driving range, and interactive technology products).

(e) The Commission will approve subject matter programs for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training after a review of the request, when such requests reflect that the program submitted by the LEA meets the requirements and standards. Programs will be monitored by the Commission to determine if the requirements and standards are continuing to be met.

(f) An LEA that offered a subject matter program for the Designated Subjects Special Subjects Teaching Credential in Driver Education and Training on the effective date of this section shall continue to be authorized to offer that program, but for no longer than one calendar year from the effective date of this section, or until approved by the Commission, whichever is first.

NOTE: Authority cited: Sections 44225(q) and 44260.4, Education Code. Reference: Sections 44260.7, 44225(b) and 44225(d), Education Code.

#### HISTORY

1. New section filed 3-18-98; operative 4-17-98 (Register 98, No. 12).

### § 80038. Specific Requirements for and Authorization of the Designated Subjects Supervision and Coordination Credential.

(a) The minimum requirements for the designated subjects supervision and coordination credential shall include all of the following:

- (1) A valid designated subjects teaching credential, other than for part-time service;
- (2) Verification by the ESD of three years of full-time teaching experience in the subject named on the designated subjects credential;

(3) Verification by an LEA of completion of six semester units, or 90 clock hours, in a Commission-approved personalized preservice program in supervision and coordination as described in Section 80040.3;

(4) Verification of passage of the California Basic Education Skills Test, as specified in Education Code Section 44252;

(5) Submission of a completed application form signed by a Commission-approved LEA; the fee as specified in Section 80487; and documents as specified in (a)(2) and (a)(3).

(b) Authorization. The designated subjects supervision and coordination credential authorizes the holder to supervise and coordinate subjects and classes in all types of designated subjects programs.

(c) Period of Validity. The period of validity of the designated subjects supervision and coordination credential shall be determined by the expiration date of the designated subjects teaching credential, but may not exceed five years.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252 and 44260.6, Education Code.

#### HISTORY

1. Repealer and new section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

### § 80039. Preliminary Credential for Part-Time Service.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

### § 80040. General Requirements for Designated Subjects Programs of Personalized Preparation.

(a) A LEA desiring to offer a program of personalized preparation for the designated subjects teaching credential or for the designated subjects supervision and coordination credential shall file with the Commission on Teacher Credentialing an application for approval, signed by the Chief Administrative Officer of the agency or agencies constituting the LEA. This application shall include a complete description of how the program will meet each standard of program quality and effectiveness with a particular focus upon how the LEA proposes to assure that candidates will acquire the competencies, skills and knowledge required.

(b) The Commission will approve programs after the review of the application, when such application reflects that the program submitted by the LEA meets the requirements. Programs will be monitored by the Commission to determine if the requirements are being met.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1, 44260.3 and 44260.5, Education Code.

#### HISTORY

1. Repealer of former Section 80040 and renumbering and amendment of former Section 80035 to Section 80040 filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80040.1. Cooperative Planning for and Implementation of the Program of Personalized Preparation.

(a) The purpose of the program of personalized preparation is to ensure that holders of designated subjects credentials possess competencies, skills and knowledge in accordance with Commission-approved standards of program quality and effectiveness.

(b) The planning for the program of personalized preparation shall include the applicant, the ESD and the LEA. Great care shall be taken to include those program components which are specific to the background and present assignment needs of the applicant.

(c) In the event of a difference of opinion between an LEA and an ESD as to whether a program of personalized preparation has been completed, the holder of a preliminary designated subjects credential may file an appeal pursuant to Article 6.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1, 44260.3 and 44260.5, Education Code.

#### HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).
2. Amendment of section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80040.2. Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.**

(a) The application for Commission approval of programs of personalized preparation for the designated subjects adult education teaching credential shall specify the skills and knowledge to be required of the candidate, for recommendation for the specific credential as follows:

(1) Level I requirements for the designated subjects adult education teaching credential: a minimum of four semester units or 60 clock hours of instruction in the following areas:

(A) Diversity in Students and Communities (including, but not limited to, understanding of student differences; respect for diversity; and mainstreaming);

(B) Adult Learning Process (including, but not limited to, principles and practices of adult learning; adaptation of instruction to student differences; problem solving and critical thinking skills; flexible instructional planning; encouragement of positive student attitudes toward learning; and instruction relevant and appropriate to the interests and needs of adult learners);

(C) Instructional Practices (including, but not limited to, awareness and use of instructional practices that are appropriate for students' abilities and skills; use of a variety of instructional strategies, including the use of computers in an instructional setting; student motivation; promotion of excellence and involvement; and classroom management);

(D) Evaluation of Instruction and Student Achievement (including, but not limited to, understanding of relationship between evaluation results and the selection of instructional content; and ability to monitor and evaluate student progress);

(E) Interpersonal Relations (including, but not limited to, self-esteem and respect; and effective communication with students);

(2) Level II requirements for the designated subjects adult education teaching credential; a minimum of five semester units or 75 clock hours of instruction in the following areas:

(A) Diversity in Students and Communities (including, but not limited to, understanding and sensitivity toward the cultural heritage; community values and individual aspirations of diverse students);

(B) Instructional Technology (including, but not limited to, lesson planning; use of a variety of materials, equipment and technologies; ability to use computers and accompanying technology; knowledge and ability to use appropriate technology);

(C) Curriculum (including, but not limited to, development of course outlines; and preparation of lesson plans);

(D) Evaluation of Instruction and Student Achievement (including, but not limited to, use of a variety of techniques to determine student needs; determination and communication to students of appropriate achievement criteria);

(E) Counseling and Guidance (including, but not limited to, knowledge of a variety of counseling and guidance services; and identification of specific services to assist students);

(F) Community, Legislative and Occupational Relationships (including, but not limited to, roles of governing boards and advisory councils; effective marketing techniques; awareness and utilization of career information; the legislative process and its effect on adult education; awareness of relevant laws and regulations; and funding sources);

(G) Interpersonal Relation (including, but not limited to, understanding of adult developmental stages; motivational, group facilitation and conflict resolution skills).

(b) The LEA is responsible to work cooperatively with ESDs in implementing each and all components of the program in a manner that is responsive to the personalized needs of the designated subjects participants.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

**HISTORY**

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

2. Amendment of section heading, section and NOTE filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80040.2.5. Instructional Practices Component of Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.**

(a) The instructional practices component of the program of personalized preparation for the designated subjects adult education teaching credential in any subject within the category specified below shall include demonstrated competence in the following:

(1) Adults with Disabilities: instructional strategies, activities and materials that are appropriate to the teaching of adults with disabilities.

(2) English as a Second Language: language structure, second language acquisition and development, and instructional strategies, activities and materials that are appropriate to the teaching of English as a Second Language to adult learners.

(3) Older Adults: instructional strategies, activities and materials that are appropriate to the teaching of older adults.

(b) The instructional practices component of the program of personalized preparation for applicants for the designated subjects adult education teaching credential in any subject who wish to teach in programs that primarily serve older adults shall include instructional strategies, activities and materials that are appropriate to the teaching of older adults.

(c) The instructional practices component of the program of personalized preparation for applicants for the designated subjects adult education teaching credential in any subject who wish to teach in programs that primarily serve adults with disabilities shall include instructional strategies, activities and materials that are appropriate to the teaching of adults with disabilities.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

**HISTORY**

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80040.2.7. Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Adult Education Teaching Credential.**

An LEA with a program of personalized preparation for the Designated Subjects Adult Education Teaching Credential that received Commission approval prior to the effective date of this section shall submit a revised application for approval within one calendar year from the effective date of this section. The Commission will approve revised programs after review of the application when such application reflects that the revised program submitted by the LEA meets requirements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.3 and 44260.5, Education Code.

**HISTORY**

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80040.3. Specific Requirements for Commission Approval of the Personalized Program in Supervision and Coordination Shall Include the Following:**

(a) Knowledge of the purposes, characteristics, and activities of vocational and/or nonvocational designated subjects programs.

(b) Planning, organization, and management of designated subjects programs which may include, but not be limited to:

(1) Program Implementation Planning;

(2) Conference leadership;

(3) Community relations and advisory processes;

(4) Program evaluations;

(5) Principles of student leadership and development.

(c) Personnel policy development and administration which may include, but not be limited to:

(1) Selection;

(2) Evaluation;

(3) Staff Development;

- (4) Human Relations;
- (5) Supervision.
- (d) Fiscal and regulatory concepts related to designated subjects programs which may include, but not be limited to:
  - (1) Budgeting;
  - (2) Legislation;
  - (3) School Law;
  - (4) Intra and interagency relations;
  - (5) Funding sources.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44260.6, Education Code.

HISTORY

1. New section filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80041. Types of Designated Subjects Credentials for Adult Education.**

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. Amendment filed 11-6-78; effective thirtieth day thereafter (Register 78, No. 45).
2. Repealer and new section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
3. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80041.1. Terms and Requirements for Issuance.**

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80041.2. Authorization for Service.**

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80041.3. Requirements for the Credential.**

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Amendment filed 11-2-79; effective thirtieth day thereafter (Register 79, No. 44).
3. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80041.4. Requirements and Procedures for Agencies Recommending for Designated Subjects Credentials for Adult Education.**

NOTE: Authority cited: Sections 44225 and 44225(b), Education Code. Reference: Sections 44259 and 44260, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).
2. Repealer filed 2-23-84; effective thirtieth day thereafter (Register 84, No. 8).

**§ 80042. Specific Requirements for Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.**

(a) The application for Commission approval of programs of personalized preparation for the designated subjects vocational education teaching

credential shall include a description of the required supervised occupational student teaching component of the program and shall specify the skills and knowledge to be required of the candidate, for the recommendation for the specific credential as follows:

(1) Level I requirements for the designated subjects vocational education teaching credential: a minimum of 6 semester units or 90 clock hours of instruction in the following areas:

(A) Learning and instruction (including, but not limited to, basic learning theory, methods of teaching, and instructional technology including the use of computers in an instructional setting, and introduction to special needs);

(B) Classroom management (including, but not limited to, the implementation of safe and legal practices, discipline, class control and record keeping);

(C) Curriculum (including, but not limited to, objectives development, lesson planning, course materials preparation, and safety and legal responsibilities); and

(D) Student evaluation (including, but not limited to, teacher generated testing processes).

(2) Level II requirements for the designated subjects vocational education teaching credential: a minimum of 6 semester units or 90 clock hours of instruction in the following areas:

(A) Foundations, (including, but not limited to, history and philosophy of education, scope and function of education, community relations, leadership development, and advisory groups);

(B) Learning and instruction (including, but not limited to, advanced teaching methods and strategies, instructional technology; student motivation reinforcement and feedback);

(C) Vocational classroom management (including, but not limited to, proper learning environment, maintenance and facility management, program budgeting and inventory);

(D) Curriculum (including, but not limited to, needs assessment and the integration of academic skills);

(E) Evaluation (including, but not limited to, evaluation of instruction and program evaluation); and

(F) Special needs (including, but not limited to, handicapping conditions, multicultural education, language development, gender equity and mainstreaming).

(b) The LEA is responsible to work cooperatively with ESDs in implementing each and all components of the program in a manner that is responsive to the personalized needs of the designated subjects participants.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1 and 44260.5, Education Code.

HISTORY

1. Repealer filed 2-27-80; effective thirtieth day thereafter (Register 80, No. 9).
2. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

**§ 80042.5. Timeline for Submission of Revised Programs of Personalized Preparation for the Designated Subjects Vocational Education Teaching Credential.**

An LEA with a program of personalized preparation for the Designated Subjects Vocational Education Teaching Credential that received Commission approval prior to the effective date of this section shall submit a revised application for approval within one calendar year from the effective date of this section. The Commission will approve revised programs after review of the application when such application reflects that the revised program submitted by the LEA meets requirements.

[The next page is 417.]

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44260.1 and 44260.5, Education Code.

## HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80043. Statement of Employment and Verification of Qualifications.

(a) When considering an application for an Eminence Credential, the Commission shall be guided by the following definition of an eminent individual: The eminent individual is recognized as such beyond the boundaries of his or her community, has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor. The employing school district shall demonstrate how the eminent individual will enrich the educational quality of the school district and not how he or she will fill an employment need.

(b) Pursuant to Section 44262 of the Education Code, issuance of an Eminence Credential shall be based upon a recommendation from the governing board of the school district, a statement of employment, submission of the fee(s) established in Section 80487 and a verification of the applicant's eminence qualifications.

(1) The Statement of Employment in the district shall include the proposed assignment of the credential applicant, and a certification of the intention of the district to employ the applicant if granted an Eminence Credential.

(2) The verification of eminence qualifications of an applicant for an Eminence Credential shall include:

(A) Recommendations, which may be from, but need not be limited to, the following: professional associations; former employers; professional colleagues; any other individuals or groups whose evaluations would support eminence; and

(B) Documentation of achievement, which may include, but need not be limited to, the following: advanced degrees earned; distinguished employment; evidence of related study or experience; publications; professional achievement; and recognition attained for contributions to his or her field of endeavor.

(3) The Commission shall provide notice to the public of those individuals for whom it is considering issuing Eminence Credentials. Any association, group, or individual may provide the Commission with a written statement regarding the qualifications of an individual under consideration for an Eminence Credential.

(c) The Commission may assign certification staff the authority to review eminence applications to determine if an individual meets the definition of eminence pursuant to Section 44262 of the Education Code and (a) above.

(1) If staff concludes an applicant meets the definition, staff shall forward the application to the Commission for review and action at the next available meeting.

(2) If staff concludes an applicant does not meet the definition, staff shall deny the application.

(A) If the staff denies an application for eminence, the employing school district requesting the Eminence Credential may request that staff reconsider its determination upon submission of new evidentiary material relevant to the reason(s) for denial, that was not available at the time the application was initially submitted to the Commission.

(B) If staff determines that, based on the new supporting information, the applicant now meets the definition of eminence, staff shall forward the application to the Commission for review and action at the next available Commission meeting.

(C) If upon review of the new supporting information, staff determines that there is no new evidence that provides additional support of the applicant's eminence, the district's eminence application will be placed on the Commission's consent calendar with a staff recommendation for denial.

NOTE: Authority cited: Sections 44225 and 44253.9, Education Code. Reference: Section 44262, Education Code.

## HISTORY

1. Amendment of section and NOTE filed 10-11-96; operative 11-10-96 (Register 96, No. 41).
2. Amendment of subsection (a) and new subsections (c)-(2)(B) filed 3-11-99; operative 4-10-99 (Register 99, No. 11).
3. Amendment of subsections (c)(2)(A)-(B), new subsection (c)(2)(C) and amendment of NOTE filed 1-30-2003; operative 3-1-2003 (Register 2003, No. 5).

### § 80044. Scope of Eminence.

A person may obtain an Eminence Credential if the subject or service in which the work is determined to exhibit eminence is one which a school board wishes to have taught or practiced in its district.

NOTE: Authority cited: Section 44225, Education Code.

### § 80045. Renewal of Eminence Credential.

(a) The Commission staff shall renew an Eminence Credential for three years upon receipt of an application for renewal with a written statement of support from the governing board of the school district adopted in a public meeting and submission of the fee(s) established in Section 80487.

(b) The Commission staff shall issue a Professional Clear Eminence Teaching Credential at the end of five years of possession of the Eminence Credential with a written statement of support from the governing board of the school district adopted in a public meeting, submission of an application and the fee established in Section 80487.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44262, Education Code.

## HISTORY

1. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).
2. Amendment filed 10-11-96; operative 11-10-96 (Register 96, No. 41).
3. Amendment of first paragraph, including addition of subsection (a) designator, and new subsection (b) filed 3-11-99; operative 4-10-99 (Register 99, No. 11).

### § 80046. Requirements for Teaching Adapted Physical Education.

All individuals assigned to teach adapted physical education shall hold the Adapted Physical Education Specialist Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56363(b)(5) and 56100(f), Education Code.

## HISTORY

1. New section filed 11-15-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 46). For history of former Section 80046, see Register 82, No. 45.
2. Change without regulatory effect amending section and NOTE filed 12-16-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

### § 80046.1. Requirements for and Authorization of the Adapted Physical Education Specialist Credential.

(a) The requirements for the Adapted Physical Education Specialist Credential shall include both of the following:

(1) A California teaching credential that is based on a baccalaureate degree, and a program of professional preparation including student teaching, and which authorizes the teaching of physical education; and

(2) Completion of a Commission-approved program for the Adapted Physical Education Specialist Credential.

(b) Period of Validity. The period of validity of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential shall be determined by the expiration date of the prerequisite teaching credential.

(c) Authorization. The Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential authorize the holder to provide instruction and services to individuals with exceptional needs who are precluded from participation in the activities of the general physical education program or a specially designed physical education program in a special class.

NOTE: Authority cited: Sections 44225 and 44265, Education Code. Reference: Sections 56363(b)(5) and 56100(f), Education Code.

## HISTORY

1. New section filed 11-15-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 46).

### § 80046.5. Credential Holders Authorized to Serve Children With Disabilities.

Credential holders who are authorized to serve children with disabilities must possess a credential that authorizes teaching the primary disability of the pupils within the special education class as determined by the program placement recommendation contained within the Individualized Education Program.

NOTE: Authority cited: Sections 22,44225, and 56342, Education Code. Reference: Sections 44265, 44265.5, 44343, 44349 and 56340-56347 Education Code; and 20 USC 1401(a)(1) and (15).

## HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80047. Authorization for Special Class with Primary Disabilities: Specific Learning Disability or Mental Retardation (Mild/Moderate).

Holders of the listed credentials are authorized to teach children with mild or moderate disabilities in a special day class in which the primary disability is "specific learning disability" as defined in subsection 300.7(b)(10) of Title 34 Code of Federal Regulations, Subpart A or "mental retardation" as defined in subsection 300.7(b)(5) of Title 34, Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Mild/Moderate Disabilities
- (b) Special Education Specialist Instruction Credential for the Learning Handicapped
- (c) Standard Teaching Credential with the Minor-Mentally Retarded
- (d) Restricted Special Education Credential-Educable Mentally Retarded
- (e) Limited Specialized Preparation Credential-Mentally Retarded
- (f) Special Secondary Credential-Mentally Retarded
- (g) Exceptional Children Credential-Mentally Retarded

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(5) and (10); and 20 USC 1401(a)(1) and (15).

## HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80047.1. Authorization for Special Class with Primary Disability: Mental Retardation (Moderate/Severe).

Holders of the listed credentials are authorized to teach children with moderate or severe disabilities in a special day class in which the primary disability is "mental retardation" as defined in subsection 300.7(b)(5) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Moderate/Severe Disabilities
- (b) Special Education Specialist Instructor Credential for the Severely Handicapped
- (c) Standard Teaching Credential with the Minor-Mentally Retarded
- (d) Restricted Special Education Credential-Trainable Mentally Retarded
- (e) Limited Specialized Preparation Credential-Mentally Retarded
- (f) Special Secondary Credential-Mentally Retarded
- (g) Exceptional Children Credential-Mentally Retarded

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(5); and 20 USC 1401(a)(1) and (15).

## HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).

2. Editorial correction restoring original text (Register 97, No. 32).

3. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80047.2. Authorization for Special Class with Primary Disability: Serious Emotional Disturbance.

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "serious emotional disturbance" as defined in subsection 300.7(b)(9) of Title 34 Code of Federal Regulations, Subpart A.

- (1) Education Specialist Instruction Credential: Mild/Moderate Disabilities
- (2) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(3) The Special Education Specialist Instruction Credential for the Severely Handicapped

(4) The special education credentials, other than the credentials in (1), (2), and (3) above, listed in Sections 80047 and 80047.1, provided the following conditions have been met:

(A) The holder of the special education credential has taught full-time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was serious emotional disturbance, and

(B) Has received a favorable evaluation or recommendation to teach a special day class with the primary disability of serious emotional disturbance by the local employing agency.

(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who does not meet the requirements of (a) above shall be authorized to teach in a special day class in which the primary disability is serious emotional disturbance provided the following requirement is met: Completion of a Commission-approved program for children identified with serious emotional disturbance.

NOTE: Authority cited: Section 44225, Educational Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(9); and 20 USC 1401(a)(1) and (15).

## HISTORY

1. New section filed 12-22-86, designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment filed 11-13-89; operative 12-13-89 (Register 89, No. 46).
3. Editorial correction of Section heading and subsection (a)(1) (Register 95, No. 9).
4. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80047.3. Authorization for Special Class with Primary Disability: Multiple Disabilities.

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "multiple disabilities" as defined in subsection 300.7(b)(6) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Moderate/Severe Disabilities
- (b) Education Specialist Instruction Credential: Physical and Health Impairments
- (c) Special Education Specialist Instruction Credential for the Severely Handicapped
- (d) Standard Teaching Credential with the Minor-Mentally Retarded
- (e) Restricted Special Education Credential-Trainable Mentally Retarded
- (f) Limited Specialized Preparation Credential-Mentally Retarded
- (g) Special Secondary Credential-Mentally Retarded
- (h) Exceptional Children Credential-Mentally Retarded
- (i) Special Education Specialist Instruction Credential for the Physically Handicapped
- (j) Standard Teaching Credential with the Minor-Orthopedically Handicapped, including Cerebral Palsied
- (k) Restricted Special Education Credential-Orthopedically Handicapped, including the Cerebral Palsied
- (l) Limited Specialized Preparation Credential-Orthopedically Handicapped, including the Cerebral Palsied

(m) Exceptional Children Credential—Orthopedically Handicapped, including the Cerebral Palsied

NOTE: Authority: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(6); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.4. Authorization for Special Class with Primary Disability: Autism.**

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "autism" as defined in subsection 300.7(b)(1) (autistic) of Title 34 Code of Federal Regulations, Subpart A.

(1) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(2) Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, with Special Class Authorization

(3) The Special Education Specialist Instruction Credential for the Severely Handicapped

(4) The Special Education Specialist Instruction Credential for the Communication Handicapped provided the following conditions have been met:

(A) The holder has taught full-time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was autism, and has received a favorable evaluation or recommendation to teach a special day class with the primary disability of autism by the local employing agency.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(1); and 20 USC 1401(a)(1) and (15).

HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment filed 11-13-89; operative 12-13-89 (Register 89, No. 46).

[The next page is 419.]

3. Editorial correction of Section heading and restoring HISTORY NOTE 2 (Register 95, No. 9).
4. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.5. Authorization for Special Class with Primary Disability: Speech and Language Impairment.**

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "speech and language impairment" as defined in subsection 300.7(b)(11) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Special Education Specialist Instruction Credential for the Communication Handicapped
- (b) Clinical or Rehabilitative Services Credential in Language, Speech and Hearing with the Special Class Authorization
- (c) Standard Teaching Credential with the Minor-Speech and Hearing Handicapped
- (d) Restricted Special Education Credential-Speech and Hearing Therapy
- (e) Limited Specialized Preparation Credential-Speech and Hearing Handicapped
- (f) Special Secondary Credential-Correction of Speech Defects
- (g) Exceptional Children Credential-Speech Correction and Lip Reading

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44268 and 44343, Education Code; 34 C.F.R. Part 300.7(b)(11); and 20 USC 1401(a)(1) and (15).

**HISTORY**

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.6. Authorization for Special Class with Primary Disability: Deafness or Hearing Impairment.**

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "deafness" or "hearing impairment", as defined in subsections 300.7(b)(3) and 300.7(b)(4) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Deaf and Hard-of-Hearing
- (b) Special Education Specialist Credential for the Communication Handicapped
- (c) Standard Teaching Credential with the Minor-Deaf and Severely Hard-of-Hearing
- (d) Restricted Special Education Credential-Deaf and Severely Hard-of-Hearing
- (e) Limited Specialized Preparation Credential-Deaf and Severely Hard-of-Hearing
- (f) Special Secondary Credential-Deaf
- (g) Special Secondary Credential-Lip Reading
- (h) Exceptional Children Credential-Deaf or Hard-of-Hearing

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, 44265.5(b) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(3) and (4); and 20 USC 1401(a)(1) and (15).

**HISTORY**

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.7. Authorization for Special Class with Primary Disability: Deaf-Blindness.**

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "deaf-blindness" as defined in subsection 300.7(b)(2) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Deaf and Hard-of-Hearing

- (b) Education Specialist Instruction Credential: Visual Impairments
- (c) Education Specialist Instruction Credential: Moderate/Severe Disabilities
- (d) Special Education Specialist Instruction Credential for the Communication Handicapped
- (e) Special Education Specialist Instruction Credential for the Visually Handicapped
- (f) Special Education Specialist Instruction Credential for the Severely Handicapped
- (g) Restricted Special Education-Deaf-Blind, and Severely Hard-of-Hearing

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44265.5(a)(b) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(2); and 20 USC 1401(a)(1) and (15).

**HISTORY**

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.8. Authorization for Special Class with Primary Disability: Visual Impairment including Blindness.**

Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "visual impairment including blindness" as defined in subsection 300.7(b)(13) of Title 34 Code of Federal Regulations, Subpart A.

- (a) Education Specialist Instruction Credential: Visual Impairments
- (b) Special Education Specialist Instruction Credential for the Visually Handicapped
- (c) Special Education Specialist Instruction Credential for the Physically Handicapped that was issued prior to January 1, 1981, on the basis of completing a Commission-approved program in which the focus was the Visually Handicapped
- (d) Standard Teaching Credential With the Minor-Visually Handicapped
- (e) Restricted Special Education Credential-Visually Handicapped
- (f) Limited Specialized Preparation Credential-Visually Handicapped
- (g) Special Secondary Credential-Partially Sighted Child
- (h) Special Secondary Credential-Blind
- (i) Exceptional Children Credential-Visually Handicapped

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, 44265.5(a) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(13); and 20 USC 1401(a)(1) and (15).

**HISTORY**

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d) (Register 86, No. 52).
2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

**§ 80047.9. Authorization for Special Class with Primary Disability: Orthopedic Impairment, Other Health Impairment, or Traumatic Brain Injury.**

(a) Holders of the listed credentials are authorized to teach children with disabilities in a special day class in which the primary disability is "orthopedic impairment", as defined in subsection 300.7(b)(7) of Title 34 Code of Federal Regulations Subpart A, or "other health impairment" as defined in subsection 300.7(b)(8) of Title 34 Code of Federal Regulations, Subpart A, or "traumatic brain injury" as defined in subsection 300.7(b)(12) of Title 34 Code of Federal Regulations, Subpart A.

- (1) Education Specialist Instruction Credential: Physical and Health Impairments
- (2) Special Education Specialist Instruction Credential for the Physically Handicapped
- (3) Standard Teaching Credential with the Minor-Orthopedically Handicapped, including the Cerebral Palsied
- (4) Restricted Special Education Credential-Orthopedically Handicapped, including the Cerebral Palsied



(5) Limited Specialized Preparation Credential—Orthopedically Handicapped, including the Cerebral Palsied

(6) Exceptional Children Credential—Orthopedically Handicapped, including the Cerebral Palsied

(b) Holders of the listed credential are authorized to teach children with disabilities in a special day class in which the primary disability is "other health impairment" as defined in Title 34 Code of Federal Regulations.

(1) Education Specialist Instruction Credential: Mild/Moderate Disabilities

NOTE: Authority cited: Sections 44225 and 56339, Education Code. Reference: Sections 44265, 44265.5(c) and 44343, Education Code; 34 C.F.R. Part 300.7(b)(7), (8) and (12); and 20 USC 1401(a)(1) and (15).

#### HISTORY

1. New section filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d)(Register 86, No.52).

2. Amendment of section heading, section and NOTE filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80048. Specialist Instruction Credential.

A Specialist Instruction Credential shall be issued initially only until the date of expiration of the valid appropriate teaching credential, but for not more than five years.

(a) A Specialist Instruction Credential shall be renewed only until the date of expiration of the valid teaching credential, but not more than five years.

NOTE: Authority cited: Section 44225, Education Code.

#### § 80048.1. Specialist Teaching Credentials in Reading.

(a) Requirements for the Restricted Specialist Teaching Credential in Reading for grades kindergarten through six.

(1) For initial issuance:

(A) Possession of a valid California teaching credential requiring a baccalaureate degree and teacher preparation, including student teaching.

(B) Possession of a Miller–Unruh Reading Certificate issued prior to June 30, 1987, pursuant to the Miller–Unruh Basic Reading Act of 1965, or passage of the National Teacher Examination for Reading Specialist (#30) and submission of an application for the Miller–Unruh Reading Certificate prior December 1, 1987.

(C) Letters from current or previous employers verifying completion of three years of teaching experience, including at least one year in a reading specialist position within the last five years.

(D) Official transcripts showing completion of the following college or university courses:

1. a basic course in the teaching of elementary school reading, and
2. a basic course in the teaching of elementary school language, and
3. a basic course in the diagnosis and remediation of reading disabilities, and
4. a course in directed clinical practice in the remediation of reading disabilities.

(E) The fee for initial issuance of this credential shall be one-half of the application fee as specified in Section 80487.

(2) Term: the Restricted Specialist Teaching Credential in Reading shall be initially issued and renewed for the period of time specified in Section 80048. Renewals shall be subject to submission of a completed credential application form and the fee as specified in Section 80487.

(3) Authorization: the Restricted Specialist Teaching Credential in Reading authorizes the holder to serve as a reading specialist in grades kindergarten through six.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44265, Education Code.

#### HISTORY

1. New section filed 11-30-87 as an emergency; operative 11-30-87 (Register 87, No. 49). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-30-88.

2. Emergency language filed 11-30-87 repealed by operation of Government Code Section 11346.1 on 3-30-88 (Register 88, No. 33).

3. New section filed 8-8-88; operative 9-7-88 (Register 88, No. 33).

### § 80048.2. Specific Requirements for Preliminary and Professional Clear Specialist Instruction Credential in Special Education.

(a) The minimum requirements for the preliminary Specialist Instruction Credential in Special Education shall include all of the following:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) The completion of a professional preparation program in a special education specialist category comparable to a Commission–approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed;

(3) Passage of the California Basic Education Skills Test described in Education Code section 44252; and

(4) Written acknowledgement from the applicant and the employing district that the applicant is responsible for completing the requirements for the Multiple or Single Subject Teaching Credential, including the student teaching requirement, during the five–year term of the preliminary credential.

(b) The minimum requirements for the professional clear Specialist Instruction Credential in Special Education shall include all of the following:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) The completion of a Commission–approved professional preparation program in one or more special education categories or completion of a professional preparation program in one or more special education categories comparable to a Commission–approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed; and

(3) Possession of a California Multiple or Single Subject Teaching Credential or an equivalent California Teaching Credential issued under prior statutes and regulations.

(c)(1) The period of validity of the preliminary Specialist Instruction Credential in Special Education is five years. The preliminary credential may not be renewed.

(2) Preliminary Specialist Instruction Credentials in Special Education shall not be initially issued after June 30, 1998.

(d)(1) The period of validity of the professional clear Specialist Instruction Credential in Special Education is dependent upon the period of validity of the prerequisite teaching credential, or five years, if the prerequisite teaching credential is valid for life.

(2) The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2001 for applicants who completed a professional preparation program in California.

(3) The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2003 for applicants who hold a preliminary Specialist Instruction Credential.

(e) Authorization. The preliminary or professional clear Specialist Instruction Credential in Special Education authorizes the holder to teach in the special education specialist category named on the credential and as specified in sections 80046.5 and 80047 through 80047.9.

(f) Holders of a valid preliminary Specialist Instruction Credential in Special Education may choose to pursue completion of the requirements for the five–year preliminary level I Education Specialist Instruction Credential in lieu of completing the requirements for the professional clear Specialist Instruction Credential as described in (b) above. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section. To be eligible for the preliminary level I credential, the holder must complete the following:

(1) subject–matter competence requirement either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject–matter program as

provided for in Education Code Section 44310 and described in Title 5 Sections 80085–80088 and 80094;

(2) a minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;

(3) a minimum of one semester unit of supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non-special education students verified by the employing agency;

(4) a minimum of three semester units of coursework covering the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);

(5) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and

(6) verification of employment in a position requiring the Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing agency.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252, 44265, 44280, 44281, 44310, 44259(b)(4) and 44335, Education Code.

#### HISTORY

1. New section filed 9–4–90; operative 9–4–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 42).
2. Amendment of subsection (c) filed 9–21–92; operative 9–21–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 39).
3. Amendment of section heading, section and NOTE filed 9–26–97; operative 10–26–97 (Register 97, No. 39).

### § 80048.3. Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential.

(a) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (8):

(1) a baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) the completion of a professional preparation program accredited by the Committee on Accreditation in the requested education specialist category, including successful completion of supervised field study;

(3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252, unless exempt by statute or regulation;

(4) verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085–80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject matter competence requirement;

(5) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);

(6) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article;

(7) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the preliminary credential sought, as specific in Education Code Section 44227(a); and

(8) verification of an offer of employment. The employment requirement may be met in one of the following ways:

(A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or

(B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:

1. Possession of a non-special education credential that authorizes employment in the position;

2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;

3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is enrolled must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and

4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.

(9) An individual who has completed requirements (1) through (7) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.

(b) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program outside of California shall include (1) through (9) below. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section.

(1) a baccalaureate or higher degree from a regionally accredited institution of higher education;

(2) the completion of a professional preparation program in the requested education specialist category, consisting of a minimum of 24 semester units, comparable to a program accredited by the Committee on Accreditation, including successful completion of supervised field study, but taken outside of California at a regionally accredited institution of higher education and approved by the appropriate state agency where the coursework was completed;

(3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252;

(4) verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085–80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject matter competence requirement;

(5) a minimum of three units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;

(6) a minimum of one semester unit of supervised field experience in general education verified by transcript or 45 clock hours with non-special education students verified by the employing agency;

(7) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);

(8) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and

(9) verification of an offer of employment. The employment requirement may be met in one of the following ways:

(A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or

(B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:

1. Possession of a non-special education credential that authorizes employment in the position;

2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;

3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is seeking enrollment must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and

4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.

(10) An individual who has completed requirements (1) through (8) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.

(c) The requirements for the preliminary level I Education Specialist Instruction Credential pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997 include all of the following:

(1) The minimum requirements for initial issuance include:

(A) possession of a valid comparable teaching credential from a state other than California that required both the following:

1. completion of a baccalaureate or higher degree from a regionally accredited institution of higher education and

2. completion of a professional preparation program approved by the applicable state agency in the state where the program was completed; and

(B) an offer of employment from a California school district, county office of education, non-public, non-sectarian school or agency, or school operating under the direction of a California state agency. Service on the credential is restricted to the employing agency listed on the document. If the holder changes employing agencies, he or she and the new employer must request a change of restrictions on the document.

(C) An individual who has previously been issued a California Specialist Instruction Credential or Permit in Special Education or an Education Specialist Instruction Credential or Permit is not eligible for this preliminary level I credential.

(2) On or before the end of the first year following the issuance date of the credential (year-one deadline), the credential holder must pass the California Basic Educational Skills Test (CBEST).

(A) If the holder does not have a passing score on the file with the Commission one month prior to the year-one deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.

(B) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date. If the holder is removed from the teaching position, he

or she may be returned to the position as soon as he or she provides the employer with his or her official CBEST verification transcript as proof of passage of the examination.

(C) The employer must submit a copy of the CBEST verification transcript to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once the scores are entered into the Commission's computer system.

(3) On or before the end of the fourth year following the issuance date of the credential (year-four deadline), the credential holder must submit verification that he or she has completed the requirements for continuation of employment to the Commission using the form Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code § 44275.3. (CL-813 Rev. 3/99), which is hereby incorporated by reference.

(A) The requirements for continuation of employment are:

1. subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education are exempt from this subject-matter competence requirement;

2. a minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum verified by official transcript;

3. a minimum of one semester unit of supervised field experience in general education verified by official transcript or 45 clock hours with non-special education students verified by the employing agency;

4. demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4) verified by official transcript; and

5. knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article.

(B) If the holder does not verify completion of the year-four requirements to the Commission at least three months prior to the year-four deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.

(C) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with verification that all year-four requirements have been completed prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with official verification that all year-four requirements have been completed.

(D) The employer must submit verification of completion of requirements to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once verification has been entered into the Commission's computer system.

(d) Period of Validity.

(1) A preliminary level I Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a), (b), or (c) is valid for five years.

NOTE: Authority cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44225, 44227(a), 44252, 44265, 44275.3, 44280, 44281, 44310, 44259(b)(4) and 44335, Education Code.

#### HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

2. New subsections (c)–(c)(3)(D), subsection relettering, amendment of newly designated subsection (d)(1) and amendment of NOTE filed 10–8–99; operative 11–7–99 (Register 99, No. 41).

**§ 80048.3.1. Specific Requirements for Preliminary Level I and Professional Clear Level II Education Specialist Instruction Credential for Experienced Out-of-State Credentialed Teachers.**

(a) The minimum requirements for the five-year preliminary Level I Education Specialist Instruction Credential are all of the following, (1) through (7).

(1) Five years of full-time teaching experience in the disability area of the credential sought and in a state other than California.

(2) Rigorous performance evaluations.

(3) A valid special education teaching credential from another state, with a comparable authorization to the credential sought.

(4) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education and appropriate to the disability area of the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(5) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(6) An offer of employment as specified in 80048.3(a)(8). An individual who has completed all other requirements (1) through (7) but does not have an offer of employment may apply for a Certificate of Eligibility as specified in 80048.3(a)(9).

(7) Passage of the California Basic Educational Skills Test (CBEST) administered pursuant to Education Code §44252. A one-year nonrenewable Level I Education Specialist Instruction Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (a)(1) through (a)(6) above and Title 5 §80071.4(c).

(b) The minimum requirements for the professional clear Level II Education Specialist Instruction Credential are both of the following:

(1) A five-year preliminary Level I Education Specialist Instruction Credential issued pursuant to subdivision (a)(1), and

(2) Completion of all requirements for the professional clear Level II Education Specialist Instruction Credential, as specified in Title 5 §80048.4.

(c) The following definitions apply to terms used in this section.

(1) Full-Time Teaching Experience: This is defined as teaching a minimum of 4 hours a day, unless the minimum statutory attendance requirement for the students served is less. Experience must be on a daily basis and for at least 75% of the school year. Experience may be accrued in increments of a minimum of one semester. No part-time or combination of teaching with other school employment will be accepted. All experience must be gained in public schools in states other than California while serving on that state's valid teaching credential that is comparable to the authorization sought. Experience may be gained in more than one state other than California. This experience must be verified on the official letterhead of the district or districts by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed. Experience from outside of the United States will not be considered.

(2) Rigorous Performance Evaluations:

(A) The teaching effectiveness areas on the performance evaluations must include, but are not limited to, all of the areas, 1. through 4., below. If these areas are not included in the evaluations, the individual may submit a supplemental letter, on district letterhead, signed by the individual's principal or personnel officer in the district in which the evaluations took place. If an evaluation or supplemental letter cannot be obtained that includes all of the four areas, then the individual would not qualify under this section. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.

1. The use of teaching strategies that motivates all students to engage in the learning process.

2. The ability to establish and maintain high standards for student behavior.

3. A demonstration of deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding.

4. An ability to plan and implement a sequence of appropriate instructional activities.

(B) Evaluations of the teacher's performance for at least two of the years of teaching experience from a state other than California must be submitted with at least one evaluation within the last two years of the experience.

(C) Evaluation ratings must be satisfactory or better.

(d) An individual who has previously been issued a preliminary Level I Education Specialist Instruction Credential based on Education Code §44274 is not eligible for a credential issued under this section.

(e) An individual who has previously been issued a California preliminary Specialist Instruction Credential in Special Education is eligible for a credential issued under this section provided the following (1) and (2) are met.

(1) Verification of all provisions of (a), and

(2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.

(3) The credential will be valid five years from the date of application.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252, 44265, 44274 and 44274.2, Education Code.

**HISTORY**

1. New section filed 12–16–99; operative 1–15–2000 (Register 99, No. 51).

**§ 80048.4. Specific Requirements for the Professional Clear Level II Education Specialist Instruction Credential.**

(a) The minimum requirements for the professional clear level II Education Specialist Instruction Credential include all of the following:

(1) possession of a preliminary level I Education Specialist Instruction Credential;

(2) completion of the study of health education, as specified in Education Code Section 44259(c)(1), by one of the means described in Section 80421 of this article;

(3) completion of the study of computer based technology, including the uses of technology in educational settings, as specified in Education Code Section 44259(c)(3); and

(4) completion of a course of study that requires each candidate to demonstrate advanced level knowledge and skills that are different than the requirements for the approved preliminary level I Education Specialist Instruction Credential. The course of study shall include an individualized preparation program plan collaboratively developed by the candidate, the preparing institution and designee(s) of the employing school district, county office, or special education local planning area.

(A) A minimum of 3/4 of each candidate's program plan shall consist of coursework approved by the recommending institution of higher education, with the specific content, including planned field experiences, to be identified within the candidate's individualized preparation program plan.

(B) The remaining 1/4 of the unit credit for each candidate's individualized preparation program plan may consist of electives related to the areas of special education or general education selected from one or more of the following:

1. Coursework provided by the preparing institution of higher education accredited by the Committee on Accreditation.

2. Field experience elements within the accredited program which are in addition to academic credit given.

3. Alternative training that provides knowledge and related skills presented by agencies approved jointly by the candidate's employing agency and the institution of higher education accredited for this program.

(5) the recommendation from a regionally accredited institution of higher education that has a professional preparation program accredited by the Committee on Accreditation in the professional clear credential sought, as specified in Education Code Section 44227(a); and

(6) A minimum of two years of successful experience in a full-time position in a public school or private school of equivalent status, while holding the preliminary level I Education Specialist Instruction Credential, as outlined in 80048.3(a)(8) and (b)(9) and verified by the employing agency.

(b) The individualized preparation program plan shall be filed with the preparing institution and may be revised as needed upon agreement by the candidate, the preparing institution, and the employing school district, county office, or special education local planning area.

(c) Period of Validity.

(1) A professional clear level II Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a) or (b) is valid for five years.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44227, 44259 and 44265, Education Code.

#### HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80048.5. Early Childhood Special Education Certificate.

(a) Requirements for the Early Childhood Special Education Certificate include all of the following:

(1) possession of a professional clear, clear, or life credential as listed in 80047 through 80047.9; and

(2) the completion of a Commission-approved professional preparation program in the education specialist category for early childhood special education, including successful completion of supervised field study.

(b) Period of Validity.

The Early Childhood Special Education Certificate shall remain valid as long as the credential required in 80048.5(a)(1) remains valid.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225 and 44265, Education Code.

#### HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80048.6. Authorizations for Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate.

(a) All Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate authorize service across the continuum of program options available pursuant to Education Code Sections 56031, 56360, and 56361. The continuum includes: resource rooms; special day classrooms; specials schools; home/hospital settings; correctional facilities; non-public, non-sectarian schools and agencies; and alternative instructional settings other than classrooms.

(b) The following authorizations refer to the disabilities defined in Title 34 Code of Federal Regulations:

(1) The Education Specialist Instruction Credential: Mild/Moderate Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of specific learning disabilities, mild/moderate mental retardation, other health impairment, and serious emotional disturbance, in kindergarten, grades 1 through 12, and classes organized primarily for adults.

(2) The Education Specialist Instruction Credential: Moderate/Severe Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of autism, moderate/severe mental retardation, deaf-blindness, serious emotional disturbance, and multiple disabilities, in kindergarten, grades 1 through 12, and classes organized primarily for adults.

(3) The Education Specialist Instruction Credential: Deaf and Hard-of-Hearing authorizes the holder to provide special education instruction

and related services to individuals with a primary disability of deafness, deaf-blindness, and hearing impairment, from birth through grade 12, and classes organized primarily for adults.

(4) The Education Specialist Instruction Credential: Physical and Health Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of orthopedic impairment, other health impairment, multiple disabilities, and traumatic brain injury, from birth through grade 12, and classes organized primarily for adults.

(5) The Education Specialist Instruction Credential: Visual Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of visual impairment including blindness and deaf-blindness, from birth through grade 12, and classes organized primarily for adults.

(6) The Education Specialist Instruction Credential: Early Childhood Special Education authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury.

(7) The Early Childhood Special Education Certificate authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury, unless the individual holds a credential that authorizes serving children with that specific disability.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44265.5, Education Code.

#### HISTORY

1. New section filed 9-26-97; operative 10-26-97 (Register 97, No. 39).

### § 80049. Specific Requirements for Professional Clear Services Credential with a Specialization in Pupil Personnel Services.

(a) A Services Credential with a Specialization in Pupil Personnel Services may be issued in the following areas: School Counseling, School Social Work, School Psychology, and School Child Welfare and Attendance on the basis of the completion of all requirements in subsections (b) or (c). Individuals seeking the School Child Welfare and Attendance area must also hold or be issued concurrently an authorization in School Counseling, School Social Work, or School Psychology.

(b) The minimum requirements for the professional clear Pupil Personnel Services Credential for applicants who complete a professional preparation program in California shall include (1) through (4):

(1) a baccalaureate or higher degree except in professional education from a regionally accredited institution of higher education;

(2) the completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation in the requested pupil personnel services area of specialization, including successful completion of a supervised field practice appropriate to the specialization area, in a school setting in direct contact with pupils;

(3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b); and

(4) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(c) The minimum requirements for the professional clear Pupil Personnel Services Credential for applicants who complete a professional preparation program outside California shall include (1) through (3). Applicants may apply directly to the Commission for the professional clear Pupil Personnel Services Credential under this section:

(1) a baccalaureate or higher degree except in professional education from a regionally accredited institution of higher education;

(2) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b); and

(3) the completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation in the requested pupil personnel services area of specialization, including successful completion of a supervised field practice appropriate to the specialization area, in a school setting in direct contact with pupils, but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed;

(A) The professional preparation program of study for the school counseling specialization area must include a minimum of 30 semester units, or the equivalent in quarter units, of post baccalaureate study;

(B) The professional preparation program of study for the school social work specialization area must include a minimum of 45 semester units, or the equivalent in quarter units, of post baccalaureate study;

(C) The professional preparation program of study for the school psychologist specialization area must include a minimum of 60 semester units or the equivalent in quarter units, of post baccalaureate study;

(D) The professional preparation program of study for the added school child welfare and attendance specialization area must include a minimum of 9 semester units, or the equivalent in quarter units of post baccalaureate study; and

(d) The professional clear Pupil Personnel Services Credential authorizes the services specified in Section 80049.1.

(e) The professional clear Pupil Personnel Services Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252 and 44266, Education Code.

#### HISTORY

1. Repealer filed 12-10-98; operative 1-9-99 (Register 98, No. 50).
2. New section filed 10-27-99; operative 11-26-99 (Register 99, No. 44).

#### § 80049.1. Authorization for Service.

(a) A Services Credential with a specialization in Pupil Personnel Services authorizes the holder to perform pupil personnel services in the specialization(s) named, as described below, in grades 12 and below, including preschool, and in programs organized primarily for adults:

(1) The Pupil Personnel Services: School Counseling Credential authorizes the holder to develop, plan, implement and evaluate a school counseling and guidance program that includes academic, career, personal and social development; advocate for the higher academic achievement and social development of all students; provide school-wide prevention and intervention strategies and counseling services; provide consultation, training and staff development to teachers and parents regarding students' needs; and supervise a district-approved advisory program as described in Education Code Section 49600.

(2) The Pupil Personnel Services: School Social Work Credential authorizes the holder to assess home, school, personal and community factors that may affect a student's learning; identify and provide intervention strategies for children and their families including counseling, case management, and crisis intervention; consult with teachers, administrators and other school staff regarding social and emotional needs of students; and coordinate family, school and community resources on behalf of students.

(3) The Pupil Personnel Services: School Psychology Credential authorizes the holder to provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development, behavioral and academic difficulties; conduct psycho-educational assessments for purposes of identifying special needs; provide psychological counseling for individuals, groups and families; and coordinate intervention strategies for management of individual and school-wide crises.

(4) The Pupil Personnel Services: Child Welfare and Attendance Credential authorizes the holder to access appropriate services from both

public and private providers, including law enforcement and social services; provide staff development to school personnel regarding state and federal laws pertaining to due process and child welfare and attendance laws; address school policies and procedures that inhibit academic success; implement strategies to improve student attendance; participate in school-wide reform efforts; and promote understanding and appreciation of those factors that affect the attendance of culturally-diverse student populations.

(b) An individual holding any of the authorizations described in this section may serve as an administrator of a pupil personnel services program per Education Code Section 44270.2.

(c) Nothing in this section shall be construed to preclude school districts from utilizing community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization.

NOTE: Authority cited: Sections 44225 and 44266, Education Code. Reference: Sections 44252 and 44266, Education Code.

#### HISTORY

1. New section filed 10-27-99; operative 11-26-99 (Register 99, No. 44).

#### § 80050. Specific Requirements for the Preliminary and the Professional Clear School Nurse Services Credential, Including Requirements for the Special Teaching Authorization in Health.

(a) The minimum requirements for the preliminary School Nurse Services Credential shall include all of the following:

(1) a baccalaureate or higher degree from a regionally accredited institution of higher education; and

(2) a valid California license as a registered nurse.

(b) The minimum requirements for the professional clear School Nurse Services Credential shall include all of the following:

(1) Possession of a California Preliminary School Nurse Services Credential;

(2) a valid California license as a registered nurse;

(3) Two years or the equivalent of successful service as a school nurse; and

(4) The completion of a professional preparation program for the School Nurse Services Credential accredited by the Committee on Accreditation, including successful completion of supervised field experiences, and the recommendation of the candidate for the School Nurse Services Credential by the college or university where the program was completed.

(c) The minimum requirements for the Special Teaching Authorization in Health, which may be added to an existing credential or taken in conjunction with the requirements specified in (b) above, include all of the following:

(1) Possession of a valid professional clear (previously titled "clear") California credential that authorizes service as a school nurse or completion of the requirements specified in (b) above;

(2) a valid California license as a registered nurse;

(3) Passage of the California Basic Educational Skills Test (CBEST); and

(4) The completion of a professional preparation program for the Special Teaching Authorization in Health accredited by the Committee on Accreditation, including successful completion of at least six post-baccalaureate semester units (or nine quarter units) of coursework and at least fifteen clock hours of observation and forty-five clock hours of student teaching specifically designed to prepare nurses to teach health, and the recommendation of the college or university where the program was completed.

(d) Authorizations:

(1) The School Nurse Services Credential authorizes the holder to perform the services as specified in Education Code section 4040

(2) The Special Teaching Authorization in Health authorizes the holder to teach classes in health in preschool, kindergarten, grades 1 to 12, inclusive and classes organized primarily for adults as specified in Education Code 44267.5(d).

(e) The period of validity is as follows:

(1) The Preliminary School Nurse Services Credential shall be issued for five years.

(2) The Professional Clear School Nurse Services Credential shall be valid for the length of time specified in Title 5 Section 80553.

(3) The Special Teaching Authorization in Health shall be valid as long as the prerequisite credential authorizing school nurse services is valid.

NOTE: Authority cited: Section 44252, Education Code. Reference: Section 44267.5, Education Code.

#### HISTORY

1. Amendment filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 30).
2. Amendment of section heading and section filed 12-20-99; operative 1-19-2000 (Register 99, No. 52).

### § 80051. Services Credential with a Specialization in Health Services Other Than School Nurse.

A professional clear Health Services Credential shall be issued upon verification of the possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California. The professional clear Health Services Credential shall be dated per Title 5 Section 80553.

(a) The services under this section shall be limited to:

1. Physician (all specialties);
2. Dentist (all specialties);
3. Dental Hygienist; and
4. Optometrist.

NOTE: Authority cited: Sections 44225(b) and 44225(q), Education Code. Reference: Section 44267, Education Code.

#### HISTORY

1. Amendment of section heading, section and NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).

### § 80052. Authorization for Service.

The credential issued under Sections 80050 and 80051 shall authorize the holder to serve in the area designated on the credential in preschool, kindergarten, and grades one through twelve.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44267, Education Code.

### § 80053. Services Credential Authorizing Service as a Library Media Service Teacher.

(a) The minimum requirements for the professional clear Library Media Teacher Services Credential shall include all of the following:

- (1) a baccalaureate degree from a regionally accredited institution of higher education;
- (2) a valid basic California teaching credential as defined in Education Code Section 44203(c);
- (3) completion of either A or B;
  - (A) A Commission-approved Library Media Teacher Services program; or
  - (B) Completion of an out-of-state Library Services program of at least 30 graduate semester units, approved by the appropriate state agency.
- (4) passage of the California Basic Educational Skills Test as specified in Education Code section 44252(b).

(b) Authorization. The Library Media Teacher Services Credential authorizes the holder to instruct pupils in the choice and use of library materials; to plan and coordinate school library programs with the instructional programs of a school district; to select materials for school and district libraries; to coordinate or supervise library programs at the school, district or county level; to plan and conduct a course of instruction for those pupils who assist in the operation of school libraries; to supervise class-

fied personnel assigned school library duties; and to develop procedures for and management of the school and district libraries.

(1) Holders of valid California teaching credentials based upon a baccalaureate degree who do not hold a credential authorizing services as a library media teacher may serve as library media teachers in public schools, provided that they are trained in their duties by a credentialed school library media teacher and supervised by an individual holding certification authorizing such supervision. Teachers employed to provide library services under this provision must, during the first year of service, either apply for the Library Media Teacher Services Emergency Permit and pursue enrollment in a Commission-accredited regional or distance-learning library media teacher services credential program, or submit to the county office of education a description of the factors that made it impossible to enroll in such a program. All teachers must obtain the Library Media Teacher Services Emergency Permit before the end of the second year of service under this provision.

(2) Nothing in this section shall be construed to preclude local governing boards from employing non-credentialed individuals to assist in the provision of library services, provided that the employment of non-credentialed personnel is not intended to supersede the requirement to include holders of the Library Media Teacher Services Credential or other credential authorizing library service pursuant to Education Code §44868 in the coordination and implementation of public school library programs. Services provided by non-credentialed personnel shall not include those activities requiring possession of a valid Library Media Teacher Services Credential, as specified in Subsection (b) of this section.

(c) The School Library Media Teacher Services Credential shall be issued on the basis of the completion of all requirements and shall be dated per Title 5 Section 80553.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44203(e), 44252(b) and (d), 44269 and 44868, Education Code.

#### HISTORY

1. Amendment filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 30).
2. Amendment filed 6-14-90; operative 7-14-90 (Register 90, No. 33).
3. Amendment of subsections (a)-(a)(3) and (c) and amendment of NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).
4. Amendment of subsection (b), new subsections (b)(1) and (b)(2), and amendment of subsection (c) and NOTE filed 3-7-2000; operative 4-6-2000 (Register 2000, No. 10).

### § 80054. Services Credential with a Specialization in Administrative Services; Requirements.

(a) The minimum requirements for the preliminary Administrative Services Credential include (1) through (6).

(1) One of the following:

- (A) a valid California teaching credential that requires a baccalaureate degree and a program of professional preparation, including student teaching or the equivalent; or
- (B) a valid California designated subjects teaching credential provided the applicant also possesses a baccalaureate degree; or
- (C) a valid California services credential in pupil personnel services, health services, library media teacher services, or clinical or rehabilitative services requiring a baccalaureate degree and a program of professional preparation, including field work or the equivalent;

(2) Completion of one of the following:

- (A) a specialized and professional preparation program in administrative services taken in California and accredited by the Committee on Accreditation; or
- (B) a professional preparation program in administrative services, including successful completion of a supervised field work or the equivalent, taken outside California that is comparable to a program accredited by the Committee on Accreditation. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed; or
- (C) one-year internship program in administrative services accredited by the Committee on Accreditation;

(3) Passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252(b);

(4) Verification of one of the following:

(A) three years of successful, full-time teaching experience in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status; or

(B) three years of successful, full-time experience in the fields of pupil personnel, health, library media teacher, or clinical or rehabilitative services in the public schools, including, but not limited to, service in state- or county-operated schools, or in private schools of equivalent status;

(5) One of the following:

(A) verification of completion from a California preliminary administrative services program accredited by the Committee on Accreditation; or

(B) an individual who completed his or her professional preparation program outside of California as described in (a)(2)(B), may apply directly to the Commission for the preliminary Administrative Services Credential; and

(6) Verification of an offer of employment in a full- or part-time administrative position in a public school or private school of equivalent status.

(7) An individual who has completed requirements (1) through (5) but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary Administrative Services Credential and authorizes the holder to seek employment.

(b) A Preliminary Administrative Services Credential issued on the basis of the completion of all the requirements in subsection (a) shall be issued initially only until the date of expiration of the valid prerequisite credential, as defined in (a)(1) of this section but for not more than five years. A Preliminary Administrative Services Credential that expired in less than five years shall be renewed until the date of expiration of the valid prerequisite credential, as defined in (a)(1) of this section but for not more than five years.

(c) A preliminary Administrative Services Credential authorizes the services specified in section 80054.5.

(d) The minimum requirements for the professional clear Administrative Services Credential shall include (1) through (4):

(1) Possession of a valid preliminary administrative services credential;

(2) Verification of two years of successful experience in a full-time administrative position in a California public school or California private school of equivalent status, while holding the preliminary administrative services credential;

(3) Completion of an individualized program of advanced administrative services preparation accredited by the Committee on Accreditation designed in cooperation with the employing agency and the college or university; and

(4) A recommendation from a California regionally accredited institution of higher education that has a professional clear administrative services program accredited by the Committee on Accreditation.

(e) A professional clear Administrative Services Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(f) A professional clear Administrative Services Credential authorizes the services specified in section 80054.5.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44252(b), 44270, 44270.1, 44372 and 44373, Education Code.

#### HISTORY

1. Amendment filed 2-7-80; effective thirtieth day thereafter (Register 80, No. 6).
2. Amendment of section heading, section and NOTE filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).
3. Amendment of subsection (a)(5)(A) filed 12-9-2002; operative 1-8-2002 (Register 2002, No. 50).

#### § 80054.5. Services Credential with a Specialization in Administrative Services; Authorization.

(a) A Services Credential with a Specialization in Administrative Services authorizes the holder to provide the services described below in

grades twelve and below, including preschool, and in classes organized primarily for adults.

(1) Development, coordination, and assessment of instructional programs;

(2) Evaluation of certificated and classified personnel;

(3) Student discipline, including but not limited to suspension and expulsion, pursuant to Article 1 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code commencing with Section 48900;

(4) Certificated and classified employee discipline, including but not limited to suspension, dismissal, and reinstatement, pursuant to Chapters 4 and 5 of Part 25 of Division 3 of the Education Code commencing with Section 44800;

(5) Supervision of certificated and classified personnel;

(6) Management of school site, district or county level fiscal services;

(7) Recruitment, employment, and assignment of certificated and classified personnel; and

(8) Development, coordination, and supervision of student support services including but not limited to extracurricular activities, pupil personnel services, health services, library services, and technology support services.

(b) Nothing in these regulations is intended to impinge upon the authority of the local governing board to authorize classified personnel to supervise other classified employees.

(c) Nothing in these regulations is intended to limit the employment and assignment authority of local governing boards under Education Code Sections 44270.2, 44065(d), 44069(c), 44834, or any other provision that may provide local discretion in the assignment of personnel.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44065, 44069, 44270.2, 48900 and 44834, Education Code.

#### HISTORY

1. New section filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).

#### § 80055. Internship Credential.

An Internship Credential may be renewed for one year upon a showing that extenuating circumstances have prevented its completion within a two-year period. Such circumstances shall include, but not be limited to, illness, military service, and other factors not within control of the applicant.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44348 and 44456, Education Code.

#### HISTORY

1. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

#### § 80055.1. Exchange Certificated Credential.

(a) Requirements. A school district governing board that proposes to employ an exchange certificated employee shall:

(1) Inform the applicant for the exchange position that an exchange certificated employee credential may be secured by submitting an application on the form prescribed by the Commission on Teacher Credentialing and personal identification cards, and

(2) Submit both (A) and (B) to the Commission:

(A) A statement verifying all of the following:

1. the position in which the governing board proposes to employ the applicant,

2. the dates of proposed employment,

3. facts showing that the applicant is an employee of a public school as required by Education Code Section 44853,

4. the district has given due consideration to the general qualifications and professional status of the proposed exchange employee as compared to the general qualifications and professional status of the employee to be exchanged, and

5. the district has official verification from the proper authorities mentioned in Education Code Section 44853 that the applicant is fit to perform the services required in the position.

(B) Submit to the Commission verification of passage of the California Basic Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).



(b) Authorization for Service. This credential authorizes the holder to serve in a position requiring certification qualifications as specified on the credential in the school district proposing to employ the person.

(c) Term. This preliminary credential may be issued for a three-year period provided the exchange is maintained. An exemption of the CBEST shall be granted for up to one year. At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent provided that the governing board submits to the Commission facts showing that the holder meets all California minimum standards which would be required of an applicant for a regular credential authorizing that class or service.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44853 and 44830(l), Education Code.

#### HISTORY

1. Amendment and renumbering of Section 6670 in Part I to Section 80055.1 filed 3-8-78; effective thirtieth day thereafter (Register 78, No. 10).
2. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).
3. Change without regulatory effect amending section and NOTE filed 12-16-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

### § 80055.2. Sojourn Certificated Employee Credential.

(a) Requirements. A sojourn certificated employee credential may be issued to a person meeting minimum requirements upon submission by a California school district governing board of a completed application to the Commission on Teacher Credentialing. A completed application shall include all of the following:

- (1) All information required by the application form provided by the Commission on Teacher Credentialing, including two personal identification cards with legible fingerprints and the required application fee.
- (2) Transcripts, certificates, or other reasonable evidence of all education above United States high school level or equivalent, and showing at least 90 semester units of collegiate level study or equivalent, and all teaching experience.

(3) Certification by the governing board that the applicant is a bilingual-biliterate teacher fluent both in English and in the target language and employed as required by Education Code Section 44856 during the calendar year immediately preceding the date of application.

(4) Certification by the governing board that the applicant will be employed by the school district in a teaching assignment authorized by a sojourn certificated employee credential and that the applicant has been informed in writing of his or her employment status and renewal requirements.

(5) A statement in writing and signed by the applicant verifying knowledge of the general requirements for a regular credential and agreeing to diligently pursue completion of the said requirements.

(6) Verification of the passage of the California Basic Educational Skills Test (CBEST), as specified in Education Code Section 44252(b).

(b) Authorization for Service. This credential authorizes the holder to provide bilingual instruction, foreign language instruction, or cultural enrichment in the elementary and/or secondary grades of the employing California public school district in the subjects in which the applicant is academically competent to teach.

(c) Term. This credential shall be issued initially for two years. It may be renewed one year at a time for no more than a total of five such one year renewals upon completion of renewal requirements.

(d) Renewal. The sojourn certificated employee credential may be renewed for the first time upon application filed prior to the expiration date and verification of completion during the life of the credential of at least 12 semester units or equivalent of college or university coursework applicable toward meeting regular credential requirements and, in addition, pass an assessment which will verify competency in language and culture as appropriate to the target language. For each successive one year renewal, completion of a minimum of six additional semester or equivalent units shall be verified. Each one year renewal shall require verification by the employing district of the continued need for the services of the sojourn certificated employee as required by Education Code Section 44856.

(e) Conversion to Regular Teaching Credential. Four years of successful classroom teaching on the basis of a sojourn certificated employee credential, as demonstrated by continual employment in the public schools, shall be accepted as equivalent to the professional preparation program required in Education Code Section 44259(c). When all other requirements of Education Code Section 44259 have been met, a professional clear teaching credential may be issued. If all requirements except the fifth year of study after completion of a baccalaureate degree have been met, a preliminary credential may be issued.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44856 and 44252, Education Code.

#### HISTORY

1. Renumbering of Section 6671 in Part I to Section 80055.2 and amendment filed 5-30-78; effective thirtieth day thereafter (Register 78, No. 22).
2. Change without regulatory effect amending section and NOTE filed 12-16-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

### § 80056. Methods for Obtaining a Credential; Completion of Approved Program or Its Equivalent; Reciprocity.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44320 and 44321, Education Code.

#### HISTORY

1. Renumbering from Section 80056 to Section 80406 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

### § 80057. Direct Application; When Permitted.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Renumbering from Section 80057 to Section 80430 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

### § 80057.1. Subsumed Subjects Added as Supplementary Authorization.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44256, Education Code.

#### HISTORY

1. New section filed 5-7-79; effective thirtieth day thereafter (Register 79, No. 19).
2. Amendment filed 5-31-79; effective thirtieth day thereafter (Register 79, No. 22).
3. Repealer of Section 80057.1 subsection (c) filed 6-20-80 as an emergency; designated effective 6-30-80 (Register 80, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-28-80.
4. Certificate of Compliance including amendment filed 10-17-80 (Register 80, No. 42).
5. Renumbering and amendment of Section 80057.1 to Section 80089 filed 6-28-82; effective thirtieth day thereafter (Register 82, No. 27).

### § 80057.5. Adding Supplementary Authorizations to Teaching Credentials Used Predominantly in Elementary Schools.

(a) The holder of a valid teaching credential specified in Education Code Section 44256(b) may have one or more of the subjects listed in subsection (c) added as a supplementary authorization. The candidate or an approved institution shall verify completion of either (1) or (2) below:

(1) 20 semester hours or 10 upper division semester hours of non-remedial collegiate course work in each subject from subsection (c) to be listed, or

(2) a collegiate major in a subject directly related to each subject from subsection (c) to be listed.

A "C" grade or above in any course used to meet the provisions of this section shall be required. Non-remedial coursework for the purposes of this section shall be defined as coursework that is applicable toward a bachelor's degree or a higher degree at a regionally accredited college or university.

(b) Candidates seeking supplementary authorization in any language other than English shall, in addition to requirements specified in subsection (a), submit verification of having either (1), (2), (3), or (4) below:

(1) passed the oral language portion of the Bilingual Certificate of Competence Examination in the language to be listed on the credential. Such verification shall be in the form of a letter from any institution or other educational agency, approved by the Commission as an assessor agency for the Bilingual Certificate of Competence. Whenever a written assessment instrument for a language other than Spanish is not available, a panel may be used by assessor agencies to assess a candidate's knowledge of the target language competencies, in accordance with Commission guidelines regulating assessment for languages other than Spanish, or

(2) passed the speaking and listening sections of Test 6 of the Crosscultural Language and Academic Development/Bilingual Crosscultural Language and Academic Development (CLAD/BCLAD) Examinations described in Section 80015.3 in the language to be listed on the credential; or

(3) oral proficiency in the language to be listed on the credential at a level equivalent to that of a person with a bachelor's degree with a major in that language. This level of proficiency shall be verified by a letter from the Chair of the Language Department of a regionally accredited four year college or university, or

(4) oral proficiency in the language to be listed on the credential at the level required to complete a Bilingual Emphasis or Bilingual Crosscultural Language and Academic Development (BCLAD) Emphasis Credential Program as verified by a letter from a person authorized to issue such verification by the college or university that offers such a program.

(c) The following subjects may be added as supplementary authorizations to a valid teaching credential specified in Education Code Section 44256(b):

(1) Agriculture, including at least one course in each of the following areas: animal science, plant science, and agricultural mechanics;

(2) Art, including at least one course in each of the following areas: drawing and painting, art history or appreciation, and crafts;

(3) Business, including at least one course in each of the following areas: business management, business marketing or introduction to business, computer concepts and applications, economics, business communications or business English, and accounting;

(4) Computer Concepts and Applications, including at least one course in each of the following areas: software evaluation and selection, hardware operation and functions, and classroom uses of computers;

(5) English, including at least one course in each of the following areas: grammar or language structure, composition, and literature;

(6) A Language Other Than English (Specify), including at least one course in the language covering each of the following areas: grammar, composition, conversation, and literature;

(7) Health Science, including at least one course in each of the following areas: substance abuse (including alcohol, drug, and tobacco), family life education (including human sexuality, HIV/AIDS, and sexually transmitted diseases), nutrition, comprehensive school health systems or programs, and health education theory, behavior, or foundations;

(8) Home Economics, including at least one course in each of the following areas: food and nutrition, clothing, child development, and family life and parenting;

(9) Industrial Arts, including at least one course in each of the following areas: drafting or graphic arts, woods or metals, and electricity or electronics;

(10) Mathematics, including at least one course in each of the following areas (all course work shall be at least at a level for which intermediate algebra is a prerequisite): algebra, geometry, and development of the real number system or introduction to mathematics; or three courses in calculus or other mathematics courses for which algebra and geometry are prerequisites;

(11) Music, including at least one course in each of the following areas: vocal music, instrumental music, music history or appreciation, and music theory;

(12) Physical Education, including at least one course in each of the following areas: team sports and games, fundamental and creative movement skills (such as dance and gymnastics), human movement, motor development, and/or motor learning, and individual, dual, nontraditional and global sports and games (such as aquatics, conditioning, and archery);

(13) Science, including at least one course in each of the following areas: biological sciences, chemistry, geosciences, and physics; and

(14) Social Science, including at least one course in each of the following areas: United States history, California history, world history, geography, and United States government.

(d) Home Economics Supplementary Authorizations must include a laboratory component in one of the listed subject areas. The course of study must cover both subject areas of food and nutrition but a single course may be used to meet the requirement. The course of study must cover both subject areas of family life and parenting, but a single course may be used to meet the requirement.

(e) Science Supplementary Authorizations Authorized by 80057.5(c)(13) shall include a one-year sequence of courses in at least two of the listed subject areas. At least one course must include a laboratory component.

(f) A subject specified in subsection (c) and listed on a teaching credential specified in Education Code Section 44256(b) as a supplementary authorization shall authorize the teaching of courses related to that subject in departmentalized classes in grades 9 and below.

(g) Applicants who are progressing toward completion of supplementary authorization requirements as they existed on July 1, 1996, shall have until July 1, 1998, to apply for said authorizations.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44256(b), Education Code.

#### HISTORY

1. New section filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).
2. Repealed by own terms effective 7-2-82 (Register 89, No. 9).
3. New section filed 12-9-88; operative 1-8-89 (Register 89, No. 9)
4. Editorial correction of Authority cite (Register 95, No. 9).
5. Amendment of section and Reference cite filed 3-9-95; operative 4-10-95 (Register 95, No. 10).
6. Amendment of subsections (c)(3), (c)(7)-(8) and (c)(12), new subsection (d), subsection relettering, and amendment of newly designated subsection (g) filed 10-29-96; operative 11-29-96 (Register 96, No. 44).

#### § 80058. Methods for Adding Authorization to an Existing Credential Issued Under This Article.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256, 44259 and 44270, Education Code.

#### HISTORY

1. Renumbering from Section 80058 to Section 80499 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

#### § 80058.1. Reissuance of Credentials, Certificates, or Permits Granted on Preliminary, Postponement, Emergency, or Clear Basis.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44344, Education Code.

#### HISTORY

1. Renumbering from Section 80058.1 to Section 80496 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

#### § 80058.2. Continuance and Extension of Service.

(a) The employing school officials, upon request to county school officials, may receive continuance to the end of a school year of a candidate's preliminary credential which lapses (expires) April 1 or thereafter of a school year. Such continuance is authorization for payment of salaries for service rendered on the lapsed credential.

(b) The employing school official, upon request to the county school officials, may receive continuance of the 30-day emergency substitute teaching credential to the end of the school year if the 30-day authorization is fulfilled after May 15 of a school year.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44344, Education Code.

HISTORY

1. New section filed 11-29-78; effective thirtieth day thereafter (Register 78, No. 48).

§ 80059. Fifth Year of Study.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80059 to subsections (a), (b) and (c) of Section 80424 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80060. Appeal from Institutional Failure to Approve.

NOTE: Authority cited: Section 44225, Education Code.

HISTORY

1. Renumbering from Section 80060 to subsection (d) of Section 80424 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

§ 80061. Requirements for Teaching in Special Centers.

Initial assignment to teach in a special center shall require one of the following: a Education Specialist Instruction Credential: Moderate/Severe Disabilities, a Special Education Specialist Instruction Credential authorizing the teaching of the Severely Handicapped, the Restricted Severely Handicapped Credential, the Life Development Center Instruction Permit, the Special Center Permit, or any other special education credential that, under previous laws and regulations, authorized teaching in programs for children who are severely handicapped as defined in Education Code Section 56030.5.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44256(c), 44265, 56030.5, 56364 and 56364.5, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3). For history of former section, see Register 82, No. 45.
2. Change without regulatory effect amending section and NOTE filed 12-16-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 51).

§ 80061.1. Requirements for the Restricted Severely Handicapped Credential.

(a) The requirements for the Restricted Severely Handicapped Credential shall include all of the following:

- (1) A baccalaureate or higher degree from an accredited institution;
- (2) Possession of a Special Center Permit or other permit or credential which authorizes service in a Special Center;
- (3) Three years of successful employment in a special center;
- (4) Completion of a Commission-approved program for the Special Education Specialist Instruction Credential authorizing the teaching of the severely handicapped; and
- (5) Verification of passage of the California Basic Education Skills Test as specified in Education Code Section 44252.

(b) Period of Validity. The Restricted Severely Handicapped Credential is valid for five years and may be renewed with verification of two years of successful experience in a Special Center during the valid period of the credential being renewed, and completion of six semester units of collegiate course work related to special education completed during the five year period of validity.

(c) Authorization. The Restricted Severely Handicapped Credential authorizes the instruction, guidance, and care of children in a special center and not in a special class as both are used in Article 4, Section 56364.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 56364.5, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3).

§ 80061.2. Requirements for the Special Center Permit.

(a) The requirements for the Special Center Permit shall include all of the following:

(1) Possession of a permit which authorizes service in a Special Center;

(2) A minimum of two (2) years of successful full-time teaching experience in a position requiring the Special Center Permit;

(3) Sixty semester hours of college course work including eight semester hours selected from the following fields: specialized preparation to serve as a teacher of exceptional children, nursery education, early childhood education or child development. An applicant who has not completed the 60 semester hours of college work at the time his or her provisional permit expires has the right of appeal pursuant to Sections 80505-80522.

(b) Requirements for the renewal of the Special Center Permit shall include all of the following:

(1) Verification of two years of successful experience in a special center during the valid period of the permit;

(2) Verification of either of the following:

(A) Completion of nine semester units of collegiate course work leading to a degree and/or a credential; or

(B) Completion of an individualized program of staff development totaling not less than 150 clock hours. The individualized program will be signed by the applicants and the site administrator. Verification of completion will be in the form of a letter from the site administrator;

(3) Submission of an application form, verification of (b)(1) and (b)(2) above, and the fee as specified in Section 80487;

(c) Period of Validity:

The Special Center Permit is valid for five years and may be renewed as specified in subsection (b);

(d) Authorization:

The Special Center Permit authorizes the instruction guidance and care of children in a Special Center as defined in Education Code Sections 56364 and 56030.5.

NOTE: Authority cited: Sections 44225(b) and 56364.5, Education Code. Reference: Sections 56030.5 and 56364, Education Code.

HISTORY

1. New section filed 1-17-86; effective thirtieth day thereafter (Register 86, No. 3).

§ 80062. Direct Application for Preliminary Specialist Instruction Credential on or Before December 31, 1976, Based upon Experience.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44347, and 44348, Education Code.

HISTORY

1. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80063. Direct Application for Clear Specialist Instruction Credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44274, Education Code.

HISTORY

1. Amendment of first paragraph filed 5-4-79; designated effective 6-4-79 (Register 79, No. 18).
2. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80064. Specific Requirements for the Specialist Instruction Credential in Special Education with an Authorization to Teach Either the Learning Handicapped or the Severely Handicapped.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44274, Education Code.

HISTORY

1. New subsection (c) filed 5-4-79; designated effective 6-4-79 (Register 79, No. 18).
2. Repealer filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

§ 80065. Specific Requirements for/and the Authorization of the Language Development Specialist Certificate.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44475-44479 and 44481, Education Code.

## HISTORY

1. New section filed 9-30-85; effective thirtieth day thereafter (Register 85, No. 40). For history of former Section 80065, see Register 81, No. 13.
2. Amendment filed 3-10-89; operative 4-9-89 (Register 89, No. 11).
3. Change without regulatory effect repealing section filed 5-22-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).

### § 80065.1. Examination for the Language Development Specialist Certificate.

NOTE: Authority cited: Sections 44475 and 52135, Education Code. Reference: Sections 44475-44479, 44481, 52130, 52131, 52134 and Section 52163, Education Code.

## HISTORY

1. New section filed 9-30-85; effective thirtieth day thereafter (Register 85, No. 40). For history of former Section 80065.1, see Registers 82, No. 45, and 80, No. 9.
2. Change without regulatory effect repealing section filed 5-22-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).

### § 80066. Specific Requirements for the Professional Clear Reading and Language Arts Specialist Credential.

(a) The minimum requirements for the professional clear Reading and Language Arts Specialist Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

- (1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e);
- (2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Reading and Language Arts Specialist Credential, including successful completion of supervised student teaching; and
- (3) the recommendation from a regionally accredited institution of higher education that has a Reading and Language Arts Specialist program accredited by the Committee on Accreditation.

(b) The minimum requirements for the professional clear Reading and Language Arts Specialist Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Reading and Language Arts Specialist Credential under this section:

- (1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e); and
- (2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Reading and Language Arts Specialist Credential, including successful completion of supervised student teaching, but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) The professional clear Reading and Language Arts Specialist Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) The Reading and Language Arts Specialist Credential authorizes the holder to assist and support the classroom teacher in reading instruction and teaching strategies, select and adapt reading instruction materials, plan and conduct reading staff development, assess student progress and monitor student achievement in reading, provide direct reading intervention work with students, and develop and coordinate reading programs at the school site, school district, or county level in grades twelve and below, including preschool, and in classes organized primarily for adults.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44203(e), 44225(d), 44225(e) and 44265, Education Code.

## HISTORY

1. New section filed 5-23-2000; operative 6-22-2000 (Register 2000, No. 21). For prior history, see Register 81, No. 13.

### § 80067. Specific Requirements for the Professional Clear Early Childhood Education Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Early Childhood Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

- (1) possession of a valid California Multiple Subject, Standard Elementary or General Elementary Teaching Credential;
- (2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Early Childhood Education Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Early Childhood Education Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Early Childhood Education Specialist Instruction Credential under this section:

- (1) possession of a valid California Multiple Subject, Standard Elementary or General Elementary Teaching Credential; and
- (2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Early Childhood Education Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Early Childhood Education Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Early Childhood Education Specialist Instruction Credential authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development including age appropriate teaching methodologies for child development programs and early childhood education programs in grades three and below which are coordinated by school districts or county offices of education. This credential also authorizes teaching courses in child development in grades twelve and below and in classes organized primarily for adults.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

## HISTORY

1. Amendment of section heading and new section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

### § 80068. Specific Requirements for the Professional Clear Agriculture Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Agriculture Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

- (1) possession of a valid California Single Subject Teaching Credential in Agriculture, Standard Secondary Teaching Credential in Agriculture Science or Special Secondary Credential in Vocational Agriculture;
- (2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Agriculture Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and
- (3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

4046

(b) The minimum requirements for the professional clear Agriculture Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Agriculture Specialist Instruction Credential under this section:

(1) possession of a valid California Single Subject Teaching Credential in Agriculture, Standard Secondary Teaching Credential in Agriculture Science or Special Secondary Credential in Vocational Agriculture; and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Agriculture Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Agriculture Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Agriculture Specialist Instruction Credential authorizes the holder to teach agriculture in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for agriculture education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

#### HISTORY

1. Amendment of section heading and new section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

### § 80069. Specific Requirements for the Professional Clear Health Science Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Health Science Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Health Science Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Health Science Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Health Science Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Health Science Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Health Science Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Health Science Specialist Instruction Credential authorizes the holder to teach health science in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for health science education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

#### HISTORY

1. Amendment of section heading and new section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

### § 80069.1. Specific Requirements for the Professional Clear Gifted Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Gifted Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Gifted Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Gifted Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Gifted Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Gifted Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but are taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Gifted Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Gifted Specialist Instruction Credential authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for agriculture education programs coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

#### HISTORY

1. New section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51).

### § 80070. Specific Requirements for the Professional Clear Mathematics Specialist Instruction Credential.

(a) The minimum requirements for the professional clear Mathematics Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (3):

(1) possession of a valid basic California teaching credential as defined in Education Code Section 44203(e);

(2) completion of a post baccalaureate professional preparation program accredited by the Committee on Accreditation for the Mathen4047

Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area; and

(3) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the professional clear credential sought.

(b) The minimum requirements for the professional clear Mathematics Specialist Instruction Credential for applicants who complete a professional preparation program outside California shall include (1) and (2). Applicants may apply directly to the Commission for the professional clear Mathematics Specialist Instruction Credential under this section:

(1) possession of a valid California teaching credential as defined in Education Code Section 44203(e); and

(2) completion of a post baccalaureate professional preparation program comparable to a program accredited by the Committee on Accreditation for the Mathematics Specialist Instruction Credential, including successful completion of supervised student teaching appropriate to the specialization area but taken outside California. The program must be from a regionally accredited institution of higher education and approved by the appropriate state agency where the course work was completed.

(c) Term.

The professional clear Mathematics Specialist Instruction Credential issued on the basis of the completion of all requirements shall be dated per Title 5 Section 80553.

(d) Authorization.

The Mathematics Specialist Instruction Credential authorizes the holder to teach mathematics in grades twelve and below, including preschool, and in classes organized primarily for adults. This credential also authorizes the holder to develop and coordinate curriculum, develop programs and deliver staff development for mathematics education pro-

grams coordinated by school districts or county offices of education.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and (e), 44256(c) and 44265, Education Code.

#### HISTORY

1. Amendment of section heading and new section filed 12-16-99; operative 1-15-2000 (Register 99, No. 51). For prior history, see Register 81, No. 13.

### § 80070.1. The Resource Specialist Certificate of Competence: Definition and Terms.

(a) "Resource Specialist" as used in Section 80070.2(a)(2) is a person who provided instruction and services as specified in subdivision (a) (1)-(5) below for two years prior to September 1, 1981; or provided instruction and services as specified in subdivision (b) (1)-(6) of Section 80070.2, for two years prior to June 30, 1983, including:

(1) Providing instruction and services for pupils whose needs were identified in a written individualized education program developed by a school appraisal team or an educational assessment service and who were assigned to regular classroom teachers for a majority of a school day.

(2) Providing information and assistance to individuals with exceptional needs and their parents.

(3) Providing consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.

(4) Coordinating the special education services provided each individual with exceptional needs served through the resource specialist program.

(5) Assessing pupil progress on a regular basis and revising individualized education programs, as appropriate, and referring pupils who did not indicate appropriate progress to the educational assessment service.

[The next page is 425.]

(b) "Special Education Credential" means a credential that specifically authorizes the teaching of pupils with exceptional needs, including, but not limited to, the communicatively handicapped, physically handicapped, learning handicapped, severely handicapped, visually handicapped, and orthopedically handicapped.

(c) "Three or more years of teaching experience, including both regular and special education teaching experience" means full-time experience in one or more of the combinations specified in (1) through (6) below.

The minimum amount of regular classroom teaching experience required is one semester of student teaching. Various other regular classroom teaching experiences may be substituted. These may include such experience as summer school teaching in a regular classroom, or organized inservice programs designed to provide teaching experience with regular classroom students, conducted by a school district, county office, or special education service region, and included in that agency's comprehensive local plan, approved by the State Department of Education.

(1) One year of regular classroom teaching experience and two years of special education classroom teaching experience, or

(2) One year of special education classroom teaching experience and two years of regular classroom teaching experience, or

(3) Two and one-half years of regular classroom teaching experience and one semester or two quarters of full-time special education classroom teaching or student teaching, or

(4) Two and one-half years of special education classroom teaching experience and one semester or two quarters of full-time regular classroom teaching or student teaching, or

(5) Two years of regular classroom teaching experience and two semesters or three quarters of full-time special education classroom teaching or student teaching, or

(6) Two years of special education classroom teaching experience and two semesters or three quarters of full-time regular classroom teaching or student teaching.

(d) "Local plan" means a plan which meets the requirements of Chapter 3 (commencing with Education Code Section 56200) and which is submitted by a school district, special education service region, or county office.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56170, 56362, 56362.5 and 56027, Education Code.

#### HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Sections 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Amendment of subsection (a) filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).

### § 80070.2. The Clear Resource Specialist Certificate of Competence on Direct Application.

(a) Requirements.

(1) Possession of a valid special education credential other than an emergency credential.

(2) Provided instruction and services as described in (A) or (B).

(A) Provided instruction and services as specified in Section 80070.1, subdivision (a) (1)-(5), for two years prior to September 1, 1981; or

(B) Provided instruction and services as specified in subdivision (b) (1)-(6) below for two years prior to June 30, 1983.

Experience shall be verified, on forms provided by the Commission, by the appropriate administrative official of the district, special education services region or county office.

(3) Submission of a completed credential application form; verification of experience; and the fee as specified in Section 80487.

(b) Authorization.

(1) Provide instruction and services for pupils whose needs have been identified in an individualized education program developed by the individualized education program team and who are assigned to regular classroom teachers for a majority of a school day.

(2) Provide information and assistance to individuals with exceptional needs and to their parents.

(3) Provide consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.

(4) Coordinate special education services with the regular school programs for each individual with exceptional needs enrolled in the resource specialist program.

(5) Monitor pupil progress on a regular basis, participate in the review and revision of individualized education programs, as appropriate, and refer pupils who do not demonstrate appropriate progress to the individualized education program team.

(6) Emphasize, at the secondary school level, academic achievement, career and vocational development, and preparation for adult life.

(c) Term. A clear Resource Specialist Certificate of Competence authorizes service only if a valid special education credential, other than an emergency credential, is held concurrently.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

#### HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Amendment of subsection (a) filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).

### § 80070.3. The Preliminary Resource Specialist Certificate of Competence on Direct Application.

(a) Requirements.

(1) Possession of a valid Special Education Credential other than an Emergency Credential.

(2) Verification of three or more years of teaching experience.

Experience shall be verified by the appropriate administrative official of the district, special education services region, or county office at which the experience took place.

(3) A written statement verifying that the candidate, if granted the Preliminary Resource Specialist Certificate of Competence, will be employed as a Resource Specialist.

The written statement of employment shall be completed and signed by the appropriate administrative official of the employing district, special education services region, or county office operating "local plans" pursuant to Education Code Section 56200, and shall include a statement indicating that the candidate shall engage in a course of study at an institution of higher education approved by the Commission, or in an approved program of inservice, as described in the local district's, special education service region's, or county office's approved comprehensive plan, designed to provide the skills/knowledge/experience required to qualify for the Clear Certificate of Competence as described in Section 80070.8.

(4) Submission of a completed credential application form; verification of experience; statement of employment; and the fee as specified in Section 80487.

(b) Authorization. The Preliminary Resource Specialist Certificate of Competence shall authorize the same services as the Clear Resource Specialist Certificate of Competence as specified in Section 80070.2(b). Such services shall be restricted to the employing district, special education services region, or county office.

(c) Term and Renewal. The Preliminary Resource Specialist Certificate of Competence authorizes service only if a valid special education credential, other than an emergency credential, is held concurrently, but not to exceed three years. Where the valid Special Education Credential

requires renewal, within the three-year issuance of the Preliminary, the Preliminary authorization will be continued only until the initial three-year period is completed.

The Preliminary Resource Specialist Certificate of Competence is not renewable.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

#### HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

### § 80070.4. The Clear Resource Specialist Certificate of Competence Issued on the Recommendation of an Institution of Higher Education with a Commission-Approved Resource Specialist Certificate of Competence Program.

#### (a) Requirements.

(1) Possession of a valid Special Education Credential as defined in Section 80070.1(b).

(2) Verification of three or more years of teaching experience, including both regular and special education teaching experience, as defined in Section 80070.1(c).

Experience shall be verified by the appropriate administrative official of the district, special education services region, or county office in which the experience took place.

(3) Completion of a Commission-Approved Resource Specialist Certificate of Competence program as specified in Section 80070.5.

(4) Submission of a completed application form, including recommendation by the institution; verification of experience; and the fee as specified in Section 80487.

(b) Authorization. The Clear Resource Specialist Certificate of Competence authorizes the service specified in Section 80070.2(b).

(c) Term. A Clear Resource Specialist Certificate of Competence authorizes service only if a valid Special Education Credential, other than an Emergency Credential, is held concurrently.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362, 56362.5, Education Code.

#### HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

### § 80070.5. Requirements for Developing, Evaluating and Approving Professional Preparation Programs for the Resource Specialist Certificate of Competence.

Institutions of higher education will submit the following information for the review and approval of a professional preparation programs for the Resource Specialist Certificate of Competence.

(a) A statement of intent signed by the dean or department chairperson verifying that the institution has an approved program for one or more special education specialist authorizations, and listing the contact person responsible for the program and the expected date of initiation of the program.

(b) A statement from the chief administrative officer of the institution, indicating that the program has full institutional support and approval and the identification of all sites, including the main campus where the program will be operated.

(c) Verification by the dean of the school of education of the following:

(1) Designation of the faculty member with assigned responsibility for the program.

(2) Budgeting and other resources allocated to the program in accordance with normal institutional procedures for such allocation.

(3) Involvement in the development of the program by constituents to include but not be limited to practitioners in special education and non-educator members of the public, including representatives from the minority communities served by the institution.

(4) A statement from practitioners in special education attesting to the approval of the program's objectives.

(5) That the requirements for admission to the program are equivalent to requirements for other areas of professional study at the institution.

(6) That the program will include field study, with special education and regular classroom pupils.

(7) That the institution shall continually update and upgrade the program, as necessary, to insure that graduates will have the skills and knowledge necessary for entry into the resource specialist field.

(8) That the institution will collect and analyze, on an annual basis, data related to employment of graduates, including any programmatic implications, obtained from the following:

(A) Number of new students enrolled in the program.

(B) Number of continuing students.

(C) Number of graduates.

(D) Number of graduates employed in the certificate area.

(9) That the institution will survey, on an annual basis, school districts and other agencies or groups expected to utilize the services of graduates of the program to determine what skills and knowledge and performance competencies are deemed necessary to function effectively as a Resource Specialist.

(d) Verification by the dean of the school of education, or the faculty member with assigned responsibility, that the program is designed to develop the skills, knowledge and performance competencies as described in Section 80070.8, and that such skills, knowledge and performance competencies can be readily validated by practitioners, based on the requirements for service in the certificate area.

(e) A description of the process by which candidates shall be determined to have met the requirements of the Commission and the objectives and requirements of the program itself. Such specification shall include, but not be limited to, the following:

(1) A description of the evaluation system, including sample instruments and criteria.

(2) Identification of who will conduct the candidate's final evaluation.

(3) Identification as to the person(s) making the final determination as to whether the candidate is or is not to be recommended for the certificate.

(f) A description of the process to determine the ability of graduates to effectively demonstrate the competencies listed in Section 80070.8. Such description shall include, but not be limited to, the following:

(1) Assurance that graduates will be surveyed at least one year after leaving the program.

(2) The identification of the job function of those to be included in the follow-up evaluations.

(3) The identification of those faculty, practitioners, graduates and employers who will participate in the review and interpretation of the data.

(4) Samples of instruments to be used.

(5) The process by which the results of the follow-up evaluation is fed back into the program's objectives and processes.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

#### HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).



**§ 80070.6. The Clear Resource Specialist Certificate of Competence Issued on Recommendation of a School District, County Office, or Special Education Service Region with a Comprehensive "Local Plan" and Approved by the Commission to Assess and Recommend for the Resource Specialist Certificate of Competence.**

(a) Requirements.

(1) Possession of a valid Special Education Credential as defined in Section 80070.1(b).

(2) Verification of three or more years of teaching experience, including both regular and special education teaching experience, as defined in Section 80070.1(c).

(3) Verification by the director of the school district, county office, or special education service region with a comprehensive "local plan" and approved by the Commission to assess and recommend for the Resource Specialist Certificate of Competence, that the applicant has successfully demonstrated all competencies described in Section 80070.8.

(4) Submission of a completed application; written verification that the candidate has successfully demonstrated all competencies described in Section 80070.8; and the fee as specified in Section 80487.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

**HISTORY**

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

**§ 80070.7. Requirements for a School District, County Office or Special Education Service Region with a Comprehensive "Local Plan" to Assess and Recommend for the Resource Specialist Certificate of Competence.**

(a) The Commission will review assessment plans submitted by a school district, county office, or special education service region with a comprehensive "local plan" and will reserve the right to approve; to not approve; or to solicit additional information or clarification relating to those plans. The "local plans" may include provision for a program designed to provide experience with regular classroom students to teachers who lack this experience.

(b) The Commission will reserve the right to monitor, in cooperation with the State Department of Education, the implementation of those plans and to withdraw approval whenever evidence indicates that the plan is not being implemented as proposed.

(c) To the extent possible, the Commission will consolidate efforts initiated under Sections 80070.7(a) and (b), with existing state application processes and program monitoring plans.

(d) Each assessment plan submitted by a school district, county office, or special education service region with a comprehensive "local plan," shall include, but not be limited to, all of the following components.

(1) A brief description of the process that will be used to assess the competencies listed in Section 80070.8 through such procedures as observation of performance and an oral interview, or written examination and oral interview, or oral interview. The panel shall be constituted as specified in (4) below.

(2) A copy of the form that will be used and a description of the procedures that will be followed in assessing the competencies listed in Section 80070.8 on the basis of the candidate's performance, if applicable.

(3) A copy of the written examination, if applicable, that will be used in assessing the competencies listed in Section 80070.8.

(4) A listing of prospective panel members that include representation from the following constituents, with a majority of the panel members

not employed by the service region, school district, special education services region, or county office with a comprehensive "local plan."

(A) A Special Education college or university faculty member.

(B) A Resource Specialist.

(C) A Program Specialist or Special Education Program Director/Coordinator, or a school-site administrator who has had responsibility for administering a Special Education Program.

(D) A regular classroom teacher.

(E) A parent of a special education child.

(5) A copy of the forms and materials that will be used by the panel to assess the competencies listed in Section 80070.8.

(6) A description of the training that will be provided all panel members prior to the assessment of candidates.

(7) A description of the procedures and criteria that will be used to provide each candidate with a diagnostic report of the assessment which clearly identifies strength and/or weakness in the candidate's competencies in the functions listed in Section 80070.8.

(8) A description of the length of time proposed for each individual assessment, the frequency of administration proposed, and the charge to the candidate.

(9) A description of the process for informing candidates of the procedure for appeal.

(10) A description of the system that will be utilized to gather, analyze and store data pertaining to the implementation of the assessment plan.

(11) A description of the follow-up process to determine the ability of persons assessed and recommended to effectively demonstrate the competencies listed in Section 80070.8 as they function as a Resource Specialist.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

**HISTORY**

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.
2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).
3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

**§ 80070.8. The Candidate for the Resource Specialist Certificate Shall Demonstrate the Skills, Knowledge and Performance Competencies Identified for Each of the Following Functions.**

(a) The Consulting Function.

(1) Provide consultant services to regular classroom teachers in the identification and assessment of learning and behavioral patterns in pupils.

(2) Consultation and assistance in the utilization of evaluation data for the modification of instruction and curriculum.

(3) Provide consultation services in the application of classroom management techniques.

(4) Provide consultant services as to resources appropriate to individuals with exceptional needs to regular staff members, parents and guardians.

(5) Consult in the development of pre-vocational and/or vocational plans for individuals with exceptional needs.

(6) Consult with regular classroom teachers and students as to their acceptance of students with exceptional needs.

(b) The Coordination Function.

(1) Coordinate referral and assessment procedures.

(2) Assist in the coordination of the Individualized Education Program Team meeting.

(3) Coordinate instructional planning; i.e., the development and implementation of Individualized Educational Programs for individuals with exceptional needs.

(4) Coordinate the implementation of special education services provided individuals with exceptional needs.

(5) Assist in the coordination of Designated Instruction and Services.

(6) Coordinate the collection of relevant information for those students referred to the Individualized Education Program Team.

(7) Coordinate the organization and distribution of special education media and materials for both resource and regular classrooms.

(8) Coordinate individualized instruction and activities of the Resource Specialist Program with regular classroom curriculum.

(9) Coordinate special education inservice workshops and workshops for staff and/or parents.

(10) Coordinate follow-up activities to insure service delivery to all individuals with exceptional needs.

(c) Functions Related to the Implementation of Laws, Regulations and Other Compliance Requirements.

(1) Schedule and monitor Referral Procedures in accordance with legal requirements.

(2) Monitor the development of Individualized Educational Programs, and conduct review meetings in accordance with legal requirements.

(3) Process all information leading to approval of services by child's parent or guardian.

(4) Provide leadership for assuring full compliance with legal requirements.

(d) Staff Development and Inservice Education Function.

(1) The utilization of systematic observations for referral to the Individualized Education Program.

(2) The understanding and interpretation of appropriate assessment tools.

(3) The selection and modification of appropriate instructional methods and materials.

(4) The application of classroom environment and behavior management techniques.

(5) The enhancement of social and emotional development of exceptional individuals within the educational environment of the regular classroom.

(e) Skills Related to the Parent Education Function.

(1) Provide parents with basic knowledge of assessment procedures and instrumentations, and how to utilize the information.

(2) Provide parents with basic understanding of remedial methods and techniques as they relate to their own child's program.

(3) Provide parents with basic home enrichment and home management techniques designed to meet the needs of their child.

(4) Counsel parents in areas related to their child's abilities, including strengths and weaknesses; as well as to the child's needs and goals, including career and vocational planning alternatives.

(5) Provide parents with information as to effective utilization of community resources.

(6) Assist in planning of parent education workshops.

(f) The Instructional Function:

Instructional competencies are already satisfied through the possession of a Basic Teaching Credential and/or a Special Education Credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 56362 and 56362.5, Education Code.

HISTORY

1. New section filed 8-7-80 as an emergency; designated effective 9-5-80 (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-81.

2. Repealed by operation of Section 11346.1, Government Code (Register 81, No. 23).

3. New section filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).

**Article 3. Examinations and Subject Matter Programs**

**§ 80071. Qualification by Examination for Issuance of Credential.**

(a) Every applicant who seeks to satisfy a credential, certificate, permit, or waiver requirement by examination must meet the passing score

requirement(s) established by the Commission that were in effect at the time the examination was taken. A list of the adopted examinations and passing score requirements will be made available upon request to the Commission.

(b) For each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, there can be no more than five years between (1) the date the score was earned and (2) the issuance date of the credential, certificate, permit, or waiver for which the examination score is used.

(c) For purposes of this section, the Video Performance Assessment of the Reading Instruction Competence Assessment, described in Education Code §44283, is considered an examination.

(d) Once an examination score has been used to satisfy a California certification requirement, it may be used to satisfy a requirement of another certification document regardless of the five-year limit described in subsection (b) if the score satisfies the passing score requirement for the new document.

(e) The five-year limit described in subsection (b) shall not apply to scores on examinations used to 1) verify knowledge of the Constitution of the United States, as specified in Education Code §44335; 2) grant credit by an institution of higher education; or 3) verify experience learning a second language required for the Crosscultural, Language and Academic Development Certificate, as specified in Section 80015 of the Title 5 Regulations. The five-year limit on scores described in subsection (b) shall not apply to any examination that is exempt from this requirement by statute or regulation.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(d), 44252, 44253.3, 44280, 44283, 44289 and 44335, Education Code.

HISTORY

1. Amendment and renumbering of Part I, Division 7, Subchapter 17, Article 3 (Sections 5941-5957) to Part VIII, Chapter 1, Article 3 (Sections 80071-80094), filed 12-16-77; effective thirtieth day thereafter (Register 77, No. 51). For prior history see Registers 77, No. 33 and No. 9; Register 76, No. 17; Register 75, No. 44; and Register 73, No. 26.

2. Amendment filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

3. Amendment filed 4-17-81; effective thirtieth day thereafter (Register 81, No. 16).

4. Amendment of article heading, section and NOTE filed 1-10-2000; operative 2-9-2000 (Register 2000, No. 2).

**§ 80071.1. Oral Proficiency Examinations for Single Subject Language Authorization.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

2. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

**§ 80071.2. Writing Proficiency Examination for Single Subject English Language Authorization.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

2. Repealer filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

**§ 80071.3. English Writing Proficiency Examination for Candidates Without College Recommendations.**

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

HISTORY

1. New section filed 6-5-79; effective thirtieth day thereafter (Register 79, No. 23).

2. Renumbering and amendment of Section 80071.3 to 80078 filed 3-26-81; effective thirtieth day thereafter (Register 81, No. 13).

**§ 80071.4. Basic Skills Examination.**

(a) After January 31, 1983, every applicant for a credential, permit or certificate, or for the renewal of an emergency permit shall be required

to have obtained a passing score on the California Basic Educational Skills Test (CBEST). The test is not required to renew, reissue or upgrade a credential, certificate or permit except when upgrading a permit would require a baccalaureate degree.

(b) Pursuant to Education Code Sections 44252(b) and (d) applicants for the following credentials, permits, or certificates are exempt from this requirement:

- (1) a credential to be issued solely for teaching adults in an apprenticeship program;
- (2) a credential for an adult education designated subject other than an academic subject; and
- (3) a certificate of clearance;
- (4) a children's center permit or a permit authorizing service in a special center for the handicapped, when a baccalaureate degree is not required;
- (5) a credential, certificate, or permit for an additional teaching authorization when the applicant holds a non-emergency credential, certificate or permit that requires a baccalaureate degree and authorizes teaching;
- (6) a health services credential;
- (7) a Designated Subjects Vocational Education Teaching Credential.
- (8) any Designated Subjects Special Subjects Credential for which a baccalaureate degree is not required.

(c) Pursuant to Education Code Section 44252(b)(3), a school district can request a one year non-renewable credential for an individual who they wish to employ and who has not yet passed the CBEST.

(1) The applicant for the one year non-renewable credential shall satisfy all of the following:

- (A) either 1. or 2. below:
  1. completed an out-of-state professional preparation program for a credential comparable to the California credential requested; or
  2. completed a California approved professional preparation program for the requested credential prior to February 1, 1983 and has resided outside of California for the year immediately preceding application for the one year non-renewable emergency credential.

(B) and all minimum requirements for the California credential requested except for the CBEST requirement; and

(C) a basic skills test developed and administered by the employing school district.

(d) Applicants for an exchange certificated employee credential can be issued a one-year preliminary credential pending the passage of the CBEST.

(e) An applicant for any credential needing the CBEST shall be required to have passed it only once, regardless of the time that has elapsed between the date of passing the test and the date of the application.

(f) The Commission will establish the schedule of test administrations no less than four months prior to the beginning of the next fiscal year, and will publicize the schedule by all reasonable means as quickly as practicable.

(g) The Commission will arrange for a special administration of the test in the event that an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced.

The special administration will be scheduled by the Commission as soon as possible, consistent with the district's schedule for compliance with the requirements of sections 80071.4(h)(1)(B), (h)(1)(C), and (h)(2)(C) below, except that no special administration will be scheduled in the period three calendar weeks before a scheduled regular administration. No special administration will be scheduled without reasonable assurance that at least forty people will actually register and take the test at the special administration. Two or more districts or counties may jointly participate in a single administration provided each can satisfy the requirements specified in Section 80071.4(h).

(h) The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.

(1) The minutes of the governing board meeting must show that the board accepts the following conditions:

(A) An emergency as defined in subsection (g) exists and is unavoidable.

(B) District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agent;

(C) District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system;

(D) The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.

(E) The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.

(2) The superintendent of the district or county shall provide the following information as part of the written request:

(A) A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration;

(B) Documentation on the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county, or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes;

(C) A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county;

(D) A definitive statement about whether admission to the special administration will be limited to people who are potential employees of the district or county requesting the special administration, or will be open to anyone who wishes to take the test;

(E) Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.

(i) No special administration will be scheduled for a college or university.

(j) There will be no limit on the number of times a person may take the entire test or sections of the test. Section(s) of the test that have been passed need not be repeated, but no person taking the test may omit any section that has not been passed. The test fee for repeating the test will be as specified in Section 80487(a)(5) of these regulations.

(k) In determining whether a person has passed the test, the highest score obtained on any section of the test at any administration will be used without regard to the length of time that has elapsed since the score was obtained.

(l) All credential program applicants shall take the CBEST for diagnostic purposes no later than the deadline for submission of his/her application for admission to the credential program unless the applicant is exempt from the CBEST for the credential.

(m) An individual credential applicant who already holds a valid non-emergency teaching credential that requires a baccalaureate degree and is seeking an additional teaching authorization is exempt from the provisions of subsection (l).

(n) The Commission will not consider appeals by credential applicants who have failed to achieve the passing standard established by the Commission at the time the CBEST has been most recently attempted.

(o) The Commission will issue annually a report on the passing rates of various groups on the CBEST, including passing rates by institution attended.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44252.5, 44203 and 44830, Education Code.

#### HISTORY

1. New section filed 9-30-82 as an emergency; designated effective 1-1-83 (Register 82, No. 41).
2. Order of Repeal of 9-30-82 emergency order filed 10-7-82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 41).
3. New section filed 11-10-82 as an emergency; effective upon filing (Register 82, No. 48). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-10-83.
4. Certificate of Compliance including amendments transmitted to OAL 3-8-83 and filed 3-15-83 (Register 83, No. 12).
5. Amendment filed 10-4-84; effective thirtieth day thereafter (Register 84, No. 40).
6. Amendment filed 12-10-86; effective thirtieth day thereafter (Register 86, No. 50).
7. Amendment of subsection (c)(1)(A) filed 3-17-89; operative 4-16-89 (Register 89, No. 12).
8. Change without regulatory effect amending subsections (a) and (c), repealing subsections (c)(1)-(c)(1)(D), renumbering subsections, and amending newly designated subsections (c)(1)-(c)(1)(C) filed 12-2-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 49).
9. Amendment of subsection (o) filed 4-21-2000; operative 5-21-2000 (Register 2000, No. 16).

### § 80071.5. Reading Instruction Competence Assessment.

Every applicant for an initial Multiple Subject Teaching Credential on or after October 1, 1998, or an initial Education Specialist Instruction Credential on or after January 1, 2000, shall be required to obtain a passing score on the Reading Instruction Competence Assessment (RICA) with the following exceptions:

(a) Applicants applying for a document exempt by Education Code 44283.2(b).

(b) Applicants applying for a one-year nonrenewable or a two-year preliminary teaching credential based on 1) a teacher education program including student teaching obtained outside of California and 2) a baccalaureate degree. These applicants must pass the RICA prior to renewing the two-year preliminary unless exempt by §80071.5(c) or (d).

(c) Applicants holding a valid California teaching credential based on a baccalaureate degree and a teacher education program including student teaching, other than those applicants renewing the credentials described in (b) to either the three-year preliminary credential or, if the three-year preliminary credential is not requested, the professional clear credential.

(d) Applicants holding a valid teaching credential from another state, with a comparable authorization to the credential sought.

(e) Applicants applying for an internship credential based on Education Code §44452. These applicants must pass the RICA prior to obtaining a preliminary or professional clear credential of the same type, unless exempt by §80071.5(c) or (d).

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44252(b)(3), 44253, 44283, 44283.2 and 44452, Education Code.

#### HISTORY

1. New section filed 6-21-2000; operative 7-21-2000 (Register 2000, No. 25).

### § 80072. Appeal upon Failure to Pass Subject Matter Examination.

The Commission will consider appeals presented in writing by applicants who have failed to attain the passing score standard established by the Commission when the appellant can verify evidence of meeting the following appeal standards:

(a) Within 30 days after a score report for a written examination has been received for any certificate or credential issued by the Commission, an unsuccessful applicant may file a petition of appeal with the Executive Secretary on the grounds of fraud, discrimination, or clerical error in scoring, or other grounds of extraordinary improper acts or circum-

stances which were reported to the test supervisor at the time of the administration of the examination and which a reasonable person could agree deprived the candidate of a fair chance to take and pass the examination; except that mere failure to pass an examination which has been successfully passed by other applicants shall not be grounds for appeal. Candidates are encouraged to report any extraordinary improper test administration acts or circumstances to the Commission.

(b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based and in sufficient detail to identify the examination and persons involved. The petition shall be signed and dated by the applicant, and shall include the following statement: "I certify under penalty of perjury that the facts stated herein are true and correct."

(c) The petition may include other relevant information including the petitioner's academic record, letters of recommendation and other facts upon which the Commission might reasonably conclude that, but for the grounds for appeal alleged, the petitioner would have demonstrated all qualifications required by law for such credential or certificate.

(d) The petition, with the Executive Secretary's recommendation with respect thereto, shall be granted or denied by the Commission on the basis of the verified facts presented in the petition. The Commission may order reexamination of the petitioner upon all or any portion of the examination appealed from with or without further examination fee.

(e) An applicant who fails a subject matter examination and who does not meet the standards may appeal by requesting to be examined by a board of examiners. Such examination, if feasible, may be an oral examination by a board of examiners, as specified in Section 80075. Such an appeal shall be in writing and shall include all of the following:

(1) Verification that appellant has failed the examination and does not meet the standards; and

(2) Agreement by the appellant to pay the costs of impaneling and operating the board of examiners.

NOTE: Authority cited: Sections 44225 and 44252, Education Code. Reference: Sections 44280, 44281, 44310, and 44345(a), Education Code.

#### HISTORY

1. Amendment filed 1-12-79; designated effective 2-14-79 (Register 79, No. 2).
2. Amendment of subsection (a) filed 2-27-80; effective thirtieth day thereafter (Register 80, No. 9).
3. Amendment of subsection (e) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

### § 80073. Board of Examiners.

In response to appeals filed in accordance with Section 80072(e), the Commission shall appoint boards of examiners as appropriate, each consisting of not more than six persons drawn equally from practicing public school teachers and full-time higher education faculty in the subjects or field(s) in which the candidate wishes to be examined. All examinations held by such boards shall be executive and closed sessions with only board members, Commission members, and staff, and the applicant permitted to attend. The recommendations of each board of examiners shall be in writing. A copy of such recommendations shall be transmitted to the Commission, and the Commission will notify applicants of its decision by registered mail within 30 days after the Commission considers the recommendations of the board.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Amendment filed 1-12-79; designated effective 2-14-79 (Register 79, No. 2).

### § 80074. Members of the Board of Examiners.

The Commission shall consider the following criteria when appointing members to a board of examiners:

- (a) Current full-time employment;
- (b) Major in the subject area to be examined;
- (c) Three years of full-time teaching experience in the subject area of the examination;
- (d) Bilingual or crosscultural experience or other background and expertise appropriate to the specific needs of applicants.

**§ 80075. Oral Examination.**

The oral examination shall be given at a location or locations designated by the Commission. No more than two such examinations shall be scheduled in one year for each subject matter area. This oral examination shall cover the substance specified in the adopted scope and content statement appropriate to the subject matter area being examined, and shall be scheduled for no longer than three hours.

**§ 80076. Board of Examiners' Fee.**

The fee shall be based on actual costs to assemble the Board of Examiners. A fee as provided in Section 80487 must be paid prior to the scheduling of the examination. After actual costs have been determined, a refund of any unearned portion of the fee will be paid to the applicant. These costs may be prorated between two candidates when two candidates are to be examined in one day, and among all candidates taking the same examination when the examination session lasts longer than one day.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280 and 44289, Education Code.

## HISTORY

1. Amendment filed 1-17-80; effective thirtieth day thereafter (Register 80, No. 3).

**§ 80077. Examination Processing Fee.**

The fee for processing a request to apply for an examination score to meet one of the requirements for a Ryan Act credential shall be as provided in Section 80487. The fee is deemed earned upon receipt and shall not be refunded. A separate request and fee is required for each examination taken.

NOTE: Authority cited: Sections 44225 and 44298, Education Code. Reference: Sections 44280 and 44289, Education Code.

## HISTORY

1. Amendment filed 1-17-80; effective thirtieth day thereafter (Register 80, No. 3).

[The next page is 431.]

**§ 80413.2. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials Pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997.**

NOTE: Authority cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44227(c), 44227(e), 44259(c) and 44275.3, Education Code.

**HISTORY**

1. New section filed 10-8-99; operative 11-7-99 (Register 99, No. 41).
2. Change without regulatory effect repealing section filed 7-31-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 31).

**§ 80413.3. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Experienced Out-of-State Credentialed Teachers.**

(a) The following pertains to individuals who have five years of appropriate teaching experience in a state other than California.

(1) The minimum requirements for the five-year preliminary Multiple or Single Subject Teaching Credential are all of the following, (A) through (G).

(A) Five years of full-time teaching experience in the subject of the credential sought and in a state other than California.

(B) Rigorous performance evaluations.

(C) A valid teaching credential from another state, with a comparable authorization to the credential sought.

(D) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education and appropriate to the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(E) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(F) In the case of an applicant for a five-year preliminary Single Subject Teaching Credential, completion of an academic major in the subject area of the credential sought.

(G) Passage of the California Basic Educational Skills Test (CBEST) described in Education Code §44252. A one-year nonrenewable Multiple or Single Subject Teaching Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (a)(1)(A) through (a)(1)(F) above and Title 5 §80071.4(c).

(2) The minimum requirements for the professional clear Multiple or Single Subject Teaching Credential are both of the following:

(A) A five-year preliminary Multiple or Single Subject Teaching Credential issued pursuant to subdivision (a)(1), and

(B) Completion of 150 clock hours of activities addressing one or more of the following six standards. This may be satisfied by staff development, college course work or other activities related to the standards. When applying for the professional clear credential, a written list of the activities including a justification stating how each of the activities relates to the standard must be attached. An individual at the central office of a California school district or county office of education, or at a California school site who is responsible for curriculum and instruction in the authorization of the teacher's credential must sign the written justification agreeing that the activities relate to the standard(s) as stated. The individual must complete this requirement in California while holding the Multiple or Single Subject Teaching Credential issued pursuant to subdivision (a)(1).

1. Engaging and supporting all students in learning.
2. Creating and maintaining effective environments for student learning.
3. Understanding and organizing subject matter for student learning.
4. Planning instruction and designing learning experiences for all students.
5. Assessing student learning.
6. Developing as a professional educator.

(b) The following pertains to individuals who have three years of appropriate teaching experience in a state other than California.

(1) The minimum requirements for the three-year preliminary Multiple or Single Subject Teaching Credential are all of the following, (A) through (H).

(A) Three years of full-time teaching experience in the subject of the credential sought and in a state other than California.

(B) Rigorous performance evaluations.

(C) A valid teaching credential from another state, with a comparable authorization to the credential sought.

(D) Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education and appropriate to the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.

(E) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(F) In the case of an applicant for a three-year preliminary Single Subject Teaching Credential, completion of an academic major in the subject area of the credential sought.

(G) An offer of employment from a California school district, county office of education or school operating under the direction of a California state agency that has one of the approved programs listed in (b)(2)(B) and a statement by the employer verifying intention to enroll the individual into the program. The document will be restricted to the requesting employer.

(H) Passage of the California Basic Educational Skills Test (CBEST) described in Education Code §44252. A one-year nonrenewable Multiple or Single Subject Teaching Credential may be issued to an applicant who has not passed the CBEST and has satisfied subsections (b)(1)(A) through (b)(1)(G) above and Title 5 §80071.4(c).

(2) The minimum requirements for the professional clear Multiple or Single Subject Teaching Credential are both of the following:

(A) A three-year preliminary Multiple or Single Subject Teaching Credential issued pursuant to subdivision (b)(1), and

(B) Completion of either of the following:

1. A program of beginning teacher support and assessment established pursuant to Education Code, Article 4.5 (commencing with §44279.1) of Chapter 2 of Part 25, or

2. An alternative program of beginning teacher induction that the commission determines, in collaboration with the Superintendent of Public Instruction, meets state standards for teacher induction.

(c) The following definitions apply to terms used in this section.

(1) Majors for the Single Subject Teaching Credential: Applicants for the Single Subject Teaching Credential must have a major in the fields identified below or in a closely related subject acceptable to the Commission.

(A) Agriculture: agribusiness, animal science, crop science, dairy science, natural resources management, horticulture, or soil science.

(B) Art: art history or studio art.

(C) Business: accountancy, business administration, finance or marketing.

(D) English: composition or literature.

(E) Foreign Language: French, German, Spanish, or another language other than English.

(F) Health Science: health science or public health.

(G) Home Economics: foods, nutrition, child development, interior design, or clothing.

(H) Industrial and Technology Education: industrial technology.

(I) Mathematics: mathematics.

(J) Music: instrumental or vocal.

(K) Physical Education: kinesiology or physical education.

(L) Science: Biological Sciences: biology, marine biology, anatomy, or botany.

(M) Science: Chemistry: chemistry or biochemistry.

(e) The minimum requirements for the professional clear level II Education Specialist Instruction Credential for those eligible under subsection (c)(3) are all of the requirements in the California Code of Regulations, Title 5 Section 80048.4 unless approved under the comparability study established in Education Code Section 44274.

(f) An individual who has previously been issued a California Multiple Subject Teaching Credential, Single Subject Teaching Credential, Specialist Instruction Credential in Special Education, or Education Specialist Instruction Credential under another provision of the Education Code that pertains to teachers trained outside of California may be eligible for a credential under this section. The credential shall be issued for five years from the issuance date of the original preliminary or level I credential or for three years from the date of application, whichever is longer.

NOTE: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(d), 44227(e), 44252, 44252.5, 44259(c), 44274, 44339, 44340 and 44341, Education Code.

#### HISTORY

1. New section filed 1-19-2000 as an emergency; operative 1-19-2000 (Register 2000, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-18-2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-19-2000 order, including amendment of section and NOTE, transmitted to OAL 5-17-2000 and filed 6-21-2000 (Register 2000, No. 25).

#### § 80433. Application Form.

(a) An application for a credential shall be made on the application form provided by the Commission.

(b) Each applicant for a credential shall submit such additional information relating to qualification to receive a credential as the Commission may require.

NOTE: Authority cited: Section 44225, Education Code.

#### § 80434. Acceptance of Electronic Signature.

An "electronic signature" as defined in Section 80001(I) may be used to sign any document required by the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. New section filed 5-8-2002 as an emergency; operative 5-8-2002 (Register 2002, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-5-2002 or emergency language will be repealed by operation of law on the following day.
2. A Certificate of Compliance as to 5-8-2002 order, including amendment of section, transmitted to OAL 9-5-2002 and filed 10-17-2002 (Register 2002, No. 42).

#### § 80435. Official Transcript.

(a) For purposes of authenticity and legibility, official transcripts or verification-of-true-copy will be required with each application for a credential, certificate or permit submitted on and after September 1, 1983;

(b) California colleges with approved programs, school districts, county offices, and other state agencies shall meet this requirement either by submitting official transcripts with the application or by verification of the copy as a true-copy of the official transcripts by one of the following means:

- (1) A recommendation by the college for the credential;
- (2) a statement submitted to the Commission, on a one-time basis, by the college, school district, county office or other state agency describing their internal procedure or policy verifying the authenticity of the transcript;
- (3) a statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript;

(c) applicants applying directly to the Commission, for a credential, certificate, or permit shall be required to submit official transcripts with the credential application;

(d) applications submitted with illegible transcripts, or submitted by colleges, school districts, county offices or other state agencies who have

not met the requirements specified in subsection (b) shall be returned to the sender for proper verification or for official transcripts;

(e) an official transcript is defined as one that bears the signature in ink of the registrar and/or the impressed seal of the institution.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. New section filed 7-22-83; effective thirtieth day thereafter (Register 83, No. 30).

#### § 80436. Place of Filing of Application.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1-12-99; operative 2-11-99 (Register 99, No. 3).

#### § 80439. Date of Filing of Application.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1-12-99; operative 2-11-99 (Register 99, No. 3).

#### § 80440. Date of Issuance of Credentials.

(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non-public school, non-sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing provided the following conditions are satisfied:

(1) all the requirements for the credential were met prior to the issuance date of the credential, and

(2) the application is submitted to the Commission not more than forty-five working days after the issuance date of the credential if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.

(b) The issuance date for a credential recommended by a California institution of higher education with a program accredited by the Committee on Accreditation shall be the date of completion of all requirements for the credential or later as established by the institution provided the application is submitted to the Commission not more than forty-five working days after the issuance date of the credential if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.

(c) The issuance date of the renewal of a credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied:

(1) the renewal application is submitted to one of the agencies listed in (a) above within one year prior to the expiration date;

(2) the renewal application is submitted to the Commission not more than 4 months after the issuance date of the credential; and

(3) all the requirements for the credential were met prior to the issuance date of the credential.

(d) If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Renumbering and amendment of former Section 80463 to Section 80440 filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment filed 1-12-99; operative 2-11-99 (Register 99, No. 3)

**§ 80441. Notification to the Employers of Temporary County Certificate (T.C.C.) Holders.**

(a) It is the intent of Education Code Section 44332 that the Commission provide notification of the status of an application for a credential, certificate, or permit to the employers of temporary county certificate holders prior to the 120 day expiration date of the T.C.C. In order for the Commission to provide such notification the school district or county superintendent of schools office shall specify T.C.C. and the expiration date of the T.C.C. in the space provided on the application form when the application is filed with them.

(b) In situations where the statutory certifications of Education Code Section 44332 do not apply, the Commission shall provide the following information on the status of an application for a credential, certificate, or permit to the appropriate county superintendent of schools office before the expiration of the 120 day period:

- (1) notification that a credential, certificate or permit document has been issued;
- (2) notification that all requirements, for each credential, certificate, or permit have been met and the appropriate document will be issued;
- (3) notification that all requirements for the credential, certificate, or permit have been met except that the fingerprint cards, required by Education Code Sections 44340 and 44341, have not been processed and returned by the California Department of Justice and/or the Federal Bureau of Investigation;
- (4) notification that an application has been returned because application information initially required was not properly provided; or

(5) notification that an application has been denied.

(c) The county superintendent of schools shall provide the Commission with a listing of all applicants serving on a T.C.C. for whom notification, pursuant to subsection (b), has not been received as of ten (10) school days prior to the expiration date of the T.C.C. This listing shall be forwarded to the Commission immediately and shall include all of the following information for each applicant:

- (1) the full name;
- (2) the social security number;
- (3) the birthdate;
- (4) the type of credential, certificate, or permit for which application was made, when available;
- (5) the date of filing of the application, when available;
- (6) the date the application was submitted to the Commission, when available;
- (7) the effective date of the temporary county certificate;
- (8) the expiration date of the temporary county certificate.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44332, Education Code.

**HISTORY**

1. New section filed 9-27-83; effective thirtieth day thereafter (Register 83, No. 40).

**§ 80442. Personal Identification Cards.**

(a) Except as provided in subsection (c), each applicant for a credential shall submit with the application duplicate personal identification cards

[The next page is 453.]



provided by the Commission or obtained from the Bureau of Identification of the Department of Justice. Such identification cards shall be completed in the manner required by the instructions on the card.

(b) The fingerprints of the applicant shall be taken by a qualified officer or employee of the state, or of any political subdivision thereof, or by a person designated by the Commission.

(c) Where an applicant is seeking an additional credential and has filed personal identification cards in connection with a previous credential, or renewal thereof, said applicant need not file subsequent cards except upon express request by the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44340, Education Code.

#### § 80443. Processing Time for Credentials and Permit.

(a) The processing time for all credentials and permits shall meet all of the following criteria:

(1) The Commission on Teacher Credentialing shall reach an issuance decision for a credential or permit and notify the applicant within 75 working days of the receipt of the application. Incomplete applications will be returned to the applicant or recommending institutions within 45 working days of the receipt of the application. The processing time of 75 working days in these cases will commence upon receipt of the resubmitted complete application;

(2) For the past two years the Commission's maximum processing time has been 77 working days, a minimum of 7 working days, and a median of 35 working days;

(3) An application is determined complete when all materials needed for processing and all facts required by the law are included.

(b) The appeal process for the implementation of this section shall be as follows:

(1) An applicant who has submitted a complete application and has not received notification of his or her credential status within 75 working days may appeal directly in writing to the Executive Secretary of the Commission. If the appeal is decided in the applicant's favor because the agency exceeded the maximum time period, without good cause, all filing fees are refundable. The applicant must appeal in writing to the Executive Secretary. The applicant will be informed in writing of the decision of the Executive Secretary within 30 working days of the receipt of the appeal. The application form will include information indicating the right to appeal and provisions for making an appeal established by this section.

(2) Applicants who are making a Commission appeal as to academic requirements or applicants under review by the Professional Standards Section of the Commission are not eligible to appeal under this section.

(c) The Commission shall be considered to have good cause for exceeding the maximum time period established for processing a credential or permit, under the following conditions:

(1) The number of permits and/or credentials to be processed exceeds by at least 15 percent the number processed in the same calendar quarter the preceding year;

(2) Fingerprint card clearance is not received from the Department of Justice and/or the Federal Bureau of Investigation during the 75 working days, specified in subsection (a)(2). In such event the Commission shall issue the credential within 7 working days of receipt of the fingerprint clearance;

(3) Other statutory mandates cause an unforeseeable delay in the application process.

(d) Any new or additional credentials or permits required or established by the Commission after the effective date of, on or after March 1, 1984 shall be subject to these regulations.

NOTE: Authority cited: Section 15376, Government Code. Reference: Sections 15374, 15375, 15376 and 15378, Government Code.

#### HISTORY

1. New section filed 7-11-85; effective thirtieth day thereafter (Register 85, No. 28).

#### § 80445. Transcripts of Record.

Each direct application for a credential shall be accompanied by accurate and clear transcripts of record listing college and university courses, including grades earned, completed in fulfillment of the requirements for the credential sought. Such transcripts of record shall also evidence the fulfillment of the scholarship requirements specified in Section 80454.

NOTE: Authority cited: Section 44225, Education Code.

#### § 80448. Affidavits in Lieu of Official Transcripts.

(a) This section shall apply where an applicant is unable to furnish an accurate and clear transcript of record from an institution because the institution has ceased to exist and the records of that institution have been destroyed, or because the records of the institution are otherwise unavailable.

(b) The Commission may, in lieu of such accurate and clear transcript of record, accept an affidavit from a reputable person stating in effect that he or she was acquainted with the institution and that the applicant attended such institution.

(c) In addition to the requirements of subsection (b), the applicant shall complete and furnish an affidavit which shall include the following information:

(1) A statement that such person attended the institution named in subsection (b).

(2) A list of courses taken and a brief description of such courses.

(3) A statement that to the best of his or her knowledge and belief, such courses as are named in the affidavit have been completed.

(d) To supplement the information required under this section, the Commission may require additional facts to be furnished to the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Amendment of subsection (c) filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

#### § 80451. Fees.

Each application for a credential shall be accompanied by the fees specified in Section 80487 for the issuance of a credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

#### § 80454. Scholarship Requirements.

(a) When applying to the Commission for a credential, the applicant shall meet the scholarship requirements set out in this section.

(b) In courses above the twelfth grade which are offered toward fulfillment of requirements for a credential, the applicant shall have a grade point average of C or better on an A through F grading pattern, or a grade point average that is required by an approved educational institution for granting a degree, whichever is higher.

(c) Each assignment in directed teaching or other field work requirement shall meet the minimum passing standards established by the institution of higher education where the program was completed so long as the relevant grade is not lower than a C on an A through F grading pattern.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Section 44225(a), Education Code.

#### HISTORY

1. Amendment filed 12-10-86; effective thirtieth day thereafter (Register 86, No. 50).

2. Amendment of section and NOTE filed 9-20-94; operative 10-20-94 (Register 94, No. 38).

#### § 80457. Acceptance of College or University Work for Purposes of Certification in California.

(a) For the purposes of certification, a degree must be completed in a regionally accredited institution of higher education, unless otherwise stated in statutes or regulations. Course work taken at an institution of

higher education that is not regionally accredited, may be used towards certification if it is accepted by a regionally accredited institution of higher education for degree granting purposes, unless otherwise stated in statutes or regulations. A degree taken at an institution of higher education that is not regionally accredited but that was accepted towards certification under prior regulations, may be used towards future certification. An individual holding a degree taken at an institution of higher education that is not regionally accredited but who is given unconditional graduate standing by a regionally accredited institution and is admitted to a Commission-approved credential program by July 1, 1995, may use the degree toward certification only if the individual qualifies and applies for the credential by July 1, 1997.

(b) Course work requirements completed through the California campus or center of an out-of-state institution of higher education will meet credential requirements only if a satisfactory evaluation of the program by the regional accrediting agency of the out-of-state institution, and the Western Association of Schools and Colleges, has been submitted to the Commission, and the Commission has approved the program.

(c) Course work, programs, or degrees completed in an institution of higher education outside of the United States are acceptable toward certification when the Commission or an evaluating agency approved by the Commission, based on the standards contained in *The Criteria for Agencies Seeking Approval to Review Foreign Academic Programs for Equivalency to United States Standards*, January 1, 1996 edition, has determined that such institution's course work, programs, or degrees are equivalent to those offered by a regionally accredited institution in the United States. The Commission reserves the right to accept or reject an approved evaluating agency's determination.

(d) For certification purposes, an accredited institution, accredited college, or accredited university is defined as a regionally accredited institution of higher education, unless otherwise defined in statutes or regulations.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227 and 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).
2. Amendment of subsections (a)-(b), repealer of subsections (c)-(d), new subsection (d) and amendment of NOTE filed 5-30-95; operative 6-29-95 (Register 95, No. 22).
3. Amendment of subsection (c) filed 2-8-96; operative 3-9-96 (Register 96, No. 6).

### § 80460. Issuance of Credentials.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Repealer filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

### § 80463. Date of Issuance of Credentials.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Renumbering and amendment to Section 80440 filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).
2. Repealer filed 1-12-99; operative 2-11-99 (Register 99, No. 3).

### § 80466. Teaching Experience in Lieu of Professional Preparation.

An applicant who has not completed a program of professional preparation in accordance with Section 80472 or 80056 may offer three years of successful full-time teaching experience, all of which has been completed within ten years prior to the date of application. All such teaching experience shall have been acquired in grades one through twelve in public schools or private schools of equivalent status, verified by appropriate administrative officials in the school district or districts where the experience was acquired. The teaching experience shall have been accomplished on a full professional certificate based upon a baccalaureate or higher degree of the state in which the experience was acquired. If a certificate was not required, the applicant shall verify eligibility for such certification at the time. The experience shall be verified on a form pre-

scribed by the Commission, and shall be considered a part of the application. The applicant shall meet all other credential requirements.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44320 and 44321, Education Code.

### § 80469. Delivery of Credentials to a County Superintendent of Schools.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Repealer filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

## Article 3. Recommendation of the Applicant by the Institution

### § 80472. Completion of Approved Program or Its Equivalent.

In addition to any other requirements specified for obtaining any credential, an applicant for a credential shall fulfill one of the following requirements:

(a) A California college or university offering a Commission-approved program of professional preparation as a requirement for the credential shall certify that the applicant has completed its approved program and shall recommend the applicant for the appropriate credential; or

(b) An applicant whose professional preparation for a multiple or single subject teaching credential was completed in a state with which California has a reciprocity agreement signed pursuant to Section 12509 of the Education Code, shall receive a preliminary credential, and shall be required to complete all requirements specified in Section 80413(b), for renewal of the preliminary credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 12500, 44226, 44227 and 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

### § 80473. Allowance of Grace Period To Complete Requirements: Definitions & Terms.

For the purposes of this section and section 80473.1, the following definitions and terms apply:

(a) A commission-accredited preparation program includes: (1) an internship program as defined in Article 7.5 (commencing with Section 44325), Chapter 2, Part 25, Division 3, Title 2 of the Education Code; (2) an internship program as defined in Article 3 (commencing with Section 44450), Chapter 3, Part 25, Division 3, Title 2 of the Education Code; (3) a professional preparation program as defined in Article 7 (commencing with Section 44320), Chapter 2, Part 25, Division 3, Title 2 of the Education Code; and (4) an integrated program of professional preparation as defined in Education Code Section 44259.1.

(b) "Enrolled" refers to an individual who, on or after January 1, 2002, continuously participates in and is working toward completing the requirements for a program that meets the minimum requirements for a California preliminary multiple or single teaching credential.

(c) "Continuously Enrolled" refers to an individual who has begun a teacher preparation program and does not have a break in that program that exceeds a period of 18 months.

(d) "New or Amended Requirements" refers to requirements added by statutes, regulations and commission standards.

NOTE: Authority cited: Sections 44225 and 44252.1, Education Code. Reference: Sections 44252.1, 44259, 44259.1, 44279.4, 44320, 44325 and 44450, Education Code.

#### HISTORY

1. New section filed 7-18-2003; operative 8-17-2003 (Register 2003, No. 29).

### § 80473.1. Allowance of Grace Period To Complete Requirements.

(a) A credential candidate enrolled in a commission-accredited multiple or single subject preparation program shall have up to twenty-four months after enrollment, during which time new or amended program requirements shall not apply to that candidate.

(b) A credential candidate may extend up to twelve months in addition to the time specified pursuant to subsection (a) to complete a credential program without additional requirements, if the candidate can demonstrate extenuating circumstances, including but not limited to, personal or family illness, bereavement or financial hardship, and develops a plan to complete the credential program in consultation with the program provider.

(c) Candidates completing integrated programs of professional preparation under Education Code Section 44259.1:

(1) A candidate continuously enrolled in an integrated program of professional preparation on or after January 1, 2002, shall not be held to any new requirements, as long as the candidate does not change the type of credential or program he or she is pursuing.

(2) A candidate continuously enrolled in an integrated program of professional preparation and who has completed all requirements necessary to begin student teaching is eligible to receive an extension of twelve months when necessary to complete the outstanding requirements that were in place when the candidate enrolled in the program. Further, the candidate shall not be held responsible for any new requirements added once student teaching has begun.

(3) This subsection (c) will sunset on January 1, 2006.

(d) A modification of a credentialing examination made as a result of a validity study or a passing standard study shall not be considered a new requirement.

(e) If required coursework not yet taken by the candidate is modified, the candidate shall take the modified coursework, unless it is not readily available, would result in an increased cost to the candidate or would delay the completion of the program.

(f) Once a candidate has received a preliminary teaching credential pursuant to Education Code Section 44259 and is employed as the teacher of record in a California public school, he or she will not be held to any new requirements for completing the induction phase, which is required to obtain the professional clear teaching credential pursuant to Education Code Section 44279.4, for a period not to exceed the length of time provided for the preliminary teaching credential pursuant to Education Code Section 44251.

(g) The Commission shall maintain a list of candidates who are allowed an extended time period under this section. This list shall include the projected date of program completion for each candidate.

NOTE: Authority cited: Sections 44225 and 44252.1, Education Code. Reference: Sections 44252.1, 44259, 44259.1, 44279.4, 44320, 44325 and 44450, Education Code.

#### HISTORY

1. New section filed 7-18-2003; operative 8-17-2003 (Register 2003, No. 29).

#### § 80475. Application Form.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Repealer filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

#### § 80478. Date of Filing of Application; Date of Issuance.

NOTE: Authority cited: Section 44225, Education Code.

#### HISTORY

1. Repealer filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

#### § 80481. Personal Identification Cards.

(a) The college or university recommending an applicant to the Commission shall provide said applicant with personal identification cards pursuant to Section 80442.

(b) The applicant shall complete the personal identification cards and return them to the recommending college or university. The college or university shall forward these documents to the Commission.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44340, Education Code.

#### § 80484. Fees.

Each application for a credential pursuant to this article shall be accompanied by a fee specified in Section 80487 for the issuance of a credential.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code.

#### HISTORY

1. Amendment filed 9-23-82; effective thirtieth day thereafter (Register 82, No. 39).

## Article 4. Fees for Credentials

### § 80487. Fees.

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue.

(1) The fee for the issuance, reissuance, or renewal of credential shall be sixty-five dollars unless otherwise established by law. Effective January 1, 1995, this fee shall be seventy dollars.

(2) The fee for a duplicate credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) Thirty dollars for an examination processing fee as provided in Section 80077.

(5) Pursuant to Education Code Section 44252.5, the fee for the state basic skills proficiency test shall be forty dollars for test dates through January 1, 2002, and, for test dates after January 1, 2002, shall be forty-one dollars.

(6) Fourteen dollars, or the actual fee if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information applicable to all credentials.

(7) Sixteen dollars and fifty cents, or the actual fee if it is different from this amount, to reimburse the Commission for the fee charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(8) Thirty-eight dollars for each unit of the Bilingual-Crosscultural Competency Certificate examination if taken separately or a fee of one hundred dollars for the entire examination, (all three units of the examination) if taken at the same time. For persons who take only one section of the Language portion of the examination, a fee of thirty-five dollars will be charged.

(9) A fee of one hundred dollars for the full language Development Specialist examination; thirty-five dollars for Part I, and seventy-five dollars for Part II, if taken separately.

(10) A fee of one hundred dollars for the full Bilingual Certificate of Assessment Competence examination: a fee of thirty-seven dollars for either the oral production or case study section, and twenty-nine dollars for either the multiple choice or audio transcription section if taken separately.

(11) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(5), (a)(8), (a)(9), and (a)(10), the fees shall accompany the application for issuance, reissuance or renewal, or the request for a duplicate credential; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential or subsequently finds a reportedly lost or destroyed document.

(c) The fee for examination administered by a contractor on behalf of the Commission, specifically (a)(5), (a)(8), (a)(9), and (a)(10), shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has all the qualifications for a credential at the time the application therefor is submitted, but where required verification or documentation has been delayed, no new or additional fee shall

4061

(B) If the renewal is submitted after the expiration date, the credential shall be reissued using the issuance date established in Title 5 Section 80440 and will expire on the first day of the following month two years later.

(c) If the holder of a professional clear credential has already used the two-year extension for any professional clear credential, the professional growth and service requirements must always be completed before a professional clear credential of any type can be renewed or reissued.

NOTE: Authority cited: Sections 44225(b) and 44225(g), Education Code. Reference: Sections 44225(b), 44251(b)(3), 44277 and 44279, Education Code.

#### HISTORY

1. Amendment of section heading, repealer and new section, and amendment of NOTE filed 12-10-98; operative 1-9-99 (Register 98, No. 50).

### § 80554. Professional Growth Plan.

(a) On a form provided by the Commission, a credential holder shall write a professional growth plan, which shall identify his or her professional growth goals, and the professional growth activities he or she proposes to pursue.

(b) In a professional growth plan a credential holder shall include activities in two or more categories of activities as defined in subdivision (c) of Section 80558.

(c) A credential holder may amend a professional growth plan by adding, deleting or changing any of the original or previously amended goals or proposed activities.

(d) A professional growth advisor shall sign a professional growth plan, and shall initial an amendment to a professional growth plan, that complies with Education Code Section 44277 and this article.

(e) No professional growth advisor or other person shall compel a credential holder to include any particular activities in his or her professional growth plan.

(f) Once a professional growth plan has been signed by a professional growth advisor, it shall continue in force regardless of any change in the validity of the credential, any replacement of the professional growth advisor, any change in assignment, or any transfer by the credential holder from one employer to another. No professional growth advisor or other person shall compel a credential holder to change a signed professional growth plan.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(c) and (d), Education Code. (Section filed 10-1-86, operative 10-31-86; Register 86, No. 40).

### § 80555. Professional Growth Record.

(a) On a form provided by the Commission, a credential holder shall, under penalty of perjury, write a professional growth record, which shall accurately identify the professional growth activities that the credential holder has completed, and indicate the number of clock hours spent completing each activity.

(b) A credential holder who willfully signs and submits an inaccurate professional growth record which he or she knows to be false to a professional growth advisor or to the Commission shall be subject to the penalties for perjury and unprofessional conduct pursuant to Education Code Section 44421.

(c) A professional growth advisor may require a credential holder to provide reasonable verification that the elements of a professional growth record are accurate. Reasonable verification may include (but is not limited to) products of an activity; official records of attendance; copies of notes, minutes, or other records of meetings attended; materials distributed at classes, workshops, conferences or staff development programs; or other tangible records of activities. If an advisor has independent evidence or reason to believe a professional growth record is accurate, he or she may decide not to require the credential holder to verify its accuracy.

(d) A professional growth advisor shall sign a professional growth record that corresponds to a signed professional growth plan, and that complies with Education Code Section 44277 and this article.

(e) A professional growth plan and record shall not include any portion of an activity which occurred prior to the time the credential holder applied for the professional clear credential, or for the most recent renewal of the professional clear credential.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44277(c), (d), and (e) and 44421, Education Code. (Section filed 10-1-86, operative 10-31-86; Register 86, No. 40).

### § 80556. Professional Growth Advisor for Multiple or Single Subject Teaching Credential.

(a) The chief administrative officer, or his or her designee, of a public agency whose employees are required to hold valid teaching credentials shall designate one or more certificated persons to be professional growth advisors if the agency employs one or more holders of professional clear credentials.

(b) To be eligible to be a professional growth advisor for teaching type credentials, a person must hold a valid permanent California teaching or services credential, and a baccalaureate degree from an accredited institution of postsecondary education. An employing agency that designates one or more professional growth advisors may establish additional qualifications for advisors.

(c) The employing agency shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.

(1) Subject matter compatibility, interest in special topics, and interactive skills should be considered in selecting advisors.

(2) Proximity to the work location of the credential holder and reasonable workload for the advisor shall be considered.

(d) An agency which employs holders of professional clear credentials may appoint a professional growth panel(s) to act as an appeal body to resolve disputes between credential holders and professional growth advisors. The panel may also participate in selecting, orienting and assisting professional growth advisors.

(e) The responsibilities of a professional growth advisor shall be as defined in this subdivision.

(1) Know the contents of Education Code Section 44277, this article, and the professional growth manual published by the Commission, and provide for a discussion of these with credential holders. The professional growth advisor shall discuss the staff development needs of the employing agency and the school with the credential holder and may recommend activities and domains of activities.

(2) Advise credential holders and approve professional growth plans and records that have been developed by credential holders, and that comply with the terms of Education Code Section 44277 and this article.

(f) A public agency whose employees are required to hold valid teaching credentials shall give each credential holder the names and work locations of the professional growth advisors who have been designated by the agency.

(g) If a credential holder determines that his or her employing agency has not designated a suitable professional growth advisor, and cannot resolve this problem with a representative of the agency, or if the employer has not designated any professional growth advisors, or if the credential holder is not employed, he or she may seek permission from a responsible officer of another public or private agency to consult with an advisor who is employed by the other agency, or the credential holder may ask the Commission to approve a professional growth plan or record.

(h) No credential holder may serve as his or her own professional growth advisor.

(i) No person or agency shall compel a credential holder to pay any fee or provide any service in exchange for professional growth advice, or for approval of a professional growth plan or record.

(j) The chief administrative officer, or his or her designee, of a public or private employing agency shall remove any professional growth advisor who has been determined by the agency or the Commission to have willfully and arbitrarily violated Education Code Section 44277 or this article.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(d) and (e), Education Code.

HISTORY

1. New section filed 10-1-86; operative 10-31-86 (Register 86, No. 40).
2. Amendment of section heading and subsection (b) filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

**§ 80556.1. Professional Growth Advisor for Service and Specialist Credentials.**

(a) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold valid specialist or service credentials, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor. Holders of credentials requiring prerequisite credentials may choose more than one advisor when more than one type of professional clear credential is being renewed.

(b) Eligibility to be a professional growth advisor for service or specialist credential holders requires satisfaction of one of the following:

(1) The advisor holds a valid (clear or professional clear) specialist or services credential, and a baccalaureate degree from an accredited institution of postsecondary education.

(2) Those who instruct in the area of expertise in an approved credential program at the postsecondary level may serve as professional growth advisors.

(3) Alternatively, the professional service or specialist credential holder may choose an advisor in the area of his or her teaching credential provided that the provisions of Section 80556 have been met.

(c) An agency which employs holders of professional clear service and specialist credentials may appoint a professional growth panel(s) to act as an appeal body to resolve disputes between credential holders and professional growth advisors. The panel may also participate in selecting orienting and assisting professional growth advisors.

(d) The responsibilities of a professional growth advisor shall be as follows:

(1) Know the contents of the pertinent sections of this article of Title 5 California Code of Regulations pertaining to professional growth requirements for service and specialist credentials and provide for a discussion of these with credential holders. The professional growth advisor shall discuss the staff development needs of the employing agency and/or the school with the credential holder and may suggest activities and/or domains of activities.

(2) The advisor shall provide consultation in the selection of activities as well as discuss what has been gained from participation in those activities.

(e) A public agency whose employees are required to hold valid service or specialist credentials shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.

(f) No credential holder may serve as his or her own professional growth advisor.

(g) No person or agency shall compel a credential holder to pay any fee or provide any service in exchange for professional growth advice, or for approval of a professional growth plan or record.

(h) The chief administrative officer, or his or her designee, of a public or private employing agency shall have the authority to remove any professional growth advisor who has been determined by the agency or the Commission to have willfully and arbitrarily violated Education Code Section 44277 or this article.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Sections 44277(d) and (e), Education Code.

HISTORY

1. New section filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

**§ 80558. Professional Growth Activities For All Professional Clear Credential Holders.**

(a) Each activity that a credential holder includes in a professional growth plan and record shall satisfy standards (1), (2), and (3) of this subdivision. A professional growth advisor may require a credential holder to explain how an activity satisfies or is likely to satisfy one or more of the standards stated in this subdivision.

(1) The activity is of high quality and is consistent with the credential holder's professional growth goals, as stated in the professional growth plan.

(2) The activity will contribute to the credential holder's competence, performance or effectiveness in one or more of the domains of professional growth that are specified in subdivision (b) of this section.

(3) The activity fits one of the categories of professional growth activities that are specified in subdivision (c) of this section.

(b) Domains of professional growth for multiple or single subject teaching credentials include the following:

(1) A subject the credential holder teaches, or reasonably expects to teach, in kindergarten or in grades one through twelve.

(2) A field of specialization in which the credential holder serves, or reasonably expects to serve, in kindergarten or in grades one through twelve.

(3) Concepts, principles and methods of effective teaching, curriculum, and evaluation in kindergarten or in grades one through twelve.

(4) Concepts and principles of physical, intellectual, social and emotional development among children and youth.

(5) Concepts and principles of human communication, learning, motivation and individuality.

(6) Languages and cultural backgrounds of groups of children and youth that attend California schools.

(7) Concepts and principles of effective relationships among schools, families and communities.

(8) Roles, organization, and operation of public education and of institutions that promote public education.

(c) Domains of professional growth for specialist and service credentials shall be defined as follows:

(1) A field of specialization in which the credential holder serves, or reasonably expects to serve, or service which the credential holder provides or reasonably expects to provide.

(2) Concepts, principles, and methods of effective intervention, instruction, curriculum design, evaluation, assessment, and consultation.

(3) Concepts and principles of the interrelationships of family members and the physical, intellectual, social-emotional, and language development of children and youth.

(4) Concepts and principles of human communication, learning, motivation, individuality and family dynamics.

(5) Understanding of ethnic, cultural, and gender diversity, especially the current demographics, diverse language/dialects and multicultural backgrounds of the California population.

(6) Concepts and principles of effective relationships among schools, families, agencies, businesses, and local communities.

(7) Understanding of, and problem solving related to, current issues facing schools and communities.

(8) The organization, operation, management, and leadership of programs or sites and the roles of the people who work at these sites or in these programs.

(9) The understanding and use of technology in educational settings.

(d) Categories of professional growth activities for all professional clear credentials shall be as defined in this subdivision.

(1) Completion of one or more lower division, upper division or graduate level courses offered on campus, off campus or in extension by any regionally accredited two-year or four-year college or university.

(2) Participation in those portions of one or more conferences, workshops, institutes, academies, symposia, teacher center programs or staff

development programs whose purpose is to increase the professional knowledge, competence, performance or effectiveness of participants.

(3) Participation in one or more systematic programs of observation and analysis of teaching or the performance of a peer-alike job, provided that each program is planned, focuses on one or more predetermined aspects of teaching and includes follow-up activities such as discussion, critique or application of what has been observed or analyzed.

(4) Service in a leadership role in an educational institution, consistent with the following definition and restriction.

(A) Activities in which the credential holder contributes to the improvement of a school district or other educational institution shall be acceptable, including activities in which he or she assists student teachers or other teachers in their instructional development, either as a mentor teacher or in another appointed capacity.

(B) Activities shall not be acceptable if they are part of the routine functioning of an educational institution, or if they are part of a teacher's basic responsibilities, including (but not limited to) planning lessons, arranging a classroom environment, preparing assorted instructional materials, assessing student performances, or keeping records.

(5) Service in a leadership role in a professional organization, consistent with the following definition and restriction.

(A) To be an acceptable activity, the credential holder must serve as an elected officer, or a chair of a committee, or an official representative of an organization of professional educators, and he or she must participate in charting, planning or forming educational or professional policies, positions or directions for the organization to pursue.

(B) Activities that contribute to the ongoing operations or functioning of a professional organization shall not be acceptable, such as efforts to increase the membership or participate in collective bargaining activities.

(6) Participation in efforts to conduct educational research or to investigate educational innovations shall be acceptable, provided that the credential holder has an active role in one or more of the following stages of the effort: planning, developing, piloting, field testing or evaluating a study or innovation; or analyzing, interpreting, demonstrating or disseminating the results of a study or innovation.

(7) Other activities that shall be acceptable are defined below.

(A) Participation in a professional exchange program, provided that the credential holder changes positions with another educator for a specified period of time.

(B) Participation in alternative work experience programs, paid or volunteer, in which the credential holder fulfills new professional responsibilities for a specified period of time.

(C) Participation in a program of independent study, provided that the credential holder investigates a specified aspect of education, produces a written report or other tangible product, and evaluates the independent study and its product.

(D) Creative endeavors, provided that the credential holder creates a tangible product that exhibits originality of thought and execution, or participates in a production in which the credential holder exhibits a creative talent, and provided that the creative endeavors directly relate to a subject or student group the credential holder teaches or reasonably expects to teach.

(E) Cultural experiences, such as attendance at museums or musical, dramatic or dance productions, or cross-cultural immersion in the language and culture of an ethnic or national group, provided that the experiences directly relate to a subject or student group the credential holder teaches or reasonably expects to teach.

(e) Holders of credentials requiring prerequisite credentials may choose activities which are subsumed under either their service or specialist credential or their supporting teaching credential area provided that the previous domain/activity requirements have been satisfied and their advisor approves such activities.

(f) For those service credential holders holding other licenses in areas directly related to the credential (e.g., a Registered Nurse license for school nurse/health service) continuing education hours completed nec-

essary to satisfy license renewal requirements will also be recognized for credential renewal professional growth activity. Any additional professional growth activity necessary to complete credential renewal requirements shall be confined to the activities listed in the allowable domains in Section 80558(c).

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(a) and (b), Education Code.

#### HISTORY

1. New section filed 10-1-86; operative 10-31-86 (Register 86, No. 40).
2. Amendment of subsection (b), new subsections (c)(1)-(9), (e) and (f), subsection redesignation and amendment of subsections (d) and (d)(1)-(2) filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

### § 80562. Professional Growth Timekeeping For All Professional Clear Credential Holders.

(a) For each hour that a credential holder spends directly involved in an activity that is identified in a signed professional growth plan, the credential holder shall record one clock hour of time on the professional growth record.

(b) In a professional growth record, a credential holder shall not record any time spent traveling to or from a professional growth activity, or any time spent completing routine out-of-class assignments such as reading assignments or preparing for tests for an approved course, workshop, teacher center program, staff development program or professional conference that the credential holder attends. A credential holder may record time spent on out-of-class assignments if the credential holder and the professional growth advisor agree that the assignments qualify as professional growth activities in the categories defined in Section 80558(d)(2) through (7). Time spent preparing to make formal presentations in professional conferences, or as the instructor of a course, workshop, teacher center program or staff development program for teachers, may be recorded.

NOTE: Authority cited: Section 44225(c), Education Code. Reference: Section 44277(b), Education Code.

#### HISTORY

1. New section filed 10-1-86; operative 10-31-86 (Register 86, No. 40).
2. Amendment of subsection (b) filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

### § 80565. Professional Service Requirement for Renewing a Professional Clear Credential.

(a) The chief administrative office, or his or her designee of an educational institution that employs or has employed a credential holder shall verify on the credential holder's professional growth record that the credential holder has served successfully for at least one-half of a school year provided that, for multiple or single subject credentials, the service satisfies requirements (1) and (2) and either (3) or (4) of the below listed requirements; or provided that, for specialist or services credentials (at least one of which is a professional clear credential) the service satisfies (1) and (2) and either (3), (4) or (5) of the below listed requirements.

(1) The service was rendered for a minimum of 300 minutes per day for at least ninety days, or the equivalent, after the credential holder applied for the professional clear credential, or for the most recent renewal of the professional clear credential.

(2) The credential holder was not terminated for cause by the educational institution since the credential holder applied for the professional clear credential, or for the most recent renewal of the credential.

(3) The service was rendered in a position that requires certification in kindergarten or grades one through twelve during full-time employment, part-time employment, employment as a substitute teacher, or employment under another contractual agreement.

(4) The service was rendered on behalf of students and/or a group of certificated personnel in kindergarten or grades one through twelve at the site of one or more elementary schools or secondary schools.

(5) The service was rendered in an area of either:

- A) a specialist or service credential
- B) another professional capacity related to a specialist or service credential area.

This service must be performed in a public or private preschool, elementary school, or secondary school, or in a related educational setting serving children, youth (birth to 22) and/or families.

(b) The chief administrative officer, or his or her designee, shall discharge the responsibility of verifying successful service independently of any evaluation that may affect the credential holder's employment status.

NOTE: Authority cited: Section 44225(b), Education Code. Reference: Section 44277(a)(1), Education Code.

#### HISTORY

1. New section filed 10-1-86; operative 10-31-86 (Register 86, No. 40).
2. Amendment of subsection (a) and new subsections (a)(5)-(5)(B) filed 5-10-94; operative 6-9-94 (Register 94, No. 19).

### § 80567. Professional Growth Requirements for Designated Subjects Adult Education Teaching Credentials.

The provisions of Section 80550(a) and Sections 80552 through 80562 shall govern professional growth requirements for Designated Subjects Adult Education Teaching Credentials, with the following exceptions and additions:

(a) The holder of a Designated Subjects Adult Education Teaching Credential that authorizes teaching only non-academic subjects shall not be required to select a professional growth advisor who possesses a baccalaureate degree as specified in Section 80556(b).

(b) The domains of professional growth, as defined in Section 80558(b), shall be expanded to include adult learners.

(c) The categories of professional growth activities, as defined in Section 80558(c), shall be expanded for the holder of a Designated Subjects Adult Education Teaching Credential that authorizes teaching a non-academic subject, to include technical training or work experience in the non-academic subject named on the credential.

(d) For the clear part-time Designated Subjects Adult Education Teaching Credential, submission of a professional growth plan and record that verifies completion of 50 hours of approved professional growth activities shall be required.

(e) The one-half year of successful service specified in Section 80552(a) shall not be required.

(f) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold a valid Designated Subjects Adult Education Teaching Credential, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252(a), 44260.3 and 44277, Education Code.

#### HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

### § 80569. Professional Growth Requirements for Designated Subjects Vocational Education Teaching Credentials.

The provisions of Section 80550(a) and Sections 80552 through 80562 shall govern professional growth requirements for Designated Subjects Vocational Education Teaching Credentials, with the following exceptions and additions:

(a) The professional growth advisor shall not be required to possess a baccalaureate degree as specified in Section 80556(b).

(b) The categories of professional growth activities, as defined in Section 80558(c), shall be expanded to include technical training or work experience in the subject named on the credential.

(c) For the clear part-time Designated Subjects Vocational Education Teaching Credential, submission of a professional growth plan and record that verifies completion of 75 hours of approved professional growth activities shall be required.

(d) The one-half year of successful service specified in Section 80552(a) shall not be required.

(e) The chief administrative officer (or designee) of a public agency, some of whose employees are required to hold a valid Designated Subjects Vocational Education Teaching Credential, may designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor. Subject matter compatibility, interest in special topics, interactive skills, proximity of the advisor and advisor workload should be considered by the credential holder when selecting an advisor.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44225, 44252(a), 44260.1 and 44277, Education Code.

#### HISTORY

1. New section filed 4-10-95; operative 5-10-95 (Register 95, No. 15).

## Chapter 5. Approved Programs

### Article 1. Procedure for Validation

#### § 80600. General Provisions Governing Validation of Service.

The provisions of this section shall apply to all validation of service requests specified in Sections 80601, 80603, and 80604:

(a) Terms that are used in Sections 80601, 80603, and 80604, inclusive, are defined as follows:

(1) The term "credential" means any credential, life diploma, permit, or document issued by, or under the jurisdiction of, the Commission which entitles the holder thereof to perform services for which certification qualifications are required.

(2) "Applicant" is the individual for whom a validation of service request is submitted.

(3) The term "employing agency" means the school district or county office of education which submits a validation of service request to the Commission.

(4) The term "temporary county certificate" refers to the definition in Education Code §44332 for the certificate issued by a county office of education for the purpose of authorizing salary payments to certified employees whose credential applications are being processed.

(b) The following entities may submit validation of service requests. Each request shall be submitted on behalf of the applicant.

(1) The chief administrative officer of a public school district in California.

(2) The chief administrative officer of a county office of education in California.

NOTE: Authority cited: Section 45036, Education Code. Reference: Section 44332, Education Code.

#### HISTORY

1. Redesignation from Chapter 2 of Division 7, Part I (Section 6680) to Chapter 5 of Part VIII filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
2. Amendment of section heading, new opening paragraph, amendment of subsection (a), new subsections (a)(1)-(a)(4), amendment of subsections (b)-(b)(2) and repealer of subsections (b)(2)(A)-(b)(4) filed 6-27-96; operative 7-27-96 (Register 96, No. 26).

#### § 80601. General Requirements for Validation of Service Requests.

When an employing agency finds that an individual has rendered service in a position requiring certification during a period in which the individual did not hold the appropriate certification or a temporary county certificate pursuant to Education Code §44332 to cover the service, the employing agency may submit a validation of service request to the Commission.

The following requirements apply to all requests for validation of service. Prior to approval, Commission staff shall verify that the provisions of Education Code §45036 have been met.

4065

(a) Staff shall determine whether the following conditions have been met:

(1) At all times during the period of service in question, the applicant had the necessary qualifications for the credential required by law for the position in which the service was rendered.

(2) A valid credential required for such position has been issued to the applicant by the Commission after the period of service to be validated was rendered.

(b) Each validation of service request must be submitted on form CL-224 (revised 1-96) provided by the Commission. The information on the form will include the following:

(1) The name, address, social security number, and birthdate of the applicant.

(2) The name of the employer, the position the applicant held during the period requiring validation, the specific type of certification required for that position, and the specific dates of service requiring validation.

(3) The employing agency must indicate the appropriate reason for the request for validation on the form and/or include a statement why the applicant was allowed to begin service and continue to serve without having the appropriate credential or temporary county certificate. The explanation either on the form or a separate statement must be signed by the chief administrative officer of the district for which the service was ren-

dered or the chief administrative officer of the county if the service was rendered for the county office of education.

(4) The applicant must verify that he or she has applied for or has been issued the credential required for the position for which the validation of service request has been made, the facts contained in the request are true, and the applicant approves of the employer's request for validation of service.

(5) The chief administrative officer or an appropriate representative of the chief administrative officer of the county office of education must verify whether or not a temporary county certificate was issued to cover the period of service in question.

(c) Supporting materials necessary to verify that the individual qualified for the appropriate certification must be submitted along with the request for validation of service form CL-224. Such materials may include but not be limited to official transcripts, verification of the date of program completion from the authorized person at a Commission-approved college or university, or original letters of experience.

NOTE: Authority cited: Section 45036, Education Code. Reference: Sections 45036 and 44332, Education Code.

HISTORY

1. New section filed 6-27-96; operative 7-27-96 (Register 96, No. 26).

[The next page is 461.]



**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**  
DIVISION OF PROFESSIONAL PRACTICES  
1900 Capitol Avenue  
Sacramento, California 95814-4213



(916) 445-0243  
FAX (916) 323-6735

OFFICE OF THE EXECUTIVE DIRECTOR

November 6, 2003

**RECEIVED**

NOV 07 2003

**COMMISSION ON  
STATE MANDATES**

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Commission on Teacher Credentialing  
Comments regarding Complete Test Claim Filing

Dear Ms. Higashi:

The Commission on Teacher Credentialing has prepared the enclosed comments regarding the test claim filed by the San Diego County Office of Education. Please contact the Commission's General Counsel, Mary Armstrong if you have any question regarding this matter.

Very truly yours,

Sam W. Swofford, Ed.D.  
Executive Director

Enclosure

cc: Attached Mailing List

## Commission on Teacher Credentialing

November 6, 2003

### Response to the Test Claim of San Diego County Office of Education

Page Reference	Code/Reg * Reference	Comments
98/8-12	44200 & 44800	Both of these sections are the beginning sections of teacher credentialing and school employment. Since these are the basic requirements of doing business, it appears that the normal funding stream for the county and district would cover these responsibilities.
98/13-16	44225(m)	This section is the waiver authority of the Commission. LEAs are not required to request waivers. This is an optional process for LEAs.
98/17-18 99/1-8	44225.7(a)	This section establishes a hierarchy for hiring non-credentialed teachers and that LEAs are required to make a diligent search. This is not a required process for districts that only hire credentialed teachers.
99/9-11	44225.7(b)	This is only a requirement when districts are unable to hire credentialed teachers.
99/12-20	44300(a)(3)	An LEA is only required to file a Declaration of Need if they are employing emergency permit teachers. LEAs hiring credentialed teachers do not need to file this document.
99/21-23	44300(g)	LEAs must provide training to emergency permit teachers. LEAs are not required to hire emergency permit teachers.
99/24-25 100/1-8	44301(b)	LEAs are not required to hire emergency permit teachers.
100/9-13	44326(d)	Mentors for district intern programs. LEAs are not required to offer district intern programs.
100/14-15	44327(a)	LEAs are not required to offer district intern programs.
100/16-19	44332(b)	County offices are not mandated to issue Temporary County Certificates. Counties have the option to issue TCCs.
100/20-22	44830(a)	Employment (local) not licensing issue
100/23-25 101/1-11	44830(b)	Employment (local) not licensing issue
101/12-14	44830(i)	Employment (local) not licensing issue

\* All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
101/15-18	44830(f)	Employment (local) not licensing issue
101/19-21	44830.3(a)	LEAs are not required to offer district intern programs.
101/22-25	44830.3(b)	LEAs are not required to offer district intern programs.
102/1-25	44830.3(b)	LEAs are not required to offer district intern programs
103/1-20		
103/21-25	44842(a)	Employment (local) not licensing issue
104/1-4	44842(b)	Employment (local) not licensing issue
104/5-8	44842(c)	Employment (local) not licensing issue
104/9-14	44885.5(a)	Employment (local) not licensing issue
104/15-19	44885.5(b)	Employment (local) not licensing issue
104/20-24	44901(b)	Employment (local) not licensing issue
104/25	45307	This is a CDE audit.
105/1-3		
105/4-7	45307(c)	This is a CDE audit.
105/13-15	80005	This determination exists only for classes where a credential does not exist. The county receives mandate funds to conduct LEA assignment monitoring.
105/16-20	80016(a)(3)	There was no mandate on districts or counties to offer Certificate of Completion of Staff Development training.
105/21-24	80020.4.1(e)	This requirement is part of the assignment monitoring process which county offices receive mandate funds to perform these duties.
106/1-3	80023.1(b)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
106/4-7	80023.2(d)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
106/8-18	80025(c)	LEAs are not required to employ 30-day substitute emergency permit teachers, consequently the process to employ 30-day substitute emergency permits teachers is not a mandate.
106/19-25	80025.1(a)	LEAs are not required to employ Emergency Career Substitute permit teachers, consequently the process to employ Emergency Career Substitute permits teachers is not a mandate.
107/1-10		

\*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
107/11-17	80025.1(b)	LEAs are not required to employ Emergency Career Substitute permit teachers, consequently the process to employ Emergency Career Substitute permits teachers is not a mandate.
107/18-25 108/1-4	80025.5	LEAs are not required to employ Designated Subjects Vocational Education Permit teachers, consequently the process to employ Designated Subjects Vocational Education Permit teachers is not a mandate.
108/5-25 109/1-23	80026	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
109/24-25 110/1-3	80026.5(a)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/4-6	80026.5(b)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/7-9	80026.6(a)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/10-15	80027(a)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
110/16-18	80027(a)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
110/19-25 111/1-5	80027(b)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
111/6-14	80035(a)	<b>The regulations require an LEA to apprise a candidate of the requirements for both the preliminary and professional clear credentials. The Commission issued 1424 full-time vocational education credentials in 2002-2003.</b>
111/15-19	80035(b)	<b>The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 1424 full-time vocational education credentials in 2002-2003.</b>
111/20-25 112/1	80035(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.

\*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
112/2-11	80035(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
112/12-14	80035.5	Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
112/15-19	80036(a)	The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 1392 full-time adult education credentials in 2002-2003.
112/21-25	80036(b)	The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 1392 full-time adult education credentials in 2002-2003.
113/1-7	80036(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.
113/8-17	80036(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
113/18-25	80036.1(a)	The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 330 part-time adult education credentials in 2002-2003.
114/1-5	80036.1(b)	The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 330 part-time adult education credentials in 2002-2003.
114/6-12	80036.1(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.
114/13-19	80036.1(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.

\* All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
114/20-22	80036.3(a)	Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
114/23-25 115/1-4	80037(a)	<b>The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 101 special subjects teaching credentials in 2002-2003.</b>
115/5-13	80037(b)	<b>The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 101 special subjects teaching credentials in 2002-2003.</b>
115/14-18	80037.5(b)	LEAs have the option of developing a Driver Education and Training program. There is no mandate for an LEA to offer this program.
115/19-25 116/1	80038(a)	LEAs are required to verify three years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
116/2-7	80040(a)	This is a voluntary process.
116/8-18	80043(a)	Eminence Credentials are voluntary. LEAs are not required to request Eminence Credentials.
116/19-22	80045(a)	<b>The regulations require the ESD to support the renewal of an Eminence Credential. The Commission issued 2 Eminence Credentials in 2002-2003.</b>
116/23-25 117/1-2	80045(b)	<b>The regulations require the ESD to support the issuance of a Professional Clear Eminence Credential. The Commission issued 2 Eminence Credentials in 2002-2003.</b>
117/3-6	80047.2(a)	The regulations require documenting experience in this instance.
117/7-10	80047.4(a)(4)	The regulations require documenting experience in this instance.
117/11-15	80048.2(a)	<b>The regulations require the LEA to inform the applicant of the requirements to clear the Specialist Credential. The Commission stopped issuing these documents June 30, 1998.</b>
117/16-20	80048.2(f)	There is an either or requirement in this section. The candidate can complete a course or 45 clock hours. This is not a mandate.

\* All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
117/21-24	80048.3(a)	<b>The regulations require a verification of employment.</b> The second portion is required only if the LEA states that the Education Specialist credential is required yet the duties are special education. This second portion is an option the LEA chooses and probably should not be considered a mandate. The Commission issued 2445 Education Specialist Credentials in 2002-2003.
117-25 118/1-5	80048.3(b)	There is an either or requirement in this section. The candidate can complete a course or 45 clock hours. This portion is not a mandate. There is another option that is required only if the LEA states that the Education Specialist credential is required yet the duties are special education. This second portion is an option the LEA chooses and probably should not be considered a mandate. <b>The regulations require a verification of employment.</b> The Commission issued 2445 Education Specialist Credentials in 2002-2003.
118/6-25 119/1-2	80048.3(c)	<b>The regulations do require the steps stated on these pages. This process is for out-of-state trained teachers, the LEA does have an option to hire California trained teachers and this process is not required.</b>
119/3-9	80048.3.1(a)	This process is for out-of-state LEAs and not California LEAs.
119/10-14	80048.4(a)	This one out of three options, the other two do not require this verification so there is a choose for the district and candidate for the Education Specialist Credential.
119/15-20	80054(a)	<b>The regulations require that the LEA verify three years of experience on a credential.</b>
119/21-23	80054(d)	<b>The regulations require the LEA to verify two years of administrative experience. The Commission issued 3631 Administrative Services Credentials in 2002-2003.</b>
119/24-25 120/1-16	80055.1(a)	There is no mandate for an LEA to employ an Exchange Teacher, that is at the discretion of the employer.
120/17-25	80055.2(a)	LEAs are not required to employ Sojourn Credential holders, this is at the discretion of the employer.
121/1-3	80058.2(a)	The request for continuance is based on a teacher's preliminary credential expiring prior to the end of the year. This is based on a teacher not completing requirements for a credential. There is no mandate that employers must keep these teachers. The Commission is proposing deleting this section at a November public hearing.
121/4-7	80058.2(b)	There is no mandate that LEAs need to continue to employ substitutes if their permit has expired. The Commission is proposing deleting this section at a November public hearing.

\*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
121/8-10	80070.2(a)	An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.
121/11-15	80070.3(a)	An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.
121/16-18	80070.4(a)	An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.
121/19-23	80070.6(a)	An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.
121/25	80071.4(h)	CBEST is administered six times a year and this process exists if an LEA wishes to request a special administration beyond the six times. There is nothing in state law that requires a district to request a special administration.
122/1-25		
123/1-11		
123/14-19	80413.3(a)	The regulations do require an LEA to sign a written justification for an out-of-state trained teacher to qualify for a professional clear credential.
123-20-25	80413.3(b)	<i>The regulations require an LEA to verify an offer of employment for an out-of-state trained teacher.</i>
124/1-2		
124/4-10	80435(b)	An LEA can submit official transcripts and avoid this process.
124/11-14	80441(a)	County Offices of Education are not required to issue Temporary County Certificates, consequently this process is only required if a TCC is issued.
124/15-25	80441(c)	County Offices of Education are not required to issue Temporary County Certificates, consequently this process is only required if a TCC is issued.
125/1-4		
125/5-7	80466	This process is for out-of-state trained teachers and is not a process for California LEAs. This Commission is proposing deleting this section at a November public hearing.
125/11-14	80556(a)	The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.
125/15-18	80556(c)	The statute and regulation require LEAs to adopt policies and procedures for the selection of professional growth advisors.
125/19-22	80556(j)	The statute and regulation require LEAs to remove professional growth advisors.
125/23-25	80556.1(a)	The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.
126/1		

\* All statutory references are to the Education Code



Page Reference	Code/Reg * Reference	Comments
126/2-5	80556.1(e)	The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.
126/6-9	80556.1(h)	The statute and regulation require LEAs to remove professional growth advisors.
126/12-16	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.
126/17-19	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.
126/20-23	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.

\*All statutory references are to the Education Code

# Commission on State Mandates

Original List Date: 9/30/2003  
Last Updated:  
List Print Date: 10/07/2003  
Claim Number: 03-TC-09  
Issue: Teacher Credentialing

Mailing Information: Completeness Determination

## Mailing List

### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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Mr. Keith B. Petersen  
SixTen & Associates  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

#### Claimant Representative

Tel: (858) 514-8605

Fax: (858) 514-8645

---

Ms. Lora Duzyk  
San Diego County Office of Education  
6401 Linda Vista Road  
San Diego, CA 92111-7309

#### Claimant

Tel: (858) 292-3537

Fax: (858) 541-0697

---

Dr. Carol Berg  
Education Mandated Cost Network  
1121 L Street, Suite 1060  
Sacramento, CA 95814

Tel: (916) 446-7517

Fax: (916) 446-2011

---

Mr. Paul Minney  
Spector, Middleton, Young & Minney, LLP  
7 Park Center Drive  
Sacramento, CA 95825

Tel: (916) 646-1400

Fax: (916) 646-1300

---

Ms. Harmeet Barkschat  
Mandate Resource Services  
5325 Elkhorn Blvd. #307  
Sacramento, CA 95842

Tel: (916) 727-1350

Fax: (916) 727-1734

---

Ms. Sandy Reynolds  
Reynolds Consulting Group, Inc.  
P.O. Box 987  
Sun City, CA 92586

Tel: (909) 672-9964

Fax: (909) 672-9963

---

Mr. Arthur Palkowitz  
San Diego Unified School District  
4100 Normal Street, Room 3159  
San Diego, CA 92103-8363

Tel: (619) 725-7565

Fax: (619) 725-7569

---

Mr. Steve Smith  
Mandated Cost Systems, Inc.  
11130 Sun Center Drive, Suite 100  
Rancho Cordova, CA 95670

Tel: (916) 669-0888

Fax: (916) 669-0889

---

Mr. Steve Shields  
Shields Consulting Group, Inc.  
1536 36th Street  
Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

---

Ms. Beth Hunter  
Centration, Inc.  
8316 Red Oak Street, Suite 101  
Rancho Cucamonga, CA 91730

Tel: (866) 481-2642

Fax: (866) 481-5383

---

Mr. Gerald Shelton  
California Department of Education (E-08)  
Fiscal and Administrative Services Division  
1430 N Street, Suite 2213  
Sacramento, CA 95814

Tel: (916) 445-0554

Fax: (916) 327-8306

---

Mr. Michael Havey  
State Controller's Office (B-08)  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

Tel: (916) 445-8757

Fax: (916) 323-4807

---

Mr. Keith Gmeinder  
Department of Finance (A-15)  
915 L Street, 8th Floor  
Sacramento, CA 95814

Tel: (916) 445-8913

Fax: (916) 327-0225

---

Mr. Sam Swofford  
Commission on Teacher Credentialing (A-09)  
1900 Capitol Avenue  
Sacramento-County, CA 95814-4213

Tel: (916) 000-0000

Fax: (916) 000-0000

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# SixTen and Associates

## Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

Telephone: (858) 514-8605  
Fax: (858) 514-8645  
E-Mail: Kbpsixten@aol.com

December 9, 2003

Paula Higashi, Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814

**RECEIVED**

DEC 11 2003

**COMMISSION ON  
STATE MANDATES**

Re: Test Claim 03-TC-09  
San Diego County Office of Education  
Teacher Credentialing

Dear Ms. Higashi:

I have received the comments of the California Commission on Teacher Credentialing ("CTC") dated November 6, 2003 to which I now respond on behalf of the test claimant.

Although none of the objections generated by CTC are included in the statutory exceptions set forth in Government Code Section 17556, the objections stated additionally fail for the following reasons:

1. **The Comments of the CTC are Incompetent and Should be Excluded**

Test claimant objects to the Comments of the CTC, in total, as being legally incompetent and move that they be excluded from the record. Title 2, California Code of Regulations, Section 1183.02(d) requires that any:

"...written response, opposition, or recommendations and supporting documentation shall be signed at the end of the document, under penalty of perjury by an authorized representative of the state agency, with the declaration that it is true and complete to the best of the representative's personal knowledge or information and belief."

The CTC comments do not comply with this essential requirement.

Furthermore, the test claimant objects to any and all assertions or representations of

fact made in the response [such as, "The county receives mandate funds to conduct LEA assignment monitoring" and "Many of the Commission-approved LEAs charge for their services"<sup>1</sup>] since CTC has failed to comply with Title 2, California Code of Regulations, Section 1183.02(c)(1) which requires:

"If assertions or representations of fact are made (in a response), they must be supported by documentary evidence which shall be submitted with the state agency's response, opposition, or recommendations. All documentary evidence shall be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge or information or belief."

Furthermore, these "hearsay" statements do not even come up to the level of hearsay or the type of evidence people rely upon in the conduct of serious affairs. The comments submitted by CTC, and any allegations of unsupported facts therein, should be stricken from the record and certainly not be considered by the Commission.

## **2. The Hiring of Individuals Without Full Credentials is Necessary**

CTC's comments to numerous sections of both the Education Code and the Title 5 Regulations set forth in the test claim by arguing that school districts and county offices of education are not required to hire individuals without credentials. Therefore, it argues, any new programs or higher levels of service to apply for permits and waivers for these individuals do not constitute a new mandate.

However, and to the contrary, the CTC has published reports which show that the hiring of individuals without full credentials has become necessary. The California Commission on Teacher Credentialing has published its Annual Report on California Teacher Preparation Programs for the Academic Year: 2001-2002 (hereinafter "CTC Annual Report"), a copy of which (excluding Appendixes "A" and "B") is attached hereto as Exhibit "A" and is incorporated herein by reference. By way of introduction, the CTC Annual Report states:

"The need for more highly qualified teachers is both a national and state concern..."

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<sup>1</sup> Even if this were true, any service fees collected would be used to offset the annual claim - It would not be grounds for denial of the test claim.

“The challenges facing California and its policy makers...are compounded by dramatic enrollment growth, a culturally and linguistically diverse student population, the need to raise student achievement levels, and a technology-driven economy that requires a highly skilled workforce...

“During the 2001-2002 school year, the California Department Education reports that there were more than 6.1 million children enrolled in California’s 8,915 public schools. (footnote omitted) Student enrollment has grown by more than 25% during the last decade, contributing to a shortage of fully qualified teachers in California classrooms. The need for new, fully certified teachers in the state over the next decade to accommodate this growing student enrollment is expected to continue, particularly in hard-to-staff subject areas such as mathematics, science, and special education.” (CTC Annual Report, page 3, emphasis supplied)

It should not come as a surprise to learn that waivers of state certification requirements have become a stop gap measure for school districts who could not otherwise staff critical teacher positions. The CTC Annual Report goes on to report:

“During the 2001-2002 academic year, there were over 300,000 full-time teachers teaching in California’s public schools. (footnote omitted) Census 2000 revealed what most Californians already knew - - that the state’s population had grown dramatically over the past decade. That rapid growth was accompanied by similar growth in enrollment in the state’s public school system, such that California public schools now educate approximately 6.1 million school children. Both the rapidity of the growth and the size of the school age population, coupled with natural attrition in the profession, contributed to a teacher shortage in the state. Although California instituted several important initiatives and programs to recruit, prepare and retain qualified teachers, California’s teacher shortage created a need for many schools and school districts to meet staffing needs through the employment of individuals who do not hold a teaching credential. (CTC Annual Report, page 34, emphasis supplied)

It is this “teacher shortage” that creates the necessity to hire persons without full certification. According to the CTC Annual Report:

“The Commission uses three types of documents that ‘waive’ state credential requirements and authorize non-credentialed individuals to teach in public schools: Pre-Intern Certificates, Emergency Permits, and Credential Waivers. Schools and school districts utilize these documents

when they are unable to fill vacancies with credentialed individuals."  
(CTC Annual Report, page 34, emphasis supplied)

The CTC Annual Report defines these three types of documents in Table 4, at page 36:

"The Pre-Intern Certificate is available to participants in approved pre-intern programs conducted by school districts and county offices of education...."

"Emergency permits<sup>2</sup> are valid for one year and authorize the holder to provide the same service as a full teaching credential. Employers applying on behalf of individuals for any of these permits must verify that those individuals have met several requirements before they may receive the permit. Some of these requirements are general to all types of emergency permits, while others are specific to the permit requested..."<sup>3</sup>

"Credential waivers<sup>4</sup> are utilized to fill certificated positions when more qualified individuals are not available. Employing agencies are permitted to request a credential waiver only when qualified individuals and interns are unavailable and the employer is unable to find an individual who qualifies for an emergency permit..."<sup>5</sup> (CTC Annual Report, Table 4, at page 36, emphasis supplied)

Before qualifying for one of these certificates, permits or waivers, the CTC must first approve a Declaration of Need:

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<sup>2</sup> For a description of Emergency Permits, and their requirements, see: Burke, Stephen, "Annual Report: Emergency Permits and Credential Waivers 2001-2002 - May, 2003" prepared for the California Commission on Teacher Credentialing, at pages 23-25. A copy of this report (excluding Appendix C detail) is attached hereto as Exhibit "B" and is incorporated herein by reference.

<sup>3</sup> 29,083 total emergency permits were issued by CTC during fiscal year 2001-2002. Burke, Stephen, op.cit. Executive Summary, page 1

<sup>4</sup> For a description of Credential Waivers, and their requirements, see: Burke, Stephen, op.cit. at pages 26-27

<sup>5</sup> 2,803 credential waivers were issued by CTC to public schools during fiscal year 2002-2002. Burke, Stephen, op.cit. Executive Summary, page 2

“Schools or school districts that determine a need to hire personnel on an Emergency Permit or Waiver must submit a request in writing before the Commission will consider granting it. The Commission requires local employing agencies to file a Declaration of Need for Fully Qualified Educators with the Commission if they anticipate a need to hire non-credentialed individuals to temporarily fill teaching positions. Once the Declaration is on file, the employer may apply for emergency permits for qualified individuals. Employers who find the need to request a waiver of credential requirements in order to hire an individual to fill a short-term staffing need must secure local board approval prior to applying for a waiver. **Candidates may not apply directly to the Commission for these documents.** (CTC Annual Report, page 35, bold print in the original)

Title 5, California Code of Regulations Section 80026 describes a “Declaration of Need for Fully Qualified Educators” by an employing agency as a prerequisite to the issuance of any emergency permit and/or limited assignment permit. This Declaration is valid for no more than 12 months and expires on the June 30 following its submission to the Commission. The Declaration must include:

- (1) A statement of estimated need which must include the title(s) and number of each type of emergency permit and limited assignment permit which the employing agency estimates it will need during the year. In addition, the statement shall include each subject to be listed on Emergency Single Subject and Limited Assignment Single Subject Teaching permits, and other detailed information.
- (2) The statement of estimated need shall also include a description of efforts that the employing agency has undertaken to locate and recruit individuals who hold the needed credentials.
- (3) The statement of estimated need must also detail the district’s efforts to establish alternative training options which would eventually supply individuals who hold the needed credentials.
- (4) The employing agency must also certify that there is an insufficient number of certificated persons who meet the employing agency’s specified employment criteria to fill necessary positions.
- (5) Finally, the Declaration of Need must be adopted by the governing board of a school district or by the superintendent of a county office of education.



The proof of the need is found in the usage. Table 5 of the CTC Annual Report, at page 37, provides the number of individuals holding Pre-Intern Certificates, Emergency Permits, or Credential Waivers as of October 1, 2002:

Reporting Categories	Total Number of Teachers	Number of Teachers Not Fully Certified	Number of Teachers Not Fully Certified but with Content Expertise
State Totals	309,773	30,899	29,204
High-Poverty Districts	94,897	13,229	13,047
All other Districts	214,876	17,670	16,157

For the period from 1997-1998 through 2001-2002, the CTC issued 163,387 emergency permits. The totals for 2001-02 showed a decrease of 13.4% from the prior year.<sup>6</sup> For the same period, the CTC issued 236,216 Emergency 30-day Substitute Permits and Waivers, and the totals for 2001-2002 showed an increase of 3.0% from the prior year.<sup>7</sup>

In fact, in 2001-2002, 41 school districts in California had 20 percent or more of their staff on Emergency Permits and Waivers.<sup>8</sup> Only five districts, statewide, had no teachers with Emergency Permits.<sup>9</sup> The need for attracting and retaining teachers in low performing schools has become such a problem, the California Housing Finance Agency has devised an "Extra Credit Teacher's Home Purchase Assistance" program which provides first and second loans up to 100% of the purchase price. Interest on the

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<sup>6</sup> Burke, Stephen, op. cit., Table 3, at page 3

<sup>7</sup> Burke, Stephen, op. cit., Table 16, at page 21

<sup>8</sup> Burke, Steve and Errett, Marilyn, "Teacher Supply in California - A Report to the Legislature, Fifth Annual Report 2001-2002", April 2003 (a copy of which, excluding Appendix, is attached hereto as Exhibit "C" and is incorporated herein by reference), at Table 5.

<sup>9</sup> Burke, Stephen, op. cit., Table 6, at pages 8-9

first loan is below market rates and interest on the second loan may be reduced to 0% if the credentialed school staff person meets continued eligibility by remaining employed in a low performing school or low performing school district on a continuous basis for three years.<sup>10</sup>

Therefore, according to CTC, 9.97% of California's teachers are not fully certified. If the employment of these individuals is not really necessary as CTC suggests, it would no longer be necessary to employ 30,899 teachers in California in a market which already suffers from an extreme shortage of teachers.

Therefore, based upon its own reports and teacher shortage statistics, the CTC should be hard pressed to seriously suggest that the hiring of individuals who have Pre-Intern Certificates, Emergency Permits and Credential Waivers is not a necessity.

**3. CTC Comments to Other Provisions of the Education Code are Not Well Considered**

- (a) CTC's comment relative to sections 44200 and 44800 is that these "are the basic requirements of doing business". Of course this is not the test for state mandate reimbursement. The test is whether these code sections require new programs or higher levels of service.
- (b) CTC's comments relative to sections 44830(a), 44830(b), 44830(l), 44830(j), 44842(a), 44842(b), 44842(c), 44885.5(a), 44885.5(b), and 44901(b) are that these are local employment issues and not licensing issues. This may be true from the perspective of the CTC. The test claim, however, was filed on behalf of both school districts and county offices of education<sup>11</sup>, alleges costs incurred by both school districts and county offices of education<sup>12</sup>, and is supported by both a declaration from

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<sup>10</sup> See: "Extra Credit Teacher Program", published by the California Housing Finance Agency, as found on the CTC Website, a copy of which is attached hereto as Exhibit "D" and is incorporated herein by reference.

<sup>11</sup> Test Claim, page 3, lines 4-5

<sup>12</sup> Test Claim, page 97, lines 16-18

a school district<sup>13</sup> and a declaration from a county office of education.<sup>14</sup>

- (c) CTC's comments relative to sections 45307 and 45307(c) are in error. The sections alleged in the test claim are sections 45037 and 45037(c).

**4. CTC Admits Many Title 5 Regulations Sections Contain Mandates**

CTC has agreed that the following Title 5 Regulations Sections contain mandated activities: 80035(a), 80035(b), 80035(c), 80035(d), 80036(a), 80036(b), 80036(c), 80036(d), 80036.1(a), 80036.1(b), 80036.1(c), 80036.1(d), 80037(a), 80037(b), 80038(a), 80045(a), 80045(b), 80047.2(a), 80047.4(a)(4), 80048.2(a), 80048.3(a), 80048.3(b), 80048.3(c), 80048.3.1(a), 80048.4(a), 80054(a), 80054(d), 80070.2(a), 80070.3(a), 80070.4(a), 80070.6(a), 80413.3(a), 80413.3(b), 80556(a), 80556(c), 80556(j), 80556.1(a), 80556.1(e) and 80556.1(h).

**5. CTC Comments to Other Title 5 Regulations Sections are Not Well Considered**

- (a) CTC's comments relative to section 80005 is that "This determination exists only for classes where a credential does not exist."

Those classes are listed in subdivision (a). It is in subdivision (b) where the employer is required to determine the requisite knowledge and skills of teachers who are assigned to teach those courses and is required to keep verification of this determination on file.

- (b) CTC's comments relative to section 80016(a)(3) is that there is "no mandate on districts or counties to offer Certificate of Completion of Staff Development training."

The test claim does not seek reimbursement for offering classes. Section 80016 requires applicants for a certificate of completion of staff

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<sup>13</sup> Declaration of Brian C. Smith, Assistant Superintendent, Human Resources, Grossmont Union High School District, attached to the test claim as Exhibit "A"

<sup>14</sup> Declaration of Cynthia Free, Credentials Supervisor, San Diego County Office of Education, attached to the test claim as Exhibit "A"

development to do certain things in order to qualify. One of those things is to obtain verification by the school district or county office that the applicant has completed the required staff development program. The test claim seeks reimbursement for the process required to make that verification.

- (c) CTC's comments relative to section 80035.5 are that "Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA."

Section 80035.5 requires both LEAs and/or ESDs to recommend applicants for designated subjects vocational education teaching credentials. That is all the test claims alleges.

- (d) CTC's comments relative to section 80036.3(a) are that "Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA."

Section 80036.3(a) requires LEAs or ESDs to recommend applicants for designated subjects adult education teaching credentials in a subject, or subjects.

- (e) CTC's comments relative to section 80043(a) are that "Eminence Credentials are voluntary. LEAs are not required to request Eminence Credentials."

Section 80043(a) defines an eminent individual as one "recognized as such beyond the boundaries of his or her community, (who) has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor.." At the time of applying for the credential, the employing school district must demonstrate how the eminent individual will enrich the educational quality of the school district. CTC's statement that employing school districts need not hire such proven excellence is a specious argument at the least and implies that school districts need not strive for the best educational environment possible.

- (f) CTC's comments relative to section 80048.2(f) are "There is an either or requirement in this section. The candidate can complete a course of 45 clock hours. This is not a mandate."

Section 80048.2(f) allows the holder of a valid preliminary Specialist Instruction Credential in Special Education to pursue completion of the requirements for the five-year preliminary level I Education Specialist Instruction Credential in lieu of completing the requirements for the professional clear Specialist Instruction credential. To be eligible for the preliminary level I credential, the holder must complete certain requirements. One is a minimum of one semester unit of supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non-special education students verified by the employing agency. Either way, a school district is required to verify the completion of a requirement.

- (g) CTC's comment relative to section 80071.4(h) is that "CBEST is administered six times a year and this process exists if an LEA wishes to request a special administration beyond the six times. There is nothing in state law that requires a district to request a special administration."

Subdivision (g) of section 80071.4 provides that the Commission will arrange for a special administration of the test in the event of an emergency, which is defined therein as "a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced." Therefore, this section does not deal with a mere "wish" for a special administration. This section only deals with emergencies.

- (h) CTC's comment relative to section 80435(b) is that "An LEA can submit official transcripts and avoid this process."

The test claim alleges the section requires: "submitting either official transcripts with an application (or verifying a copy as a true-copy of the official transcripts with a statement describing the district's internal procedure or policy verifying the authenticity of the transcript) or a statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript."<sup>15</sup> As can be seen, either choice results in a new program or a higher level of service.

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<sup>15</sup> Test Claim, page 124, lines 4-10

- (i) CTC's comments relative to section 80601 are that "There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom."

First of all, section 80601 does not refer to continued employment after a credential has expired. It applies "[W]hen an employing agency finds that an individual has rendered service in a position requiring certification during a period in which the individual did not hold the appropriate certification or a temporary county certificate...to cover the service..."

There is a need to complete the validation of service request to avoid a penalty. Education Code Section 45036<sup>16</sup> provides that "[W]hensoever, a person has

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<sup>16</sup> Education Code Section 45036, added by Chapter 1010, Statutes of 1976, Section 2, amended by Chapter 290, Statutes of 1978, Section 1:

"Whenever, on or after September 15, 1961, a person has rendered service in a position requiring certification qualifications, or the governing board of a district has employed a person in a position requiring certification qualifications, or the county superintendent has drawn an order for a warrant in favor of a person in a position requiring certification qualifications, for a period of service during which the person did not have a valid credential required for such position in force as required by law, and when as a result thereof the employment of the person to render such service, the rendering of such service, the inclusion of the attendance of pupils taught by the person in the average daily attendance of the district, or the drawing of the order warrant for the service of such person, is in violation of Section 46300, 44830, 45034 or any other provision of this code, such employment, rendering of service, inclusion of attendance, or drawing of the order for the warrant shall be deemed fully legal for all purposes if the Commission for Teacher Preparation and Licensing approves thereof in accordance with this section.

The Commission for Teacher Preparation and Licensing shall adopt rules and regulations to establish procedures for a review in such cases and shall determine whether the rendering of such service shall be approved and made fully legal for all purposes. If the commission gives its approval to the rendering of such service, then such employment, inclusion of attendance, and drawing of the order for the warrant shall be automatically approved and made fully legal for all purposes.

The commission shall not approve of the rendering of such service unless it determines that the person rendering the service had, in fact, the necessary qualifications, during the period of service in question, for the credential required by law

rendered service in a position requiring certification qualifications, or the governing board of a district has employed a person in a position requiring certification qualifications, or the county superintendent has drawn an order for a warrant in favor of a person in a position requiring certification qualifications, for a period of service during which the person did not have a valid credential required for such position in force as required by law, and when as a result thereof the employment of the person to render such service, the rendering of such service, the inclusion of the attendance of pupils taught by the person in the average daily attendance of the district, or the drawing of the order warrant for the service of such person, is in violation of Section 46300, 44830, 45034 or any other provision of this code, such employment, rendering of service, inclusion of attendance, or drawing of the order for the warrant shall be deemed fully legal for all purposes if the Commission for Teacher Preparation and Licensing approves thereof in accordance with this section.

The Commission for Teacher Preparation and Licensing shall adopt rules and regulations to establish procedures for a review in such cases and shall determine whether the rendering of such service shall be approved and made fully legal for all purposes. If the commission gives its approval to the rendering of such service, then such employment, inclusion of attendance, and drawing of the order for the warrant shall be automatically approved and made fully legal for all purposes..." Section 80601 of Title 5, California Code of Regulations is the response to the requirement that the Commission adopt rules and regulations.

Education Code Section 45037<sup>17</sup>, subdivision (a) provides that when a person

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for the position in which the service was rendered, and unless a valid credential required for such position has been issued to such person prior to review and action by the commission."

<sup>17</sup> Education Code Section 45037 was amended in 2003, to become effective on January 1, 2004, to provide that a county office of education is assessed a penalty for "releasing" a warrant in favor of a person who does not have a valid certification document. Prior to the amendment, the county office of education could be penalized for "drawing an order" for such a warrant.

Education Code Section 45037, added by Chapter 1069, Statutes of 2002, Section 2, as amended by Chapter 552, Statutes of 2003, Section 17:

"(a) Except as provided in Section 45036, for the fiscal year 2001-02 and for any fiscal year thereafter in which a person renders service as a teacher in kindergarten or

any of grades 1 to 12, inclusive, who does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result under Chapter 6.10 (commencing with Section 52120) of Part 28. The penalty shall be calculated as provided in subdivision (b) and withheld from state funding otherwise due to the district or county office of education.

(1) Notwithstanding Section 46300, the attendance of the noncertificated person's pupils during the period of service shall be included in the computation of average daily attendance.

(2) The noncertificated person's period of service shall not be excluded from the determination of eligibility for incentive funding for a longer instructional day or year, or both, pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26.

(b)(1) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, add the total number of schooldays on which the person rendered any amount of the service.

(2) For each person who rendered service in the employment of the district or county office of education as a teacher in kindergarten or any of grades 1 to 12, inclusive, during the fiscal year, for a period of service during which the person did not have a valid certification document, add the number of schooldays on which the person rendered any amount of the service without a valid certification document.

(3) Divide the number determined in paragraph (2) by the number determined in paragraph (1) and carry the result to four decimal places.

(4) Multiply a school district's revenue limit entitlement for the fiscal year, calculated pursuant to Section 42238, or its funding amount calculated pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24, as applicable, or a county office of education's funding for the fiscal year, for the program in which the noncertificated person rendered service by the number determined in paragraph (3).

(c) Beginning in 2002-03, if a county office of education ~~draws an order for~~ releases a warrant in favor of a person for whom a period of school district service is included in the calculation set forth in paragraph (2) of subdivision (b), the county office shall be assessed a penalty. The penalty assessed to a county office for any fiscal year in which one or more district teachers did not have a valid certification document shall be equal to the lesser of three amounts as follows:

(1) Fifty percent of all penalties assessed for that fiscal year to all school districts in the county office's jurisdiction pursuant to subdivision (b).



renders service as a teacher and does not have a valid certification document, the school district or county office of education in which the person is employed shall be assessed a penalty that shall be in lieu of any loss of funding that would otherwise result.<sup>18</sup>

The penalty provision of Education Code Section 45037 is "except as provided in Section 45036". Therefore, to avoid the penalties of Education Code 45037, school districts and county offices of education must comply with the validation of service request requirements of Section 80601, Title 5, California Code of Regulations.

In conclusion, school districts are required to ensure that each classroom has a teacher. The CTC does not have this duty. The duty of the CTC is to administer credentialing programs, with which teacher candidates and districts must comply in order to fill those classrooms. For the CTC to assert that these alternative credentialing programs are mere local options when there is a statewide shortage of teachers with complete credentials, is to beg the question. These alternative methods were created by the state to mitigate the shortage and the districts have no other practical choice than to comply with the state mandated procedures in order to fill the classrooms. California teachers must have credentials approved or accepted by the CTC, which means the CTC is the "company store." Should the CTC ever be entrusted with the legal responsibility for public education, it can then show the local school districts how to operate public schools without utilizing teachers with alternative credentials within the environment of shortages of certain teachers with certain credentials, restricted current state funding, and nearly one-thousand different collective bargaining agreements.

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(2) One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when two or fewer districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(3) One percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject penalties pursuant to subdivision (b).

(d) Nothing in this section may be waived in whole or in any part."

<sup>18</sup> See: Test Claim, page 63, line 9 through page 65, line 4

**CERTIFICATION**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith B. Petersen', with a long horizontal flourish extending to the right.

Keith B. Petersen

C: Per Mailing List Attached

**DECLARATION OF SERVICE**

RE: Teacher Credentialing 03-TC-09  
CLAIMANT: San Diego County Office of Education

I declare:

I am employed in the office of SixTen and Associates, which is the appointed representative of the above named claimant(s). I am 18 years of age or older and not a party to the within entitled matter.

On the date indicated below, I served the attached: letter of December 9, 2003 addressed as follows:

Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
FAX: (916) 445-0278

AND per mailing list attached

**U.S. MAIL:** I am familiar with the business practice at SixTen and Associates for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at SixTen and Associates is deposited with the United States Postal Service that same day in the ordinary course of business.

**FACSIMILE TRANSMISSION:** On the date below from facsimile machine number (858) 514-8645, I personally transmitted to the above-named person(s) to the facsimile number(s) shown above, pursuant to California Rules of Court 2003-2008. A true copy of the above-described document(s) was(were) transmitted by facsimile transmission and the transmission was reported as complete and without error.

**OTHER SERVICE:** I caused such envelope(s) to be delivered to the office of the addressee(s) listed above by:

A copy of the transmission report issued by the transmitting machine is attached to this proof of service.

\_\_\_\_\_(Describe)

**PERSONAL SERVICE:** By causing a true copy of the above-described document(s) to be hand delivered to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 12/9/03, at San Diego, California.

  
\_\_\_\_\_  
Diane Bramwell

# Commission on State Mandates

Original List Date: 9/30/2003

Mailing Information: Completeness Determination

Last Updated:

List Print Date: 10/07/2003

## Mailing List

Claim Number: 03-TC-09

Issue: Teacher Credentialing

### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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Mr. Keith B. Petersen

**Claimant Representative**

SixTen & Associates

Tel: (858) 514-8605

5252 Balboa Avenue, Suite 807

Fax: (858) 514-8645

San Diego, CA 92117

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Ms. Lora Duzyk

**Claimant**

San Diego County Office of Education

Tel: (858) 292-3537

6401 Linda Vista Road

Fax: (858) 541-0697

San Diego, CA 92111-7309

---

Dr. Carol Berg

Tel: (916) 446-7517

Education Mandated Cost Network

1121 L Street, Suite 1060

Fax: (916) 446-2011

Sacramento, CA 95814

---

Mr. Paul Minney

Tel: (916) 646-1400

Spector, Middleton, Young & Minney, LLP

7 Park Center Drive

Fax: (916) 646-1300

Sacramento, CA 95825

---

Ms. Hameet Barkschat

Tel: (916) 727-1350

Mandate Resource Services

5325 Elkhorn Blvd. #307

Fax: (916) 727-1734

Sacramento, CA 95842

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Ms. Sandy Reynolds

Tel: (909) 672-9964

Reynolds Consulting Group, Inc.

P.O. Box 987

Fax: (909) 672-9963

Sun City, CA 92586

Mr. Arthur Palkowitz San Diego Unified School District 4100 Normal Street, Room 3159 San Diego, CA 92103-8363	Tel: (619) 725-7565 Fax: (619) 725-7569
Mr. Steve Smith Mandated Cost Systems, Inc. 11130 Sun Center Drive, Suite 100 Rancho Cordova, CA 95670	Tel: (916) 669-0888 Fax: (916) 669-0889
Mr. Steve Shields Shields Consulting Group, Inc. 1536 36th Street Sacramento, CA 95816	Tel: (916) 454-7310 Fax: (916) 454-7312
Ms. Beth Hunter Centration, Inc. 8316 Red Oak Street, Suite 101 Rancho Cucamonga, CA 91730	Tel: (866) 481-2642 Fax: (866) 481-5383
Mr. Gerald Shelton California Department of Education (E-08) Fiscal and Administrative Services Division 1430 N Street, Suite 2213 Sacramento, CA 95814	Tel: (916) 445-0554 Fax: (916) 327-8306
Mr. Michael Havey State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: (916) 445-8757 Fax: (916) 323-4807
Mr. Keith Gmeinder Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916) 445-8913 Fax: (916) 327-0225
Mr. Sam Swofford Commission on Teacher Credentialing (A-09) 1900 Capitol Avenue, Sacramento-County, CA 95814-4213	Tel: (916) 000-0000 Fax: (916) 000-0000

**EXHIBIT A**  
**2001-2002 ANNUAL REPORT ON**  
**TEACHER PREPARATION PROGRAMS**

**California Commission on Teacher Credentialing**  
**Annual Report on**  
**California Teacher Preparation Programs**  
**Academic Year: 2001-02**

Office of Postsecondary Education  
U.S. Department of Education

Annual State Questionnaire on Teacher Preparation: Academic Year: 2001-02

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State: **California**

Respondent name and title: Sam W. Swofford, Ed.D.  
Executive Director  
California Commission on Teacher Credentialing

Respondent phone number: (916) 445-0184                      Fax: (916) 445-0800  
Address: 1900 Capitol Avenue  
Sacramento, CA 95814

Questions or comments should be directed to:

Cheryl Hickey	Diane Tanaka
Consultant	Assistant Consultant
Commission on Teacher Credentialing	Commission on Teacher Credentialing
(916) 327-8663	(916) 322-5988

Section 207 of Title II of the Higher Education Act mandates that the Department of Education collect data on state assessments, other requirements, and standards for teacher certification and licensure, as well as data on the performance of teacher preparation programs. The law requires the Secretary to report on the quality of teacher preparation to the Congress April of each year. Annual state and institutional report cards are due annually in October and April respectively.

The Secretarial report is due April of each year, with State reports due in October and teacher preparation program reports due in April. The 2001-2002 state reports to the Secretary are due on October 7, 2003. The Commission received the institutional report card data from teacher preparation programs on or before April 8, 2003.

**Paperwork Burden Statement**

This is a required data collection. Response is not voluntary. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1840-0744 (expiration date: 4/30/2003). The time required for states to complete this information collection is estimated to average 765 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Assistant Secretary, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW, Room 6081, Washington, DC 20006.

## ***Table of Contents***

<b>Introduction .....</b>	<b>1</b>
<b>Teacher Certification in California.....</b>	<b>6</b>
<b>Alignment of Standards &amp; Assessments .....</b>	<b>18</b>
<b>Statewide and Institutional Pass Rates .....</b>	<b>24</b>
<b>Assessing the Performance of Preparation Programs.....</b>	<b>29</b>
<b>Waivers of State Certification Requirements .....</b>	<b>34</b>
<b>Alternative Paths to Certification .....</b>	<b>38</b>
<b>Improving Teacher Quality.....</b>	<b>41</b>
<b>Overview of Institutional Reports.....</b>	<b>44</b>
<b>Appendix A - Assessment Pass-Rates, Teacher Preparation Programs 2001-2002...45</b>	
<b>Appendix B - Institutional Reports for Academic Year 2000-2001 .....</b>	<b>51</b>



## **Introduction**

In October 1998, Congress passed and the President signed the Higher Education Reauthorization Act, which contained many provisions affecting higher education. Title II of this Act included federal grant programs that advance efforts to improve the recruitment, preparation, and support of new teachers and mandated certain reporting requirements for institutions and states on teacher preparation and licensing. The intent of Congress was that the programs and requirements of Title II would provide incentives for improving teacher preparation systems and provide greater accountability for ensuring teacher quality.

Title II established new reporting requirements for: (1) the sponsors of teacher preparation programs; (2) state agencies that certify new teachers for service in public schools; and (3) the Secretary of Education in the United States Department of Education. Section 207 of Title II requires institutions to submit to states, annual reports on the quality of their teacher preparation programs. States are required to collect the information contained in these institutional reports and submit annual reports each October to the U.S. Department of Education that includes information about teacher certification requirements, accountability and performance information about preparation programs, and a description of efforts to improve teacher quality.

Title II requires that, annually, the U.S. Secretary of Education compile all state reports into a single national report for submission to Congress. The national report provides comprehensive national data on the manner in which institutions prepare teachers, including pass-rate data on assessments required for certification or licensure. The report also describes what states require of individuals before they are allowed to teach, and how institutions and states are raising standards for the teaching profession. This report contains the information that will be submitted to the U.S. Department of Education in October 2003 in compliance with the Title II reporting requirements for states.

### **About the Commission**

The California Commission on Teacher Credentialing is an agency in the Executive Branch of California State Government. Created in 1970 by the Ryan Act, it is the oldest of the autonomous state standards boards in the nation. The agency is responsible for the design, development, and implementation of standards that govern educator preparation for the public schools of California, the licensing and credentialing of professional educators in California, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California. The Commission works to ensure that those who educate the children of California are academically and professionally prepared.

The Commission carries out its statutory mandates by:

- Conducting regulatory and certification activities;
- Developing preparation and performance standards in alignment with state-adopted academic content standards;
- Proposing policies in credential-related areas;

- Conducting research and program evaluation;
- Monitoring fitness-related conduct and imposing credential discipline; and
- Communicating its efforts and activities to the public

The California Commission on Teacher Credentialing consists of 19 commissioners, 15 voting members and four ex-officio, non-voting members. The governor appoints 14 voting Commission members and the State Superintendent of Public Instruction or his/her designee serves as the 15th voting member. The four ex-officio members are appointed by the major segments of the California higher education constituency: Association of Independent California Colleges and Universities; Regents of the University of California; California Postsecondary Education Commission; and the Trustees of the California State University. The Commission members appointed by the governor include six classroom teachers, one school administrator, one school board member, one non-administrative services credential holder, one faculty member from an institution of higher education, and four public members. Commission members are typically appointed to four-year terms.

The Commission convenes 10 times a year in open meetings to review policy initiatives, pending legislation, and to consider requests and appeals that fall within the statutory purview of the Commission. The Commission's work remains central to the agenda that the governor and the Legislature have set to improve student achievement across California.

Members of the California Commission on Teacher Credentialing*	
Margaret Fortune, Chair Public Representative	Steve Lilly Faculty Member
Lawrence Madkins, Vice Chair Teacher	Alberto Vaca Teacher
Kristen Beckner Teacher	Karen Symms Gallagher Association of Independent California Colleges and Universities
Alan Bersin Administrator	Athena Waite Regents, University of California
Chellyn Boquiren Teacher	Sara Lundquist California Postsecondary Education Commission
Beth Hauk Teacher	Bill Wilson California State University
Elaine C. Johnson Public Representative	Os-Maun Rasul; Representative, Non-administrative Services
Leslie Littman Designee, Office of the Superintendent of Public Instruction	<i>*As of October 2003, there are four vacancies on the Commission</i>

## **The California Context**

The need for more highly qualified teachers is both a national and state concern. Throughout the nation, states are facing a growing demand for more teachers while also meeting the challenge of improving the quality of their teacher workforce.

The challenges facing California and its policy makers mirror those in other states and are compounded by dramatic enrollment growth, a culturally and linguistically diverse student population, the need to raise student achievement levels, and a technology-driven economy that requires a highly skilled workforce. Preparing California's students to be successful in the 21<sup>st</sup> century will require teachers who can create meaningful learning opportunities that will help students develop high-level skills and meet state academic content and achievement standards.

During the 2001-2002 school year, the California Department of Education reports that there were more than 6.1 million children enrolled in California's 8,915 public schools.<sup>1</sup> Student enrollment has grown by more than 25% during the last decade, contributing to a shortage of fully qualified teachers in California classrooms. The need for new, fully certified teachers in the state over the next decade to accommodate this growing student enrollment is expected to continue, particularly in hard-to-staff subject areas such as mathematics, science, and special education.

The California Department of Finance has reported that no single racial or ethnic group constitutes a majority of California's population. The composition of the state's population is reflected in its public school enrollments. Indeed, California schools are among the most culturally and linguistically diverse in the nation.

More than 44% of California children enrolled in kindergarten through 12th grade are Hispanic or Latino, 35% are white, approximately 10% are Asian, 8% are African American and 1% are Native Americans. Together, these students speak more than 57 different languages and more than 25% are English language learners. The diversity in languages and learners has created a need for teachers who possess a flexible and deep knowledge about the subjects they teach and an ability to adapt instructional strategies to meet student needs.

The twin challenges of growth and diversity have prompted California to expand its capacity to train educators while undertaking extensive efforts aimed at improving the recruitment, retention, and preparation of K-12 teachers. Over the past few years, institutions of higher education in California have increased the capacity of their teacher preparation programs, significant state funds have been allocated to support intern and pre-intern programs, and the state has fully funded an induction program for all beginning teachers.

California's numerous efforts to train a sufficient number of teachers to educate the state's growing K-12 student population have resulted in a significant increase in enrollment in teacher

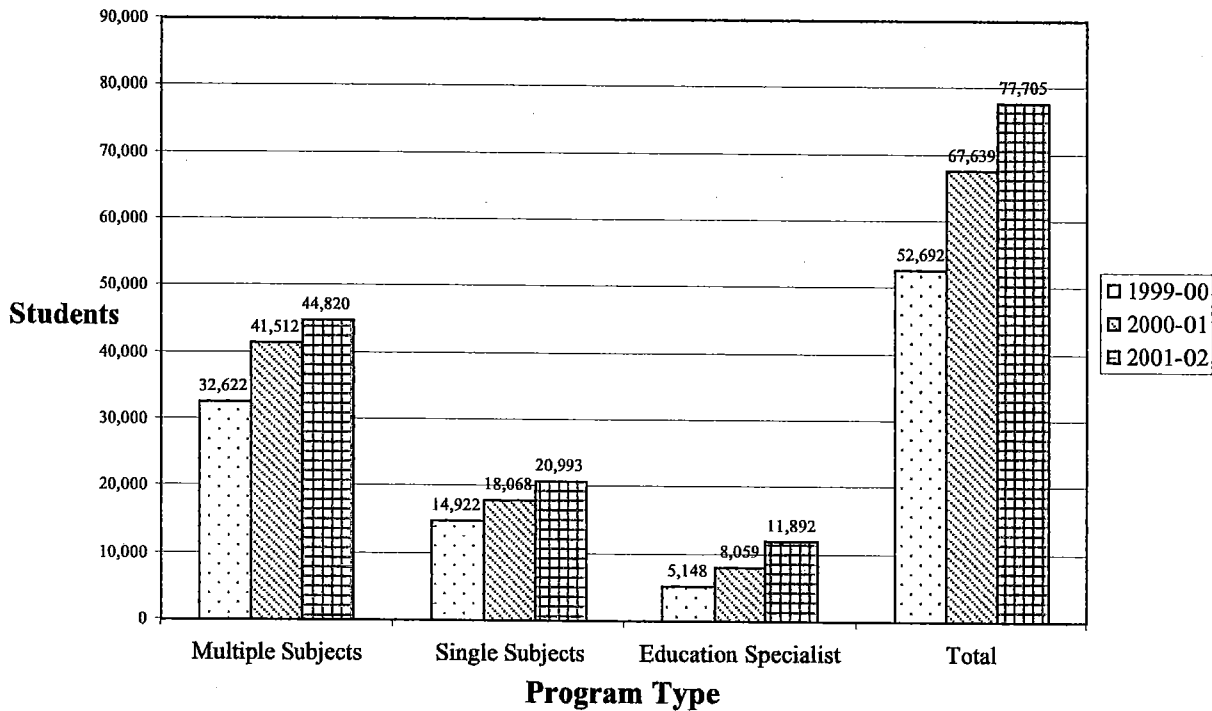
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<sup>1</sup> *Fact Book 2003 Handbook of Education Information*, California Department of Education, 2003

preparation programs. As the chart below indicates, enrollment in teacher preparation programs has increased since 1999-2000 by 47% to a total of 77,705 in 2001-02. Over the three-year reporting period, enrollment increased:

- 37% in programs leading to a multiple subjects credential,
- 41% in programs leading to the single subject credential; and
- 131% in programs leading to the education specialist credential.

### Teacher Preparation Program Enrollment



Passage of the federal Public Law 107-110: No Child Left Behind Act (NCLB), Act has required reconsideration of and revision to some of California's teacher recruitment and preparation programs. The California State Board of Education and the state's Commission on Teacher Credentialing are working cooperatively to align state regulations and certification requirements and with the requirements of NCLB.

## **The California Report**

In accordance with federal guidelines, this report contains the following information:

- A description of California's certification structure, requirements, and assessments including:
  - A description of program and teacher standards and the alignment of State teacher certification requirements and assessments with California's K-12 academic content standards;
  - Information on emergency permits and waivers of state certification requirements and the distribution of under-qualified teachers in high-poverty school districts; and
  - A description of the criteria for assessing the performance of teacher preparation programs within the state.
  
- A description of state efforts to improve teacher quality.
  
- Pass rate and quartile rankings of program sponsors for all assessments used by the state for initial credentialing, including:
  - The California Basic Educational Skills Test (CBEST);
  - The Reading Instruction Competence Assessment (RICA) for Multiple Subject and Education Specialist (Level I) candidates; and
  - Subject matter assessments (i.e. the Multiple Subjects Assessment for Teachers (MSAT), Praxis and Single Subject Assessments for Teaching in the areas of agriculture, art, biological science, business, chemistry, English, geoscience, health, home economics, industrial and technology education, languages other than English, mathematics, music, physical education, physics, and social science).
  
- Copies of institutional report cards that were submitted in April 2003. Institutional reports include the following information:
  - Qualitative and contextual information regarding the Multiple Subject, Single Subject, and Education Specialist programs offered;
  - Quantitative program information about candidates enrolled in teacher preparation programs, student-teacher supervisors, ratios between candidates and supervisors, the numbers of candidates who completed programs during the 2001-2002 reporting period; and
  - Pass-rate data for all assessments used by the state for initial credentialing.

## ***Teacher Certification in California***

Teachers must be certified by the California Commission on Teacher Credentialing (CCTC) in order to be employed in a California public school or by a public school district. California's credential structure is organized by subject matter and the classroom setting in which individuals teach rather than school setting or age group. Within this structure, the State has established certification tiers that ensure candidates meet certain requirements before advancing to the second level or Professional Clear teaching credential.

There are four basic credentials that authorize individuals to teach in public school settings: the Multiple Subject Teaching Credential, the Single Subject Teaching Credential, the Education Specialist Instruction Credential, and the Designated Subjects Credential. The Commission issues credentials for other educational occupations requiring state certification, such as child development teachers, school counselors and school psychologists, school nurses, librarians, and administrators.

### **Subject Matter and Classroom Setting**

California's credential structure emphasizes both content knowledge and pedagogical competence. Candidates pursuing a multiple subject, single subject, or education specialist teaching credential must hold a bachelor's degree in a subject other than Education and acquire pedagogy through a program of professional preparation. The State offers multiple routes into teaching including traditional one-year postbaccalaureate programs at institutions of higher education, district or university sponsored intern programs, and four- to five-year "blended" programs that allow for the concurrent completion of a baccalaureate degree (including subject matter requirements) and professional preparation. All credential programs are held to the same standards of quality and effectiveness and all programs include instruction in pedagogy and supervised teaching.

All credential applicants must obtain a college degree through a regionally accredited college or university in a subject other than education and demonstrate academic preparation in the subject matter in which they wish to teach. Candidates must also complete a Commission-approved teacher preparation program and receive a formal recommendation from the California college, university, or local educational agency where they completed the program.

The credential most often held by those teaching in an elementary school classroom is the Multiple Subject Teaching Credential. This credential authorizes individuals to teach a variety of subjects in a self-contained classroom in preschool, kindergarten, grades 1 through 12, and classes organized primarily for adults.

The appropriate credential to teach a specific subject such as mathematics or English in a departmentalized classroom at the middle or high school level is the Single Subject Teaching Credential. This credential authorizes public school teaching in a departmentalized classroom in preschool, kindergarten, grades 1 through 12, and classes organized primarily for adults.

A Single Subject Teaching Credential authorizes an individual to teach in one of the specific content areas listed below.

Single Subject Credential Content Areas	
Agriculture	Physical Education
Art	Science: Biological Science
Business	Science: Biological Science (Specialized)*
English	Science: Chemistry
Health Science	Science: Chemistry (Specialized)*
Home Economics	Science: Geoscience
Industrial and Technology Education	Science: Geoscience (Specialized)*
Foreign Language	Science: Physics
Mathematics	Science: Physics (Specialized)*
Foundational Mathematics*	Social Science
Music	

\* *New Single Subject Credentials, adopted in 2003.*

The Education Specialist Instruction Credential authorizes individuals to teach students with certain disabilities. This credential is separated into six categories of specialization: Mild/Moderate Disabilities, Moderate/Severe Disabilities, Visual Impairments, Deaf and Hard-of-Hearing, Physical and Health Impairments, and Early Childhood Special Education. Individuals seeking the Education Specialist Instruction Credential complete a special education preparation program that includes student teaching in the area of their chosen specialization.

The Designated Subjects credential authorizes teaching or service in technical, trade, or vocational courses or in courses organized primarily for adults. These credentials are based primarily on demonstrated experience in the subject matter and account for about 4% of the credentials issued by the Commission. Although candidates are required to complete a Commission-approved program of personalized preparation to qualify for a Professional Clear credential in this series, the focus of this report is on the requirements and preparation programs relating to the multiple subject, single subject, and education specialist credentials.

### First and Second Level Certificates Requirements

Federal reporting guidelines require states to describe their certification structure using a common set of definitions that adapted from the National Association of State Directors of Teacher Education Certification (NASDTEC). California's two-phase credential structure for the multiple subject, single subject, or education specialist credentials fits the following definition of the Level A and Level B certificates.

**Type A (Level I) certificate** means a certificate issued upon completion of an approved program to an applicant who has met requirements of the issuing state

relating to citizenship and moral, ethical, physical, or mental fitness, but has not completed ancillary requirements which must be met before issuance of a Type B certificate.

**Type B (Level II) certificate** means a certificate issued (1) after completion of an approved program and all ancillary requirements established by the state, OR (2) after completing an alternative program, all post-secondary degree and ancillary requirements established by the state, and successfully completing not less than 27 months of professional employment in the function covered by the certificate.

Using these definitions, California's teaching credentials are classified as follows:

<b>Type A (Level I)</b>	<b>Type B (Level II)</b>
Preliminary Multiple Subject Credential	Professional Clear Multiple Subject Credential
Preliminary Single Subject Credential	Professional Clear Single Subject Credential
Preliminary Level I Education Specialist Credential	Professional Level II Education Specialist Credential

Type A or Level I credentials are issued to beginning teachers for a maximum of five years and are non-renewable. Candidates are expected to complete additional requirements for the Type B or Level II credential within the five-year period of the preliminary credential. These ancillary requirements differ for individuals pursuing credential under the Ryan Act versus those who pursue the new SB 2042 credential. For Ryan candidates: 1) a 5<sup>th</sup> year of academic study including 30 semester units or completion of a Commission-approved induction program, and 2) coursework in health education, special education, and computer education. For individuals pursuing the SB 2042 credential, options to complete the professional clear include:

- a Commission-approved Professional Teacher Induction Program offered by a college or university;
- an approved induction program offered by a school district, county office or consortia, or
- a Beginning Teacher Support and Assessment Program that met the pre-SB 2042 standards and coursework meeting the health education, special education, advanced computer technology, and English language learner requirements (AB 1059).

Although completion of an induction program is the preferred route to a professional clear credential for individuals pursuing an SB 2042 credential, current law continues to provide that the candidate may obtain a professional clear credential by completing the equivalent of one academic year of student post-baccalaureate coursework, including work that meets the statutory requirements for advanced health, special education, computer technology, and coursework or exam to meet the requirements of AB 1059 with respect to English language learners.

The completion of an individualized induction plan is required for candidates pursuing the Professional Level II Education Specialist Credential. The Professional Clear Multiple or Single Subject Credential and the Professional Level II Education Specialist Credential are issued for a maximum of five years and are renewable upon completion of 150 hours of professional development.

The Commission has established a set of requirements for the Preliminary and Professional Clear credentials for each of the three basic credential categories described above. A list of the



credential requirements for the Multiple Subject, Single Subject, and Education Specialist credentials is included in Table 1 on the following page.<sup>2</sup> Because this report is for the reporting period 2001-02, the requirements for obtaining a professional clear multiple or single subject credential under the provisions of the Ryan Act are reflected in the chart. Future charts will include SB 2042 requirements.

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<sup>2</sup> Detailed information about requirements for the preliminary or professional clear teaching credential may be found at [www.ctc.ca.gov/credentialinfo/credinfo.html](http://www.ctc.ca.gov/credentialinfo/credinfo.html).

**Table 1: Requirements for the Multiple Subject, Single Subject, and Education Specialist Credentials, 2001-02**

Preliminary		Professional Clear	
Document Name	Requirements	Document Name	Requirements
Preliminary Multiple Subject Teaching Credential	<ul style="list-style-type: none"> <li>A baccalaureate or higher degree in a content area other than education from a regionally accredited college or university;</li> <li>Verification of subject matter competence by the passage of a subject-matter examination or completion of a Commission approved subject-matter program*</li> <li>Completion of a professional teacher preparation program including student teaching and formal recommendation by the program sponsor</li> <li>Passage of the California Basic Educational Skills Test (CBEST);</li> <li>Completion of a comprehensive reading instruction course; Passage of the Reading Instruction Competence Assessment (RICA); and</li> <li>Successful completion of a course or passage of an exam on the provisions and principles of the United States Constitution.</li> </ul>	Professional Clear Multiple Subject Teaching Credential	<ul style="list-style-type: none"> <li>All the requirements for the Preliminary Multiple Subject Teaching Credential and</li> <li>Completion of a 5th year of study and recommendation by a California teacher preparation program sponsor with a Commission-accredited program;</li> <li>Successful completion of course in health education (Mainstreaming)</li> <li>Successful completion of one or more courses on computer education</li> </ul>
Preliminary Single Subject Teaching Credential	<ul style="list-style-type: none"> <li>A baccalaureate or higher degree in a content area other than education from a regionally accredited college or university;</li> <li>Verification of subject matter competence by the passage of a subject-matter examination or completion of a Commission approved subject-matter program*</li> <li>Completion of a professional teacher preparation program including student teaching and formal recommendation by the program sponsor</li> <li>Passage of the California Basic Educational Skills Test (CBEST);</li> <li>Completion of a comprehensive reading instruction course</li> <li>Successful completion of a course or passage of an exam on the provisions and principles of the United States Constitution.</li> </ul>	Professional Clear Single Subject Teaching Credential	<ul style="list-style-type: none"> <li>All the requirements for the Preliminary Single Subject Teaching Credential and</li> <li>Completion of a 5th year of study and recommendation by a California teacher preparation program sponsor with a Commission-accredited program;</li> <li>Successful completion of course in health education</li> <li>Successful completion of a course in Special Education (Mainstreaming); and</li> <li>Successful completion of one or more courses on computer education</li> </ul>
Preliminary Level I Education Specialist Instruction Credential	<ul style="list-style-type: none"> <li>A baccalaureate or higher degree from a regionally accredited college or university;</li> <li>Verification of subject matter competence by the passage of a subject-matter examination or completion of a Commission approved subject-matter program</li> <li>Completion of a professional Education Specialist preparation program including student teaching and formal recommendation by the program sponsor</li> <li>Passage of the California Basic Educational Skills Test (CBEST);</li> <li>Completion of a comprehensive reading instruction course; Passage of the Reading Instruction Competence Assessment (RICA);</li> <li>Completion of a course or passage of an exam on the provisions and principles of the United States Constitution; and</li> <li>An offer of employment from a local education agency.</li> </ul>	Professional Clear Level II Education Specialist Instruction Credential	<ul style="list-style-type: none"> <li>All the requirements for the Preliminary Level I Education Specialist Teaching Credential and</li> <li>Completion of an individualized induction plan</li> <li>Successful completion of course in health education</li> <li>Successful completion of one or more courses on computer education</li> <li>Verification of two years of successful experience                             <ul style="list-style-type: none"> <li>Formal recommendation by the California teacher preparation program sponsor with a Commission-accredited program through which the induction plan was completed.</li> </ul> </li> </ul>

\* To ensure alignment with the No Child Left Behind Act, the Commission on Teacher Credentialing is currently considering modifications to the means by which candidates can verify subject matter competence.

## Specific Assessment Requirements

California uses a variety of examinations to assess candidates' competencies in basic skills, subject matter proficiency, and professional knowledge. At the time of writing this report, several policy changes have either been implemented or are anticipated to be implemented related to the assessment of teacher candidates in California and will affect future Title II reporting. As such, this section discusses (1) the assessment requirements for the reporting period 2001-02; (2) the transition to a new subject matter examination program, the California Subject Examination for Teachers (CSET); and (3) future assessment requirements including anticipated changes related to alignment with the federal Public Law 107-110: No Child Left Behind Act (NCLB).

### *Requirements for 2001-02 Reporting Period*

The Commission operates one of the largest educator-testing systems in the country with over 200,000 individual examinations administered each year. All candidates are required to pass basic skills assessment in order to obtain a preliminary or professional clear teaching credential. California law requires candidates to demonstrate subject matter knowledge by passage of a Commission-approved subject-matter assessment or by completing a Commission-approved subject-matter program of coursework in the field in which they will be teaching. Additionally, the State requires new Multiple Subject and Education Specialist Credential candidates to demonstrate professional knowledge and competency in reading instruction prior to attaining a preliminary or professional clear credential.

For initial teacher certification or licensure, California uses the following written tests or performance assessments, with passing scores as noted:

### *Assessment of Basic Skills*

Test Name	State Cut Score	Test Score Range
California Basic Educational Skills Test (CBEST) in three sections: <ul style="list-style-type: none"><li>▪ Math</li><li>▪ Reading</li><li>▪ Writing</li></ul>	41 in each of three sections (Scores as low as 37 are acceptable if the total score is at least 123)	20-80 for each section

The California Basic Educational Skills Test (CBEST) provides an assessment of a candidate's basic knowledge and skills in reading, mathematics, and writing that are necessary for the teaching profession. These skills are usually acquired through academic experience in high school or in the course of completing baccalaureate degree requirements.

While California Education Code Section 44252 (f) requires candidates to take the CBEST prior to admission to a program of professional preparation, passage of the examination is not required for entry into the state's teacher preparation programs. Programs are required to assure that candidates demonstrate proficiency in basic skills before advancing them to daily student teaching responsibilities. Candidates admitted to University or District Internship programs are required to pass the CBEST prior to assuming their intern teaching responsibilities (California

Education Code Section 44252 (b)). *All* candidates must pass the CBEST before they can be recommended for an initial credential.

*Assessment of Professional Knowledge and Pedagogy*

Test Name	State Cut Score	Test Score Range
Reading Instruction Competence Assessment (RICA)		
Written Examination	81	0-120
Video Performance Assessment	17	6-24

The Reading Instruction Competence Assessment (RICA) is designed specifically for testing professional knowledge acquired through a program of professional preparation. All multiple subject and special education programs are required to include instruction in the teaching of reading in their methodology courses.

The purpose of the RICA is to ensure that candidates for Multiple Subject Teaching Credentials and Education Specialist Instruction Credentials (Preliminary Level I or Professional Clear Level II) possess the necessary knowledge and skills for the provision of effective reading instruction to students. Candidates are required to demonstrate competence in each of the following domains:

- Planning and organizing reading instruction based on ongoing assessment;
- Developing phonological and other linguistic processes related to reading;
- Developing reading comprehension and promoting independent reading; and
- Supporting reading through oral and written language development.

The RICA consists of two assessment options: the RICA Written Examination and the RICA Video Performance Assessment. Candidates are required to pass one of these assessments. The Written Examination is a pencil and paper assessment that consists of multiple-choice and constructed-response questions. The Video Performance Assessment centers around a set of three candidate-created videotape packets that show the candidate teaching reading in a variety of settings: whole class, small group, and individual. Each video packet contains the videotaped instruction, a written instructional context form, and a written reflection form.

Candidates must pass RICA before they can be recommended for an initial credential, but passage is not required for candidates to complete a teacher preparation program. California Education Code Section 44283 requires that candidates for an initial Preliminary or Professional Clear Multiple Subject Teaching Credential and candidates for the initial Preliminary Level I or Professional Clear Level II Education Specialist Instruction Credentials (special education) pass the RICA prior to attaining their credential. Passage of this assessment is not a requirement for the Single Subject Teaching Credential.

*Assessment of Subject Matter Knowledge*

Significant changes are anticipated related to the demonstration of subject matter competence for all teacher candidates in order to align state requirements with the federal requirements under the NCLB Act. These changes are discussed later in this section and will also be included in future Title II reports. The section below addresses the requirements that were in place for the Title II reporting period 2001-02.

California requires candidates to be knowledgeable about the content area they will teach. Candidates who will teach multiple subjects in a self-contained classroom, generally in an elementary school setting, are required to demonstrate subject matter competency in elementary subjects, while candidates who will teach individual subjects in departmentalized classrooms are required to demonstrate subject matter competency in one of 16 specific content areas. Content knowledge is assessed prior to a candidate's entry into a program of professional preparation, and verification of subject matter competency is required prior to the commencement of student teaching.

For 2001-02, California verified a candidate's knowledge of an academic content area by one of two methods: achievement of a passing score on an appropriate subject matter examination or completion of a Commission-approved subject-matter program or its equivalent. The content area examinations measure the skills, knowledge, and abilities candidates have acquired in specific subject areas, and are not acquired in a teacher preparation program. Approximately 62% of Multiple Subjects credential candidates and 34% of Single Subject credential candidates choose the subject matter examination option to demonstrate subject matter expertise. All other candidates satisfy this requirement by completion of a Commission-approved subject matter program.

California utilizes a variety of subject matter assessments to verify academic content knowledge. These assessments are aligned with the specific content areas authorized in the following subject areas:

<b>California Credentials Single Subject Matter Areas (2001-02)</b>	
Multiple Subjects	Music
Agriculture	Physical Education
Art	Science: Biological Science
Business	Science: Biological Science (Specialized)*
English	Science: Chemistry
Health	Science: Chemistry (Specialized)*
Home Economics	Science: Geoscience
Industrial and Technology Education	Science: Geoscience (Specialized)*
Languages other than English	Science: Physics
Mathematics	Science: Physics (Specialized)*
Foundational Mathematics*	Social Science

\* *New Single Subject Teaching Credentials, adopted in 2003.*

On the next page, Table 2 lists the examinations that are used to verify subject matter competence for Multiple Subject Teaching Credentials, Single Subject Teaching Credentials, and Education Specialist Instruction Credentials. Some content areas require candidates to take more than one exam.<sup>3</sup>

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<sup>3</sup> Additional information about subject matter examinations may be found on the Commission's website at: [www.ctc.ca.gov/profserv/examinfo/examinfo.html](http://www.ctc.ca.gov/profserv/examinfo/examinfo.html).

**Table 2: Subject Matter Examinations for Preliminary Credentials**

Subject	Examination Name
<b>Multiple Subject Credential and Education Specialist Credential</b>	Multiple Subjects Assessment for Teachers (MSAT)
<b>Single Subject Credentials and Education Specialist Credential</b>	
Agriculture	SSAT Agriculture
Art	SSAT Art Praxis II Art Making Praxis II Art: Content, Traditions, Criticisms and Aesthetics
Business	SSAT Business
English	SSAT Literature & English Language Praxis II English Language, Literature and Composition: Essays
Health Science	SSAT Health Science
Home Economics	SSAT Home Economics
Industrial & Technology Education	SSAT Industrial and Technology Education
Languages Other than English	
- French	SSAT French Praxis II French: Productive Language Skills Praxis II French: Linguistic Literary and Cultural Analysis
- German	SSAT German
- Japanese	SSAT Japanese
- Korean	SSAT Korean
- Mandarin	SSAT Mandarin
- Punjabi	SSAT Punjabi
- Russian	SSAT Russian
- Spanish	SSAT Spanish Praxis II Spanish: Productive Language Skills Praxis II Spanish: Linguistic, Literary and Cultural Analysis
- Vietnamese	SSAT Vietnamese
Mathematics	SSAT Mathematics Praxis II Mathematics: Proofs, Models and Problems, Part 1 Praxis II Mathematics: Proofs, Models and Problems, Part 2
Music	SSAT Music Praxis II Music: Concepts and Processes Praxis II Music: Analysis
Physical Education	SSAT Physical Education Praxis II PE: Movement Forms – Video Evaluation Praxis II PE: Movement Forms – Analysis & Design
Science	SSAT General Science <i>Plus</i> :
- Biological Science	SSAT Biology Praxis II Biology: Content Essays Praxis II General Science: Content Essays
- Chemistry	SSAT Chemistry Praxis II Chemistry: Content Essays Praxis II General Science: Content Essays
- Geosciences	SSAT Geoscience Praxis II General Science: Content Essays
- Physics	SSAT Physics Praxis II Physics: Content Essays Praxis II General Science: Content Essays
Social Science	SSAT Social Science Praxis II Social Studies: Analytical Essays Praxis II Social Studies: Interpretation of Materials

*Performance Assessments*

Test Name	State Cut Score	Test Score Range
Reading Instruction Competence Assessment (RICA)		
Video Performance Assessment Option	17	6-24

As noted above, the Reading Instruction Competence Assessment is designed to test professional knowledge about the instruction of reading. Candidates have the option of taking the exam by either written examination or by a video performance assessment. Both options test the same sets of skills and knowledge in four domain areas. The Video Performance Assessment requires candidates to create three separate videotape packets that show the candidate teaching reading in a variety of settings: whole class, small group, and individual. Only about 1% of candidates utilizes the video performance option when taking the RICA.

*Transition to the California Subject Examination for Teachers (CSET)*

In January of 2003, the first administration of the California Subject Examination for Teachers (CSET) was offered. All teacher candidates satisfying the Multiple Subjects, English, Mathematics, Science, or Social Science subject matter requirement for California certification by examination will now have to take the CSET. A brief transition period for those candidates who have taken and passed various parts of the Single Subject Assessment for Teaching/Praxis II test was offered to allow those candidates final opportunities to pass the remainder of the relevant tests before being required to take the CSET examination beginning July 1, 2003. Future Title II reports will include pass rate data for CSET.

Currently, the Commission is developing new subject matter requirements and standards in the areas of music, physical education, languages other than English, and art. Alignment of the subject matter requirements and standards with the CSET examination for these four subject areas is also under development, and will be available to teacher candidates in fall 2004.

*Future Assessment Requirements*

California State law requires that teacher preparation programs include a performance assessment of each Preliminary Multiple and Single Subject Credential candidate's teaching ability. The Commission has completed the development of a model teaching performance assessment, the California Teaching Performance Assessment (CA TPA), that program sponsors may choose to embed in their programs. Pilot testing and field review of the model that includes both formative assessment data as well as summative assessment data for each credential candidate have been conducted. The assessment system includes a set of performance tasks and task-specific rubrics, assessor training, and administrator training. Alternatively, program sponsors may choose to develop their own teaching performance assessments. This assessment is discussed further in the next section of this report.



*No Child Left Behind Related Actions*

During the summer of 2003, the California State Board of Education adopted a State Plan for addressing the requirements of the federal Public Law 107-110: No Child Left Behind Act (NCLB). The Commission on Teacher Credentialing, at its August meeting, took several actions in order to align credentialing requirements with the State Board adopted plan and the No Child Left Behind Act requirements. The State's Board's NCLB State Plan clarifies that all elementary teachers who are "new to the profession" are required by the federal regulations to demonstrate their subject matter competence by passing an examination. As such, the Commission voted to adopt in concept a requirement that all new elementary teachers pass a Commission-approved subject matter test. The only currently approved examination is the California Subject Examination for Teachers: Multiple Subjects. Implementation issues surrounding this concept will be considered at the Commission's October meeting. Teachers "not new to the profession" who had previously satisfied the subject matter requirement through completion of a State-approved subject matter program and now must demonstrate subject matter mastery under the NCLB definition will also have the option to take and pass the CSET examination in order to demonstrate that subject matter mastery.

## ***Alignment of Standards & Assessments***

This section of the report provides a brief background of California's recent teacher preparation reform effort including a description of state standards for programs and teachers. Further, this section describes the alignment between teacher certification requirements and assessments and the standards and performance assessments established for California public school children.

### **Teacher Preparation Reform in California**

Efforts to reform California's credential system began in 1992 when the Governor and the Legislature enacted legislation (SB 1422, Chapter 1245, Statutes of 1992, Bergeson) calling for the Commission on Teacher Credentialing to complete a comprehensive review of the requirements for earning and renewing teaching credentials. The Commission conducted a systematic study that included the appointment of an advisory panel to examine credential requirements and make recommendations for reform and restructuring.

As a result of the recommendations of the SB 1422 advisory panel, the Commission sponsored omnibus legislation in 1998 (SB 2042, Chapter 548, Alpert/Mazzoni) that called for:

- The implementation of new standards to govern all aspects of teacher development, including subject matter studies, professional preparation, induction, and continuing growth;
- The creation of a two-tiered teaching credential that would establish the completion of a standards-based induction program as a path to the Level II or Professional Clear credential;
- Increased accountability by building a teaching performance assessment into initial teacher preparation;
- The alignment of all teacher preparation standards with California's K-12 academic content standards for Students and the *California Standards for the Teaching Profession*; and
- The establishment of multiple routes into teaching that will meet the same high standards, including programs that "blend" pedagogy and subject matter courses into a single program.

The passage of SB 2042 served as the impetus for an extensive standards and assessment development effort designed to significantly improve the preparation of K-12 teacher candidates. Pursuant to statute, the new standards are aligned with the academic *Content Standards for California Public Schools K-12* and with the *California Standards for the Teaching Profession*. This alignment extends to subject-matter exams, creating stronger linkages between the content of the undergraduate subject matter programs and the subject-matter examinations that candidates may take in lieu of those programs.

After extensive input from California educators, administrators and policymakers, the Commission adopted four sets of new standards.<sup>4</sup> They are as follows:

- Standards of Quality and Effectiveness for Elementary Subject Matter Preparation, adopted September 2001.
- Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, adopted September 2001.
- Standards of Quality and Effectiveness for Blended Programs of Undergraduate Teacher Preparation, adopted October 2001.
- Standards of Quality and Effectiveness for Professional Teacher Induction Programs, adopted March 2002.

Standards that govern the preparation of teachers working with special needs students were reviewed in 1996-1997. This review resulted in the establishment of standards for the Preliminary Level I Education Specialist Instruction Credential and the Professional Clear Level II Education Specialist Credential architecture that is currently in place.

In June of 2002, the professional teacher induction programs standards were also approved by the Superintendent of Public Instruction in accordance with California law.

During the two-year implementation period from 2001 to 2003, all currently approved Elementary Subject Matter Preparation Programs and all currently accredited Multiple and Single Subject Teacher Preparation programs, including Blended Programs, as well as all induction programs are required to submit program documents to the Commission demonstrating how each program meets the applicable new standards under SB 2042. All programs must implement the new standards by December 31, 2003.

## **Standards and Criteria for Teacher Certification**

### *Standards for Prospective Teachers*

Subject matter preparation program standards exist in each of the following single-subject content areas: Agriculture, Art, Business, English, Health, Science, Home Economics, Industrial and Technology Education, Languages other than English, Mathematics, Music, Physical Education, Social Science, Driver Training, and Multiple Subjects (Elementary School Teaching).

Through its accreditation review process, the Commission holds institutions accountable for ensuring that programs meet standards of quality and effectiveness and for ensuring that candidates meet prescribed competence standards.

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<sup>4</sup> Information about the Commission's new standards may be found at [www.ctc.ca.gov/profserv/progstan.html](http://www.ctc.ca.gov/profserv/progstan.html).

In addition to the requirements identified in the *Teacher Certification in California* section of this report, the Commission has established Teaching Performance Expectations that describe what beginning teachers should know and be able to do regardless of pupil level or content area. These unique, overarching standards define the levels of pedagogical competence and performance that the Commission expects all candidates to attain as a condition for earning an initial teaching credential.<sup>5</sup> The Commission expects institutions to verify individual attainment of the standards prior to recommending a candidate for a teaching credential. Institutions and districts offering programs of professional preparation are expected to assess candidates in the following areas:

- Making Subject Matter Comprehensible to Students;
- Assessing Student Learning;
- Engaging and Supporting Students in Learning;
- Planning Instruction and Designing Learning Experiences for Students;
- Creating and Maintaining Effective Environments for Student Learning; and
- Developing as a Professional Educator.

The Commission requires institutions to determine that candidates have fulfilled the standards of professional competence. The teaching performance expectations described above form the basis for the development of teaching performance assessments that will be required for the Preliminary credential for all multiple subject and single subject candidates. Under SB 2042 performance assessment will be embedded in preparation programs. Consistent with California law, teacher preparation programs may develop their own assessment or may use the California Commission on Teacher Credentialing developed model, the California Teacher Performance Assessment (CA TPA). The model will provide the teacher candidate with both formative as well as summative assessment data. The formative data will consist of detailed feedback that will assist candidates in documenting the quality of their teaching and focus on those aspects of teaching in which they need further development and support. The summative data will indicate the degree to which candidates have successfully accomplished the performance tasks that comprise the CA TPA. All candidates will need to pass a performance assessment in order to be recommended for a preliminary credential.

The passage of SB 2042 in 1998 resulted in the adoption of new standards for teacher preparation that ensure the alignment of subject matter, preparation and induction standards for teachers with California's K-12 academic content standards. These standards were designed specifically to ensure that teacher preparation programs adequately prepare prospective teachers

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<sup>5</sup> A detailed description of the standards may found in the following documents:

*Standards of Quality and Effectiveness for Professional Teacher Preparation Programs*. California Commission on Teacher Credentialing. This document is available online at:  
[www.ctc.ca.gov/SB2042/SB2042\\_info.html](http://www.ctc.ca.gov/SB2042/SB2042_info.html).

*Standards of Quality and Effectiveness for Education Specialist Credential Programs*, Published by the California Commission on Teacher Credentialing, December 1996. Available on line at  
[www.ctc.ca.gov/educator-standards/specped.pdf](http://www.ctc.ca.gov/educator-standards/specped.pdf)

to effectively teach all students the content of the K-12 academic content standards and to use state-adopted instructional materials.

The Standards of Quality and Effectiveness for Teacher Preparation Programs include standards related to: program design, governance, and qualities; preparation to teach curriculum to all students in California schools; preparation to teach all students in California schools; and supervised field work. These standards cover critical areas such as classroom management, reading instruction, child development, assessing students in relation to the K-12 academic content standards, intervening to help students meet the K-12 standards, computer skills, students with special needs, and English learners.

Under SB 2042, emphasis programs that authorize candidates to work with certain populations are being reexamined. It is expected that the Early Childhood Education and the Middle Grades Emphasis programs will continue and their content will be integrated into program elements of the applicable new standards.

In addition, in California, teachers of English Language Learners must hold an appropriate credential document authorization for English language development, specially designed academic instruction delivered in English, or content instruction delivered in the primary language. These programs, which include the Crosscultural, Language, and Academic Development (CLAD) and Bilingual, Crosscultural, Language and Academic Development (BCLAD) programs will need to be reconfigured to conform to changes in applicable law. All Multiple and Single Subject programs that receive SB 2042 approval will also include instruction for the teaching of English Learners in the general education classroom, pursuant to AB 1059 (Chapter 711, Ducheny, Statutes of 1999).

The Standards of Program Quality and Effectiveness for the Subject Matter Requirement for the Multiple Subject Teaching Credential include standards related to: the substance of subject matter program curriculum; qualities of the subject matter program curriculum; leadership and implementation of the subject matter programs; and content specifications for the subject matter requirement for the multiple subject teaching credential.

In June 2002, the Commission adopted new subject matter requirements for Mathematics, Science, History/Social Science, and English/Language Arts. These requirements are aligned with the state student content standards as well as standards established by national teacher associations in each subject area (i.e., National Council of Teachers of Mathematics, National Council for the Social Sciences, National Council of Teachers of English, National Science Teachers Association.) The teacher certification standards for these subject areas have been completed and assessments for teacher candidates in those subject areas are now fully aligned with the new subject matter requirements. In addition, the Commission is currently developing new subject matter requirements and standards in four additional subject areas – art, languages other than English, music, and physical education. Fully aligned subject matter assessments in these four areas are currently under development and are expected to be available to teacher candidates in the fall of 2004.

And finally, the Standards of Quality and Effectiveness for Blended Programs of Undergraduate Teacher Preparation programs were adopted at the Commission's October 2001 meeting. These

standards have also been appended to the standards for Elementary Subject Matter Preparation and Professional Teacher Preparation Standards.

The Commission anticipates that the new standards will be implemented by all teacher preparation programs by no later than December 31, 2003.

### *Standards for Practicing Teachers*

In 1997, the Commission and the State Board of Education adopted, and the Superintendent of Public Instruction approved the *California Standards for the Teaching Profession* setting forth the standards for professional teaching practice in California. The standards were developed to facilitate the induction of beginning teachers into their professional roles and responsibilities by providing a common language and a vision of the scope and complexity of teaching. The *California Standards for the Teaching Profession* guide teachers as they define and develop their practice.<sup>6</sup>

Under SB 2042, the new two-tiered credentialing system includes a two-year induction period as a path to earning the Professional Clear Credential. Teachers who hold a preliminary credential and are pursuing this path to the Professional Clear credential must complete the two-year teacher induction program of support and formative assessment during their first two years of teaching.

In March 2002, the Commission adopted Standards of Quality and Effectiveness for Professional Teacher Induction Programs. These standards establish the expectations of the Commission and the Superintendent of Public Instruction for new teacher induction. By design, these standards, coupled with standards for subject matter preparation and standards for professional teacher preparation, reflect a learning to teach continuum. Only induction programs that meet these standards may recommend candidates for a Professional Teaching Credential.

In California induction programs may be offered by public and private K-12 school districts, county offices of education, and/or institutions of higher education. Local educational agencies may apply for and receive state funding to support induction programs through the Beginning Teacher Support and Assessment Program (BTSA), a program that is administered jointly by the Commission and the California Department of Education.

The Commission is currently in the process of approving the transition of California's approximately 150 BTSA programs to programs that are aligned with SB 2042 and the Commission's adopted standards for professional teacher induction programs. The Commission anticipates that the approval process for existing programs will be complete by the end of 2003. New programs of induction may be considered for approval by the Commission after December 31, 2003.

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<sup>6</sup> Additional information about the *California Standards for the Teaching Profession* may be found at the following website: [www.ctc.ca.gov/estppublication/estpreport.html](http://www.ctc.ca.gov/estppublication/estpreport.html)

## ***Standards and Assessments for Students in Public Schools***

The California State Board of Education has adopted a set of core academic content standards in four curriculum areas for students in kindergarten through grade 12: English-language arts, mathematics, history-social science, and science. The K-12 academic content standards are the basis for the subject matter frameworks, the adoption of instructional materials, and the standards-aligned tests in California's student performance assessment system.<sup>7</sup>

California's student assessment system, the California Standardized Testing and Reporting (STAR) program, was authorized by the governor and the Legislature in 1997. The STAR program currently has four components: (1) the California Achievement Test, Sixth Edition Survey (CAT/6), published by CTB/McGraw-Hill; (2) the California Standards Test (CST) produced for California public schools; (3) California Alternative Performance Assessment (CAPA), a new assessment for students with significant cognitive disabilities, who are not able to take the CSTs or the CAT/6; and (4) the Spanish Assessment of Basic Education, Second Edition (SABE/2), an achievement test designed for students whose native language is Spanish.

During the reporting period 2001-02, the Stanford 9 (SAT 9) was used rather than the CAT/6. The SAT 9 is a nationally normed multiple-choice achievement test. Public school students in grades 2 - 11 are tested in reading, language (written expression) and mathematics. Students in grades 2 - 8 are also tested in spelling, and students in grades 9 - 11 are tested in science and social science. The purpose of the SAT 9 was to determine how well California students are achieving academically compared to the national norm group of students tested. Beginning in 2003, the SAT 9 was replaced with the California Achievement Test, Sixth Edition Survey (CAT/6). It too is a nationally normed referenced test used to compare how California students are doing in relation to students of the same grade level nationwide.

The California Standards Tests in English language arts, mathematics, science, and history-social science are comprised of items that were developed specifically to assess students' performance on California's content standards. The State Board of Education adopted the content standards that specify what all California children are expected to know and be able to do. The content standards are grade and course specific.

### **Alignment of Teacher Credential Standards with California Student Content Standards**

SB 2042 requires that each candidate recommended for a credential or certificate demonstrate satisfactory ability to assist students to meet or exceed state content and performance standards for pupils adopted pursuant to subdivision (a) of California Education Code Section 60605. The new, standards-based credential system is intended to hold programs and candidates accountable for teaching and learning and reflect congruence with California's K-12 academic content standards. Each of the various pathways to earning a preliminary credential – integrated programs of subject matter preparation and professional preparation, postbaccalaureate programs of professional preparation, and internship programs of professional preparation – reflect this requirement.

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<sup>7</sup> Additional information about California's academic content standards for students may be found at: [www.cde.ca.gov/board](http://www.cde.ca.gov/board)

## ***Statewide and Institutional Pass Rates***

This section of the report provides statewide information about the number of individuals who completed programs of professional preparation in the 2001-2002 academic year and information about the performance of those candidates who took any assessments required for initial certification in California. The performance data are based on the institutional report card data submitted by the 85 postsecondary institutions and school districts that were approved by the Commission to offer Multiple Subject, Single Subject, and Education Specialist credential programs in California for the 2001-2002 academic year.

### **Statewide Assessments used for Certification**

In accordance to the federal reporting guidelines of the Higher Education Act, this report provides a ranking of institutions based on pass rates for the California Basic Educational Skills Test (CBEST), subject matter content examinations, and the Reading Instruction Competence Assessment (RICA). Table 3 on the next page indicates the specific California examinations used in the reporting of the assessment categories and a description of the State requirements for those examinations.

**Important Note:** The knowledge assessed by the CBEST and subject matter examinations is not typically acquired through the teacher preparation program. The verification of the basic skills and subject matter knowledge is required before advancement to the supervised classroom teaching portion of a teacher preparation program. The RICA is currently the only assessment required for certification that is designed to test the professional knowledge acquired through a program of professional preparation. Since passage of this exam is not a requirement for the Single Subject Teaching Credential, the performance data in this report are specific to candidates completing Multiple Subject and Education Specialist credential programs only.



**Table 3: Description of the Assessments Used in the Report 2001-02**

<b>Assessment Categories</b>	<b>Examination Description</b>	<b>Who must take the examination(s)</b>	<b>When passage of the examination(s) is required</b>
Basic Skills	CBEST -- the assessment of basic skills in reading, writing and math)	All multiple subject, single subject, and education specialist credential candidates	Before advancement to the supervised classroom teaching portion of the teacher preparation program
Professional Knowledge/Pedagogy	RICA -- the assessment of the skills and knowledge necessary for the effective teaching of reading	All multiple subject and education specialist credential candidates	Before recommendation for the credential
Academic Content Areas	Assessment of subject matter content knowledge (as specified by federal guidelines) -- SSAT and/or Praxis for art, English, languages other than English, math, music, social science, and sciences.	Any single subject or education specialist credential candidate who chooses the examination option in the specified content areas to fulfill the subject matter requirement for teachers	Before advancement to the supervised classroom teaching portion of the teacher preparation program
Other Content Areas	Assessment of subject matter content knowledge (as specified by federal guidelines) -- SSAT and/or Praxis for multiple subject (MSAT), agriculture, business, health science, home economics, industrial technology education, and physical education.	Any multiple subject, single subject or education specialist credential candidate who chooses the examination option in the specified content areas to fulfill the subject matter requirement for teachers	Before advancement to the supervised classroom teaching portion of the teacher preparation program

## **Institutional Pass-Rate Data for Academic Year 2001-2002**

Federal guidelines require states to include a quartile ranking of institutions based on pass-rate data of assessments used for initial certification or licensure. The quartile ranking for each teacher preparation program sponsor in the state is based on (1) the pass rate for each aggregate category of assessment, and (2) its summary pass rate. States are also required to report for each quartile the mean pass rate and the range. The summary pass rate calculations are based upon the number of candidates who took at least one assessment, and whether or not they passed all attempted assessments. The pass rates for the aggregate categories are based upon the number of candidates who attempted any assessment in the category and whether or not they passed all assessments they attempted in the category.

For purposes of the federal reporting, there is a distinction made between candidates who completed programs of teacher preparation and those recommended for credentials. Program completers are defined as candidates who completed all the academic requirements of a Commission-approved teacher preparation program. These requirements do not include any of the following State requirements:

- Possession of a baccalaureate degree or higher degree from a regionally-accredited institution of postsecondary education;
- Passage of the California Basic Educational Skills Test (CBEST);
- Completion of the subject matter requirement either by passing a subject matter examination or by completing a program of subject matter preparation;
- Completion of a course or passage of an examination in the principles and provisions of the United States Constitution;
- Passage of a criminal background screening as specified by the Commission;
- Passage of the Reading Instruction Competence Assessment (RICA) as a state requirement for the Multiple Subject Teaching Credential or the Education Specialist Credential (Level I).

The pass rate information in Appendix A represents aggregate data for candidates who have completed a teacher preparation program in California and have taken examinations to fulfill any of their credential requirements. Although California considers California's university and district intern programs to be equivalent to traditional programs associated with institutions of higher education, California's report this year includes pass rate data for alternative routes to certification separately from those of "traditional" programs, consistent with Title II requirements. Pass-rate information for programs with less than ten program completers was not included. The quartile rankings are based on the total number of "program completers" who took and passed the required examinations during the 2001-2002 academic year.

The procedures for developing the institutional rankings are explained in the National Center for Education Statistics manual entitled *Reference and Reporting Guide for*

*Preparing State and Institutional Reports on the Quality of Teacher Preparation.*<sup>8</sup> The methodology prescribed in the guide requires pass-rate percentages to be reported to the nearest whole percent, with ties to be included in the same quartile ranking. The resulting “adjusted quartiles” may not contain the same number of institutions within each quartile. Every institution in a given quartile has the same ranking.

**Caution should be exercised when interpreting aggregate pass rate data and quartile rankings for the summary and individual assessment categories.** Rankings on which quartile assignments are based may be somewhat unreliable given the narrow range of the pass rates for the summary and assessment categories. Also, not all “program completers” are required to take all the assessments reported and the assessments are taken in various stages of their preparation to become teachers.

Pass rates may be influenced by a number of variables including program size. One candidate's performance has a larger impact on smaller programs than on larger programs. For example, a program with 20 program completers would have a 100% overall pass rate and be in the first quartile if all of its program completers passed all the assessments they took for credentialing purposes (e.g., CBEST, subject matter tests, or RICA). But if one program completer did not pass all assessments, the institutional pass rate would be 95% and the program would be in the third quartile. If the same situation occurred in a program with 200 program completers, the overall pass rate would be 99.5%, and the program would remain in the first quartile.

Even though program sponsors ranked in the fourth quartile have lower pass rates than institutions in the upper quartiles, **institutions in the fourth quartile should not be considered low performing.** Overall program quality is determined by a variety of factors, including the extent to which programs meet standards of quality and effectiveness. The institutional reports included in Appendix B provide the necessary context for analyzing the merits and features of an individual teacher preparation program.

This year's report differs from previous reports in that pass-rate data for alternative certification programs are reported separately from pass rate data for traditional teacher preparation programs. Such reporting is consistent with Title II requirements.

The overall summary pass rates for program sponsors for traditional teacher preparation programs for the 2001-2002 academic year are high, from 93% to 100%, and the differences in the mean pass rates between quartiles are small. The overall summary pass rates for alternative preparation programs are similar, ranging from 91% to 100%. These pass rates are reasonable as the assessments used in the reporting are requirements for the credentialing of teachers, and “program completers” by definition have completed the academic coursework portion of their teacher preparation programs.

Pass rates for the RICA for traditional preparation programs range from 94% to 100%. Pass rates for the RICA for alternative routes to certification are similar ranging from

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<sup>8</sup> A copy of this guide is available on the following website: [www.title2.org/guide.htm](http://www.title2.org/guide.htm)

87% to 100%. Because the content of the RICA is taught during program coursework for Multiple Subject and Education Specialist (Level I) credentials, pass rates for this exam are high. As noted earlier, the content knowledge assessed by the CBEST and subject matter examinations is not acquired through the teacher preparation program. Due the nature of the CBEST and subject matter examinations, the expected pass rate was 100%. However, slight variances were found primarily due to administrative errors and/or reporting responsibilities.

***Statewide Certification data for 2001-2002***

**29,536** Total number of persons who received initial certification or licensure in the state during the 2001-2002 academic year. This number includes individuals who completed programs of professional preparation through a postsecondary institution or school district:

<b>Credential Type</b>	<b>Number</b>
Multiple Subject	18,259
Single Subject	8,936
Education Specialist	2,341

**5,629** Total number of persons above who completed their teacher preparation outside of California and received initial certification or licensure in California during the 2001-2002 academic year.

<b>Credential Type</b>	<b>Number</b>
Multiple Subject	2,640
Single Subject	2,497
Education Specialist	492

## ***Assessing the Performance of Preparation Programs***

The Commission maintains a comprehensive accreditation system that includes regular, rigorous reviews of the more than 80 colleges and universities and eight school districts that sponsor educator preparation programs. The Commission holds *all* teacher preparation programs to standards of quality and effectiveness.

This section of the report describes the Commission's accountability system and the criteria and procedures used for assessing the performance of teacher preparation programs within the State. By the end of 2003, the Commission anticipates that all accreditation of teacher preparation programs will conform to the provisions of SB 2042 and will have incorporated the standards of program quality and effectiveness adopted by the Commission in 2001 and 2002.

### **Criteria for Assessing the Performance of Teacher Preparation Programs**

The State has implemented criteria for assessing teacher preparation program performance that includes a set of required preconditions, including regional accreditation. The Commission has adopted a unitary accreditation system for the purpose of holding institutions accountable for the quality of their educator preparation programs. The Commission requires all sponsors of teacher preparation programs to meet the same standards of quality and effectiveness and believes that its standards for accreditation provide the strongest possible assurance that professional credentials are awarded only to individuals who have earned them.

The Commission's accreditation system is designed for the purposes of:

- Assuring the public, the students, and the profession that California's future educators have access to excellence in foundational studies, specialized preparation, and professional practice, and that these components of educator preparation are oriented to the needs of future elementary and secondary students;
- Ensuring that future educators have acquired the abilities and perspectives essential for service in public schools;
- Assuring that the preparation of future educators is appropriate for the assignments made in our public schools; and
- Contributing to a broader effort to enhance the personal stature and professional standing of all members of the education profession.

California's accreditation system is governed by an *Accreditation Framework* adopted by the Commission. This framework advances the quality of education preparation through the creation of an integrated accreditation and certification system. Under the

Commission's accreditation system, institutions are required to meet eight Common Standards of program quality and effectiveness that apply to all credential programs, and must also meet specific program standards of quality and effectiveness that apply to various educator preparation programs that may be offered.<sup>9</sup>

The State is in the process of implementing a standards-based teaching performance assessment that will be embedded in teacher preparation programs leading to a preliminary teaching credential.

### **Alignment with National Standards**

The Commission has established a partnership agreement with the National Council on the Accreditation of Teacher Education (NCATE) and regularly conducts merged accreditation visits for those institutions seeking national accreditation concurrently with state accreditation.

California's partnership with this national accrediting association provides for merged state and NCATE reviews of teacher education programs and institutions for the purpose of achieving savings in time, effort, and expense while promoting collaborative efforts to implement rigorous teacher preparation standards. One of the requirements of the agreement is for the State to demonstrate how its standards are aligned with the standards established by NCATE. For California institutions pursuing or seeking renewal of NCATE accreditation, the partnership has served to reduce the duplication of effort and paperwork that would otherwise occur under separate state and national reviews, by allowing institutions to submit a single set of documents for joint accreditation reviews.

### **Procedures for Evaluating Teacher Preparation Programs**

Accreditation visits are scheduled every five to seven years and are conducted for the purpose of ensuring that institutions offering educator preparation programs are meeting established standards. In preparing for an accreditation visit, institutions receive technical assistance from Commission staff. Accreditation visits are conducted by review

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<sup>9</sup> Additional information about the Commission's standards for educator preparation programs may be found in the following documents:

*Standards of Quality and Effectiveness for Multiple and Single Subject Credentials*, California Commission on Teacher Credentialing. This document is available online at [www.ctc.ca.gov/profserv/progstan.html](http://www.ctc.ca.gov/profserv/progstan.html).

*Accreditation Handbook*, California Commission on Teacher Credentialing. This document is available online at: [www.ctc.ca.gov/coa/coa.html](http://www.ctc.ca.gov/coa/coa.html).

*Accreditation Framework*, California Commission on Teacher Credentialing. This document is available online at [www.ctc.ca.gov/coa/coa.html](http://www.ctc.ca.gov/coa/coa.html).

teams consisting of two to fifteen trained volunteers who are appointed from higher education and K-12 and generally reflect the range of programs offered at the institution. During the course of the accreditation visit, the review team gathers information about the quality of the education unit and credential programs at the institutions. Sources of information include written documents and interviews with institutional administrators, program faculty, enrolled candidates, field supervisors, recent graduates, employers of graduates, and program advisors. At the conclusion of the accreditation visit, the review team submits its recommendation to the Commission's Committee on Accreditation, which has the statutory authority to make the accreditation decision.

After reviewing the recommendation of an accreditation team and an appropriate institutional response, the Committee on Accreditation makes a decision about the accreditation of educator preparation programs at an institution. The Accreditation Framework, which guides the accreditation process, calls for three categories of accreditation decisions: Accreditation, Accreditation with Stipulations, and Denial of Accreditation. Within that rubric, the Committee on Accreditation makes one of five decisions pertaining to each institution:

*Accreditation* – The institution has demonstrated that, when judged as a whole, it meets or exceeds the Common and Program Standards. The institution is judged to be effective in preparing educators and demonstrates overall quality in its programs and general operations.

*Accreditation with Technical Stipulations* – The institution has been found to have some Common Standards or Program Standards not met or not fully met. The deficiencies are primarily technical in nature and generally relate to operational, administrative, or procedural concerns. The institution is judged to be effective overall in preparing educators and general operations.

*Accreditation with Substantive Stipulations* – The institution has been found to have significant deficiencies in Common Standards or Program Standards. Areas of concern are tied to matters of curriculum, field experience, or candidate competence. The institution demonstrates quality and effectiveness in some of its credential programs and general operations, but effectiveness is reduced by the identified areas of concern.

*Accreditation with Probationary Stipulations* – The institution has been found to have serious deficiencies in Common Standards or Program Standards. Significant areas of concern tied to matters of curriculum, field experience, or candidate competence in one or more programs has been identified. A probationary stipulation may require that severely deficient programs be discontinued. The institution may demonstrate quality and effectiveness in some of its credential programs and general operations, but the effectiveness is overshadowed by the identified areas of concern.

*Denial of Accreditation* – The institution has been found to routinely ignore or violate the Common Standards or Program Standards. The institution does not have minimal quality and effectiveness in its credential programs and operations and the level of the competence of the individuals being recommended for credentials is in serious question. The denial of accreditation results in the removal of the authority for operating credential programs in California.

Institutions that are accredited with technical, substantive, or probationary stipulations are required to address the stipulations within one calendar year. Institutions are required to prepare a written report with appropriate documentation that the stipulations have been addressed. In the case of substantive or probationary stipulations, institutions are also required to prepare for a re-visit that focuses on the areas of concern noted by the accreditation team during the original visit. The report of the actions to address the stipulations and of the re-visit team is to be received and acted upon by the Committee on Accreditation within one calendar year of the original visit. Throughout this process, institutions receive technical assistance from Commission staff in developing responses and preparing for re-visits.

An institution receiving Denial of Accreditation is required to take immediate steps to close all credential programs at the end of the semester or quarter in which the Committee on Accreditation decision took place. The institution is required to file a plan of discontinuation within 90 days of the Committee's decision, which outlines the institution's effort to place enrolled students in other programs or provide adequate assistance to permit students to complete their particular programs. The institution is prohibited from re-applying for accreditation for two years and is required to make a formal application to the Committee on Accreditation that includes the submission of a complete institutional self-study report. The self-study must clearly show how the institution has attended to all problems noted in the accreditation team report that recommended Denial of Accreditation.

### **Criteria Used to Classify Programs as Low Performing**

The Committee on Accreditation monitors the quality of educator preparation programs through its accreditation system. Accreditation is granted to those institutions that meet the Commission's standards of quality and effectiveness. Institutions that do not meet Commission standards are precluded from offering educator preparation programs in California.

The State uses its accreditation procedures to identify and assist low-performing institutions and those at risk of becoming low performing programs of teacher preparation. For the purpose of meeting the requirements of Title II, section 208(a) of the Higher Education Act, California uses the following procedures and criteria concerning low performing institutions:



*Low Performing Institutions* - An institution that is determined by an accreditation review team and the Committee on Accreditation to have failed to meet the Commission's standards of quality and effectiveness would be designated as low-performing and would be denied accreditation. An institution denied accreditation is prohibited from offering teacher preparation programs in California for a minimum of two years. At the end of such time, the institution can reapply and is required to submit a formal application and demonstrate that the problems identified in the original review institution have been addressed.

*At Risk of Becoming Low Performing* – An institution that is determined by an accreditation review team and the Committee on Accreditation to receive Accreditation with Probationary Stipulations is at risk of becoming a Low Performing institution. Such an institution is required to respond to the stipulations and provide evidence within one calendar year that the concerns noted by the review team have been addressed. Institutions receiving Accreditation with Probationary Stipulations are required to have a re-visit that focuses on the areas of concern noted by the accreditation team during the original visit.

Currently, California has no teacher preparation programs classified as low performing or as being at risk of being so classified.

### **Current Activities**

The Commission on Teacher Credentialing is currently engaged in reviewing its accreditation policies, processes, and procedures to ensure that they provides the most efficient and effective means to ensure quality in teacher preparation programs in California. Consistent with California Education Code, the Commission enlisted an independent evaluator to examine the accreditation process and to make appropriate recommendations. The Commission is in the process of reviewing a wide range of information related to the accreditation process, including the impact of changes that have resulted or will result in the realignment of the accreditation process with the federal Public Law 107-110: No Child Left Behind Act (NCLB), and anticipated changes in the reauthorized Higher Education Act. As a result, modifications to the existing system are possible for the future. Any changes to the system will be reported in future Title II reports.

## ***Waivers of State Certification Requirements***

During the 2001-2002 academic year, there were over 300,000 full-time teachers teaching in California's public schools.<sup>10</sup> Census 2000 revealed what most Californians already knew -- that the state's population had grown dramatically over the past decade. That rapid growth was accompanied by similar growth in enrollment in the state's public school system, such that California public schools now educate approximately 6.1 million school children. Both the rapidity of the growth and the size of the school age population, coupled with natural attrition in the profession, contributed to a teacher shortage in the state. Although California instituted several important initiatives and programs to recruit, prepare and retain qualified teachers, California's teacher shortage created a need for many schools and school districts to meet staffing needs through the employment of individuals who do not hold a teaching credential.

It is important to note that significant dialogue and debate is currently occurring at the highest levels of state government around the critical issue of how schools and districts can continue to meet staffing needs in the absence of a highly qualified teacher, as defined by Public Law 107-110: No Child Left Behind Act (NCLB). The State Board of Education has adopted the State Plan for meeting the requirements of the NCLB and the Commission on Teacher Credentialing is currently considering numerous policy and programmatic changes in order to align credentialing requirements with NCLB. Included among these changes are significant discussions about emergency permits and waivers. The Commission is working with the State Board of Education, school districts, and others to determine the most effective and efficient means to phase out emergency permits. Future Title II reports will include information about both the actions of the State Board of Education and the Commission on Teacher Credentialing as it relates to NCLB and Title II reporting requirements.

For purposes of Title II reporting, this section of the report describes the policies that apply to persons teaching without full certification – policies and procedures that were in place for the reporting period 2001-02. Again, future Title II reports will include more information about any changes that are enacted.

### **Provisions for Persons Teaching Without Full Certification**

#### *Description of Waiver Categories*

The Commission uses three types of documents that “waive” state credential requirements and authorize non-credentialed individuals to teach in public schools: Pre-Intern Certificates, Emergency Permits, and Credential Waivers. Schools and school districts utilize these documents when they are unable to fill vacancies with credentialed individuals.

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<sup>10</sup> *Fact Book 2003 – Handbook of Education Information*, California Department of Education, 2003.

Table 4 describes the different categories and terms California uses for temporary waivers of state certification requirements.<sup>11</sup> Each of the documents described below requires individuals to make progress toward completing the requirements for earning a teaching credential while providing schools and school districts with flexibility in handling short-term and unanticipated staffing needs when credentialed individuals are unavailable.

#### *Determination of Need*

Schools or school districts that determine a need to hire personnel on an Emergency Permit or Waiver must submit a request in writing before the Commission will consider granting it. The Commission requires local employing agencies to file a Declaration of Need for Fully Qualified Educators with the Commission if they anticipate a need to hire non-credentialed individuals to temporarily fill teaching positions. Once the Declaration is on file, the employer may apply for emergency permits for qualified individuals. Employers who find the need to request a waiver of credential requirements in order to hire an individual to fill a short-term staffing need must secure local board approval prior to applying for a waiver. **Candidates may not apply directly to the Commission for these documents.**

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<sup>11</sup> Additional information about Emergency Permits and waivers may be found on line at: [www.ctc.ca.gov/credentialinfo/credinfo.html](http://www.ctc.ca.gov/credentialinfo/credinfo.html)

**Table 4: Waivers of Credential Requirements 2001-2002**

Category name:	Duration	Times renewable	Description, including requirements:
Pre-Intern Certificate	1 Year	1	<p>The Pre-Intern Certificate is available to participants in approved pre-intern programs conducted by school districts and county offices of education. Individuals in a Pre-Intern Program have not met subject-matter requirements for entry into a credential program.</p> <p>Requirements:</p> <p>Possession of a baccalaureate or higher degree from a regionally accredited college or university; and</p> <p>Passage of the CBEST</p> <p>Specific subject matter requirements apply, depending on certificate requested.</p>
Emergency Permit	1 Year	4	<p>Emergency permits are valid for one year and authorize the holder to provide the same service as a full teaching credential. Employers applying on behalf of individuals for any of these permits must verify that those individuals have met several requirements before they may receive the permit. Some of these requirements are general to all types of emergency permits, while others are specific to the permit requested. All emergency permits require the holder to complete specific requirements in order to be eligible for a re-issuance of the emergency permit for another year.</p> <p>Requirements</p> <p>Possession of a baccalaureate or higher degree from a regionally accredited college or university; and</p> <p>Passage of the CBEST</p> <p>Specific subject matter requirements apply, depending on the permit requested</p>
Credential Waiver	Variable	1-3	<p>Credential waivers are utilized to fill certificated positions when more qualified individuals are not available. Employing agencies are permitted to request a credential waiver only when qualified individuals and interns are unavailable and the employer is unable to find an individual who qualifies for an emergency permit. Waivers are generally issued for one calendar year and the individual on the waiver must demonstrate progress toward a credential by completing an examination or coursework toward the credential before the employer can be granted a subsequent waiver.</p>

## Information on Waivers of State Certification or Licensure Requirements

The table below presents the aggregate number of individuals holding Pre-Intern Certificates, Emergency Permits, or Credential Waivers for each school district and for each grade level and subject area as of October 1, 2002. Individuals holding these documents serve in full-time, part-time, or long-term substitute teaching assignments. The table does not include the number of individuals who serve as day-to-day substitute teachers. Totals for individual subject areas may be higher than state totals due to individuals who are authorized to teach in more than one subject area. For example, the authorization for Bilingual Education requires certification in an additional subject area.

**Table 5: Classroom Teachers with Waivers, by Category as of October 1, 2002**

Reporting Categories	Total Number of Teachers <sup>12</sup>	Number of Teachers Not Fully Certified <sup>13</sup>	Number of Teachers Not Fully Certified but with Content Expertise <sup>14</sup>
State Totals	309,773	30,899	29,204
High-Poverty Districts <sup>15</sup>	94,897	13,229	13,047
All other Districts <sup>16</sup>	214,876	17,670	16,157
<b>Elementary Education</b>	142,593	12,584	12,500
Arts -- All levels	3,777	250	245
Bilingual Education/ESL -- All levels	154,650	6,302	6,274
Special Education -- All levels	26,451	7,350	3,827
Career/Technical Education -- All levels	5,388	8	8
English/Language Arts -- Middle, Jr. High, High School.	27,789	2,442	2,425
Foreign Language Arts -- Middle, Jr. High, High School.	5,238	658	626
Mathematics -- Middle, Jr. High, High School.	18,273	2,342	2,256
Science -- Middle, Jr. High, High School.	14,121	1,926	1,898
Social Studies -- Middle, Jr. High, High School.	15,451	1,502	1,496

<sup>12</sup> Data for "Total Number of Teachers" was obtained from the California Department of Education, California Basic Educational Data System (CBEDS) and is defined in Full Time Equivalent (FTE).

<sup>13</sup> Due to the possibility of a persons holding more than one credentialing document, counts for the demographic breakouts (e.g. Elementary Education, Art, etc.) may add up to more than the total.

<sup>14</sup> The numbers reported are consistent with the definition of content expertise in place during the response period. Future reports will be adjusted to reflect any changes that are enacted, as appropriate.

<sup>15</sup> The list of high-poverty districts in California may be found at: [www.title2.org/HighPoverty.htm](http://www.title2.org/HighPoverty.htm)

<sup>16</sup> A list of California's 1,054 school districts may be found at: [www.cde.ca.gov/schooldir](http://www.cde.ca.gov/schooldir)

## ***Alternative Paths to Certification***

In recent years, California's teacher shortage challenge has prompted significant public debate about the manner in which California recruits, prepares, and retains talented individuals in the teaching profession. California's governor and members of the Legislature have focused attention on identifying barriers that individuals face in becoming fully credentialed teachers and, as a result, have implemented a broad range of credential pathways. There is widespread recognition that the traditional route to a teaching credential, that is, a post-baccalaureate teacher preparation program, is often difficult, if not impossible for many prospective teachers. In particular, non-traditional students such as those with maturity, those making career changes, those with family obligations, or those who cannot afford to forfeit crucial income while they complete their credential requirements, may find the traditional route to be especially onerous. In many cases, these programs appeal to individuals with a good deal of work experience in other fields and for whom traditional teacher preparation programs (those with coursework followed by student teaching) may be less suited than an integrated, experiential-based program. Without options, otherwise talented individuals, many of whom have specialized skills in selected subject areas, may be dissuaded from pursuing a career in teaching.

Within the California context, it is critical to distinguish between alternative certification and alternative paths or routes to certification. While California has *alternative paths* to the teaching credential, it does not have *alternative credentials*. As previously discussed, there are four types of teaching credentials in California: (1) Multiple Subject; (2) Single Subject; (3) Education Specialist; and (4) Designated Subjects Credential. Regardless of whether an individual has met all the necessary requirements for one of the four types of teaching credentials through the traditional means of completing a one-year postbaccalaureate program at an institution of higher education, a four to five year "blended" program that allows for the concurrent completion of subject matter and professional preparation, or a district or university sponsored intern program, the credentials issued are identical. Further, all programs, including intern programs, are required to meet uniform standards of program quality and effectiveness established by the Commission. All programs include instruction in pedagogy and supervised teaching experiences. All programs are required to ensure that prospective teachers meet the teaching performance expectations prior to completing the program.

Perhaps the most common alternative route to teaching in California is enrollment in an internship program. Internship programs are designed to provide formal teacher preparation to qualifying individuals concurrent with their first year or two of paid teaching. Interns benefit from a close linkage between their teacher preparation and classroom experience, as they are able to immediately put newly acquired skills and knowledge into practice in the classroom. California offers two types of internship programs, those offered by universities and those offered by school districts.

University internship programs are programs in which school districts, county office of education, and universities cooperate in providing one- or two-year internships leading to basic teaching credentials, specialist teaching credentials, and service credentials. School districts and county offices of education collaborate with local universities in the planning and implementation of professional instruction, support, supervision, and assessment of interns.

District intern programs are two-year programs operated by local school districts or county offices of education in consultation with accredited colleges and universities. These interns acquire teaching credentials by completing on-the-job training coupled with intensive professional development. Districts are required to provide each intern with the support and assistance of a mentor teacher or other experienced educator, and to create a professional development plan for the interns in the program.

The Commission, in association with the Sacramento County Office of Education, also administers the Troops to Teachers Program. In addition, the Commission administers the Paraprofessional Training Program that is designed to assist para-educators in becoming certificated classroom teachers, and the Pre-Intern Program which assists candidates in meeting the subject matter requirements for credentialing. Together, this network of programs has assisted California by expanding the pool of prospective teachers, assisted districts in addressing teacher shortage, and assisted individuals by facilitating the process of becoming a fully credentialed teacher in California. Due to the requirements of Public Law 107-110: No Child Left Behind Act (NCLB), however, the Commission, at its August 2003 meeting took action to phase out the Pre-Intern program by 2005-06 for teachers of record. In addition, the Commission acted to continue the program after 2006, subject to funding, as a means to accelerate subject matter preparation for prospective teachers. It is anticipated that further discussion on the numerous issues related to the NCLB Act will continue and future Title II reports will include further information about any changes enacted by the State Board of Education and the Commission on Teacher Credentialing, as appropriate.

Legislation enacted in 2001, SB 57 (Scott, Chapter 269 Statutes of 2001), allows qualified people to become teachers by successfully completing tests and performance assessments in lieu of traditional teacher preparation course work and student teaching. Under SB 57, credential candidates still need to meet the existing requirements of a bachelor's degree, subject matter competence, basic skills and character fitness to qualify for a credential.

Individuals then have the opportunity to "challenge" traditional teacher preparation course work by taking a national test, scored in a manner consistent with California requirements, that covers topics such as teaching methods, learning development, diagnosis and intervention, classroom management and reading instruction. Individuals who pass the national test may enter a state-funded teacher internship program, and be eligible for early completion of the program by being observed in a classroom setting. Observations by trained assessors will measure the candidate's skills in classroom management, instructional strategies, and assisting all students to learn. Individuals that

are recommended by the internship supervisor based on the observations would be awarded a preliminary teaching credential. Candidates will also have an early completion option to earning a professional clear credential by completing the requirements of a state-approved induction program at a faster pace than traditionally required of the two-year program.

**Table 6: Alternative Certification Routes**

State Policies Concerning Alternative Credential Routes	Applicability
The state has approved one or more alternative routes to certification.	Yes
The state has approved alternative routes to certification, but is not currently implementing them.	No
The state is considering or has proposed alternative routes to certification.	Yes



## ***Improving Teacher Quality***

This section of the report describes steps taken during the past year to improve teacher quality. Recognizing that teacher quality and student achievement are inextricably linked, policy makers have initiated a number of programs and reforms aimed at significantly improving the preparation of K-12 teachers.

SB 2042, discussed at length earlier in this report, is arguably the most comprehensive teacher education reform effort aimed at improving the quality of teaching in California in decades. The Commission's extensive efforts over the past few years to develop, adopt, and implement new standards for teacher preparation, for elementary subject matter preparation for the multiple subject credential, for blended programs, and for induction programs, by the end of 2003 has been an enormous, yet critical undertaking for the future of education in California. It has involved a broad spectrum of educators from throughout the state, will impact all accredited teacher education programs in California, and has culminated in the adoption of new program standards aligned with the state's academic content standards for its K-12 pupils and new and more effective assessments for teacher education candidates. Ensuring that prospective teachers are prepared to teach to California's rigorous academic content standards is a central, and perhaps the most critical, component to improving academic achievement of all students in California.

### **Alignment of State Requirements with Public Law 107-110: No Child Left Behind Act (NCLB)**

California's State Board of Education and the Commission on Teacher Credentialing have been working diligently over the past year to ensure compliance with the requirements in the federal Public Law 107-110: No Child Left Behind Act (NCLB). The State Board of Education adopted the State Plan for NCLB and the Commission on Teacher Credentialing has taken recent action to align California's teacher certification requirements with the State Board adopted plan.

The State Board's NCLB State Plan clarifies that elementary teachers who are "new to the profession" are required by the federal regulations to demonstrate their subject matter competence by passing an examination. The Commission voted to adopt in concept a requirement that all new elementary teachers pass a Commission-approved subject matter test. The only currently approved examination is the California Subject Examination for Teachers (CSET): Multiple Subjects. In addition, the Commission is working with school districts and constituent organizations to determine the most effective means to phase out emergency permits. It is anticipated that both the State Board of Education and the Commission on Teacher Credentialing will continue to discuss issues related to NCLB and consider policy and programmatic changes. Future Title II reports will include further information about any changes enacted as they relate to NCLB and as are appropriate for Title II reporting.

Other actions taken by the Commission to realign certification programs and processes to the State Board's Plan and the new federal law were to develop a new Degree Authorization in NCLB core academic subjects. This authorization meets the NCLB requirements for teachers in middle schools by either requiring a major in the subject to be taught or 32 semester units. The Commission also voted to phase out the Pre-Intern Program by 2005-06 for teachers of record. After 2006, the program may continue, subject to funding, as a means to accelerate subject matter preparation for prospective teachers.

Additionally, the Commission established the individualized Internship Certificate this year. An Individualized Internship Certificate is granted to an individual who completes subject matter competence and is admitted to a teacher preparation program, but who is unable to be placed in either a university or district intern program. The college or university and the employer are required to provide supervision for those individuals on the Individualized Internship Certificate.

### **Other Recent Efforts**

In 2002 the Commission sponsored SB 1656 and SB 1655. After the bills were approved by the Legislature, Governor Davis signed both measures into law.

Senate Bill 1656 protects California school children by closing gaps in current law governing credential holders and applicants convicted of sex offenses that require registration as sex offenders. Due to unclear wording in law, it was possible that a person convicted of a sex offense that requires the individual to register as a sex offender would not be subject to mandatory credential revocation or denial. Prior statutes did not adequately address situations where an individual is required to register as a sex offender under the law of another state or federal law. SB 1656 specifies that applicants or teachers required to register as sex offenders under other state or federal laws are not eligible for a California credential.

SB 1655 (Scott, Chapter 225, Statutes of 2002) created expedited alternative routes to preliminary and professional clear administrative services credentials. The Commission sponsored this measure to provide options for individuals who can demonstrate competence through alternative measures. SB 1655 allows the Commission to issue administrative services credentials to qualified individuals who meet the state's standards. Specifically, the law:

- Authorizes the Commission to issue a preliminary administrative services credential, when an individual (a) possesses a valid teaching or services credential, (b) completes at least three years of teaching or services experience and, (c) successfully passes a test adopted by the Commission that is aligned to state administrator preparation standards.

- Allows the Commission to issue a clear administrative services credential to someone who has the preliminary credential and either: (a) successfully completes a Commission accredited program, (b) demonstrates mastery of Commission accredited fieldwork performance standards, or (c) passes a national administrator performance assessment adopted by the Commission.

In addition to the two Commission sponsored bills, the governor also signed SB 2029 (Alarcón, Chapter 1087, Statutes of 2002). This new statute allows district intern programs that satisfy Commission adopted standards to offer teaching credential programs in Special Education for Students with Mild/Moderate Disabilities.

## ***Overview of Institutional Reports***

The institutional report cards contained in Appendix B of this report represent the efforts of the 85 postsecondary institutions and school districts that had approved Multiple Subject, Single Subject, and Education Specialist credential programs in 2001-2002 to comply with the institutional reporting requirements mandated by Title II of the Higher Education Act. The reports are consistent with the requirements of the U.S. Department of Education and the State.

The reports provide:

- Qualitative and contextual information regarding teacher preparation programs offered;
- Quantitative program information about candidates enrolled in teacher preparation programs, student-teacher supervisors, ratios between candidates and supervisors, the numbers of candidates who completed programs during the 2001-2002 reporting period; and
- Pass-rate data for all assessments used by the state for initial credentialing.

Institutions made their own decisions about the qualitative data included in the reports. Because of differences in budgeting, assignment practices, and institutional procedures, the quantitative data regarding candidate-supervisor ratios should be interpreted with caution. These data may not reflect the quality of interaction between candidates and the individuals who are assigned to supervise field experiences.

**EXHIBIT B**  
**2001-2002 ANNUAL REPORT**  
**EMERGENCY PERMITS AND**  
**CREDENTIAL WAIVERS**

# 2001-02 Annual Report: Emergency Permits and Credential Waivers



Prepared by:  
Stephen Burke, Research Analyst  
Certification, Assignment and Waivers Division

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State of California

May, 2003



**MEMBERS OF THE CALIFORNIA  
COMMISSION ON TEACHER CREDENTIALING**

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*Members of the Commission*

<b>Beckner, Kristen</b>	<b>Teacher</b>
<b>Bersin, Alan</b>	<b>Administrator</b>
<b>Boquiren, Chellyn</b>	<b>Teacher</b>
<b>Fortune, Margaret</b>	<b>Public Representative</b>
<b>Hauk, Beth</b>	<b>Teacher</b>
<b>Johnson, Elaine C.</b>	<b>Public Representative</b>
<b>Lilly, Steve</b>	<b>Faculty Member</b>
<b>Madkins, Lawrence</b>	<b>Teacher</b>
<b>Vaca, Alberto</b>	<b>Teacher</b>
<b>Whirry, Marilyn</b>	<b>Office of Superintendent of Public Instruction Designee</b>

*Ex Officio Members*

<b>Bartell, Carol</b>	<b>Association of Independent California Colleges and Universities</b>
<b>Waite, Athena</b>	<b>Regents, University of California</b>
<b>Lundquist, Sara</b>	<b>California Postsecondary Education Commission</b>
<b>Wilson, Bill</b>	<b>California State University</b>

*Executive Officer*

***Sam Swofford, Ed.D.***

***Executive Director***

## 2001-02 Annual Report: Emergency Permits and Credential Waivers

### Executive Summary

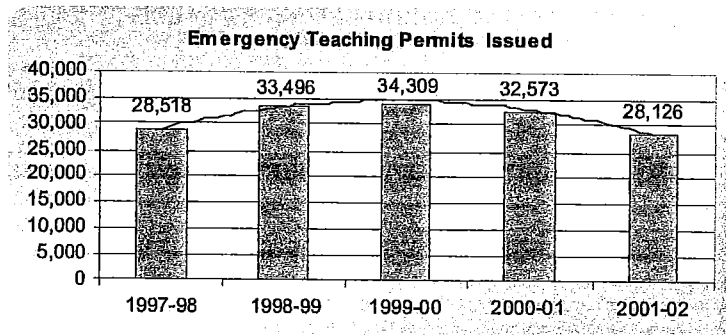
#### Purpose of the Report

The California Commission on Teacher Credentialing (CCTC) issues emergency permits and credential waivers to individuals, at the request of employers who are unable to sufficiently recruit fully credentialed staff to fulfill their employment needs. Many emergency permits (excluding the 30-day emergency permit) are issued to persons who have completed most of their credential program, while some hold a full credential in another area (e.g. a special education emergency permit may be issued to a teacher who already holds an elementary or secondary credential.) This report provides information on emergency permits and credential waiver activity for public, non-public and charter schools during the 2001-02 school year. The data contained in this report is compiled from the Department of Education's - California Basic Education Data System (CBEDS) and the CCTC's database.

#### Emergency Permits and Credential Waivers Issued to Public Schools:

According to CBEDS data, 343,057 certificated staff (full-time equivalent) were employed in public schools during 2001-02. Of this, 298,197 were employed in teaching positions, which was a 1.8% increase over the previous school year. During this time period, the number of emergency permits issued decreased by 4,482, or 13.4%; an indication that California is meeting the demand for non-emergency teachers. This was the second consecutive year, since class size reduction was implemented in California in 1996, in which the total number of emergency teaching permits decreased over the previous year.

Of the 29,083 total emergency permits issued during fiscal year 2001-02, 28,126 permits were issued for teaching assignments (multiple, single, and special education). As the following chart indicates, this was a 13.7% decrease over fiscal year 2000-01.

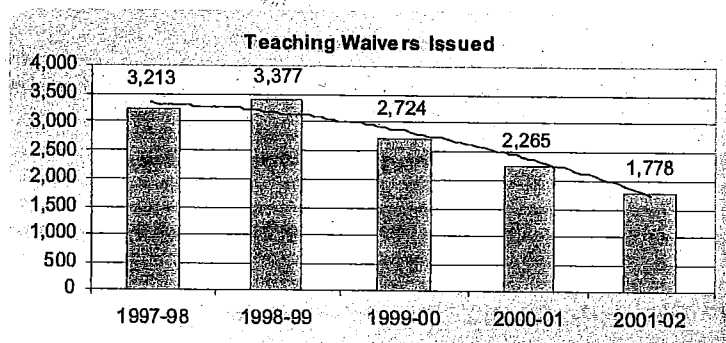


The following is a breakdown of emergency teaching permits issued for public schools during fiscal year 2001-02 (see Table 3, page 3 for a breakdown of all types of permits):

- 12,610 multiple subject emergency permits
- 10,081 single subject emergency permits
- 5,970 special education emergency permits



During fiscal year 2001-02, 2,803 credential waivers were issued to public schools in all areas of certification (excluding day-to-day substitutes), representing .8% of the total certificated staff. Of these, 1,778 were issued for teaching assignments. This was a 21.5% decrease over the previous fiscal year.



The following is a breakdown of teaching waivers issued for public schools during fiscal year 2001-02 (see Table 8, page 11, for a breakdown of all types of waivers).

- 149 multiple subject waivers
- 444 single subject waivers
- 1,185 special education waivers

**Permits and Credential Waivers Issued to Charter Schools:**

864 emergency permits and credential waivers were issued for charter schools during 2001-02, resulting in a 62% increase over the previous fiscal year. The increase is a direct result of statutory changes in January 1999, which required all charter school teachers to hold California certification (a teaching credential, long-term emergency permit, or a credential waiver), as well as an increase in the number of new charter schools.

The following is a breakdown of emergency permits and credential waivers issued for charter schools during fiscal year 2001-02 (see Tables 10, 11, 12 – pages 15-17 for further data):

- 829 emergency permits
- 35 credential waivers

**Permits and Waivers Issued to Non-Public Schools:**

1,391 emergency permits and credential waivers were issued for non-public schools and agencies during 2001-02, resulting in a 4% increase over the previous fiscal year. Non-public schools and agencies are licensed by the Department of Education to mainly serve Special Education students; consequently over 96% of the documents issued to these organizations are in special education.

The following is a breakdown of the emergency permits and credential waivers issued for non-public schools during fiscal year 2001-02 (see Tables 13, 14 and 15 – pages 18-20 for further data):

- 673 emergency permits were issued in Special Education
- 15 other emergency permits
- 670 credential waivers were issued in Special Education
- 33 other credential waivers

**Emergency Substitute Teaching Permits and Waivers:**

The Commission issued 57,536 emergency substitute permits during 2001-02. This included 55,341 30-Day substitute permits, 2,045 prospective substitute permits, and 150 career substitute permits. In addition, 2,973 substitute waivers were issued for public school teaching. (see Table 16 - page 21).

## Table of Contents

	Page
<b>Section I: Public School Data .....</b>	<b>1</b>
Distribution of Emergency Permits and Credential Waivers .....	2
Types of Emergency Permits .....	3
Subject Authorizations on Single Subject Emergency Permits.....	5
Types of Credential Waivers.....	11
Subject Authorizations on Single Subject Credential Waivers .....	13
<b>Section II: Charter School Data .....</b>	<b>15</b>
Permits and Waivers by County.....	15
Types of Permits Issued.....	17
Types of Waivers Issued.....	17
<b>Section III: Non-Public School and Agency Data .....</b>	<b>18</b>
Permits and Waivers by County.....	18
Types of Permits Issued.....	20
Types of Waivers Issued.....	20
<b>Section IV: Emergency Substitute Permits and Waivers .....</b>	<b>21</b>
<b>Section V: Summary &amp; Conclusions .....</b>	<b>22</b>
<b>Section VI: Emergency Permit Requirements .....</b>	<b>23</b>
Current Requirements for Emergency Permits .....	23
General Requirements for All Emergency Permits .....	23
Specific Requirements for Emergency Permits.....	23
Reissuance Requirements for Emergency Permits .....	25
<b>Section VII: Credential Waiver Process .....</b>	<b>26</b>
The Credential Waiver Process .....	26
General Criteria for All Waiver Requests .....	26
Criteria for Service Credential Waivers .....	27
<b>Appendix A –Emergency Teachers: A Historic Overview .....</b>	<b>28</b>
<b>Appendix B –Types of Emergency Permits Issued in California .....</b>	<b>29</b>
<b>Appendix C –Table of All Public School Districts .....</b>	<b>30</b>

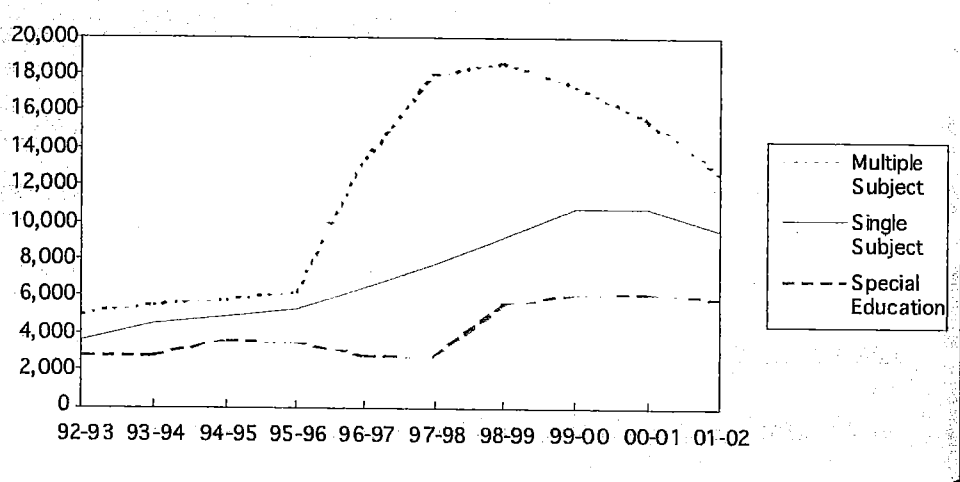
**SECTION I:**  
**Public School Statistical Data**

This section reviews the Commission's statistical data to provide a more detailed picture of the emergency permit and credential waiver status for school districts and county offices of education in California. This data review includes an examination of the use of emergency permits and credential waivers by selected counties, the types of emergency permits and waivers issued within selected counties, and a listing of the single subject authorizations requested for emergency permits and waivers.

Figure 1 illustrates recent years of emergency permit issuance. During the period from 1992 to 1995 there was sustained gradual growth in the number of emergency permits. The impact of the state effort to reduce class size in primary grades is evidenced by the large increase in multiple subject emergency permits issued beginning in 1996-97 and continued through 1998-99. The good news is that fiscal year 2001-02 marked the second consecutive year in which the total number of emergency permits declined, confirming the Commission's efforts to reduce the number of emergency permits. Multiple Subject permits showed the largest decline (18.7%), with single subject and special education permits also posting considerable decreases (11.8% and 4.5% respectively).

The numbers in Figure 1 do not include permits issued to nonpublic schools, charter schools, prison schools and the California Youth Authority. Information for non-public and charter schools can be located in Sections IV and V.

**Figure 1**  
**Emergency Permits Issued During the Years 1992-93 through 2001-02**



**Distribution of Emergency Permits and Credential Waivers**

During the 2001-02 fiscal year, the Commission issued a total of 29,083 emergency permits and 2,803 credential waivers to individuals teaching in public schools. In an attempt to better understand the number of certificated staff serving on emergency teaching permits and credential waivers in public schools, the following data shows the total number of certificated staff serving in California during 2001-02. The certificated staff data included in all tables in this report is from the California Department of Education's California Basic Educational Data System (CBEDS). The numbers reflect full-time equivalent (FTE) positions, which may be lower than the actual number of individuals employed due to combining part-time positions. The data from that comparison revealed (Table 1) that 9.8% of the certificated staff served on emergency permits and .8% on credential waivers. The data in Table 1 refers to documents issued for public school employment only (see sections II and III for data regarding charter and non-public schools).

**Table 1  
Total Number of Emergency Permits and Credential Waivers as  
Compared to Certificated Staff 2001-02**

Total Certificated Staff	Total Emergency Permits	% of Permits	Total Credential Waivers	% of Waivers	Percentage of Staff on Emergency Permits and Credential Waivers
343,057			2,803	.8 %	9.3 %
*298,197	29,083	9.8 %			
	Teaching Permits		Teaching Waivers		
*298,197	28,126	9.4 %	1,778	.6 %	10.0 %

**Note (\*):** The percentage of certificated staff serving on emergency permits (column 3) is derived from dividing the number of emergency permits by the total number of teachers, excluding administrators (23,298) and services staff (21,562), who were employed in California during 2001-02. Total Teaching Permits and Teaching Waivers include multiple subject, single subject, and special education only.

**Types of Emergency Permits**

Table 3 reports the total number of emergency permits issued in 2001-02. Overall, there was a 13.4% decrease in the issuance of emergency permits over the 2000-01 fiscal year.

**Table 3  
Emergency Permits Issued , 1997-98 through 2001-02**

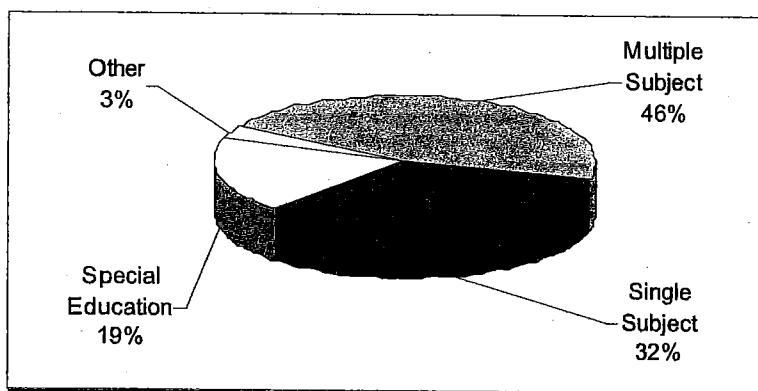
Permit Type	1997-98	1998-99	1999-00	2000-01	2001-02	% Change from 00-01
Special Education	2,758	5,653	6,158	6,249	5,970	- 4.5%
<b>Total Multiple Subject</b>	<b>17,981</b>	<b>18,676</b>	<b>17,421</b>	<b>15,505</b>	<b>12,610</b>	<b>- 18.7%</b>
Multiple Subject	16,285	16,871	15,279	12,964	10,081	- 22.2%
CLAD Emphasis*	896	1,221	1,654	2,129	2,355	10.6%
BCLAD Emphasis**	742	584	488	412	251	- 39.1%
<b>Total Single Subject</b>	<b>7,779</b>	<b>9,167</b>	<b>10,730</b>	<b>10,819</b>	<b>9,546</b>	<b>- 11.8%</b>
Single Subject	7,408	8,739	10,014	9,654	8,153	- 15.6%
CLAD Emphasis*	179	376	677	1,126	1,433	27.3%
BCLAD Emphasis**	63	52	39	39	30	- 23.1%
<b>Library Media</b>	<b>148</b>	<b>195</b>	<b>239</b>	<b>239</b>	<b>232</b>	<b>- 2.9%</b>
<b>Clinical Rehabilitative</b>	<b>164</b>	<b>185</b>	<b>210</b>	<b>86</b>	<b>53</b>	<b>- 38.4%</b>
<b>Resource Specialist</b>	<b>1,458</b>	<b>869</b>	<b>463</b>	<b>263</b>	<b>153</b>	<b>- 41.8%</b>
<b>BCLAD**</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>28</b>	<b>28</b>	<b>0.0%</b>
<b>CLAD*</b>	<b>118</b>	<b>145</b>	<b>197</b>	<b>376</b>	<b>491</b>	<b>30.6%</b>
<b>Total</b>	<b>30,415</b>	<b>34,899</b>	<b>35,425</b>	<b>33,565</b>	<b>29,083</b>	<b>- 13.4%</b>

\*Cross-cultural, Language and Academic Development

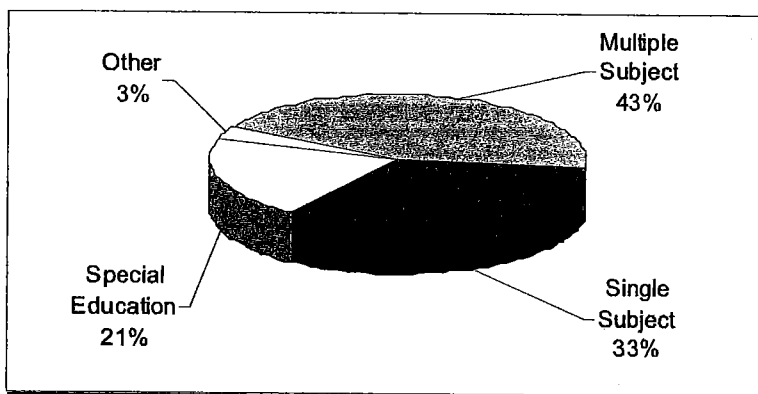
\*\* Bilingual, Cross-cultural, Language, and Academic Development

Figures 2 and 3 illustrate, by percentage, the types of emergency permits issued in both 2000-01 and 2001-02. The figures show that the total number of permits decreased by 4,482. The distribution of the types of permits remained fairly constant, with multiple subject permits showing the largest change (3% decline) over the previous fiscal year.

**Figure 2**  
**Types of 2000-01 Emergency Permits by Percentage**  
**Total Emergency Permits – 33,565**



**Figure 3**  
**Types of 2001-02 Emergency Permits by Percentage**  
**Total Emergency Permits – 29,083**



**Subject Authorizations on Single Subject Emergency Permits**

Tables 4, 4A and 4B list specific teaching subject authorizations of single subject emergency permits issued during the 1997-98 through 2001-02 fiscal years. The issuance of permits for math and science continue to be high, as these are statewide shortage areas that are recognized by the Commission.

**Note: The total number of subject authorizations exceed the number of total emergency permits issued since more than one subject may be listed on a document.**

**Table 4  
Single Subject Authorizations on Emergency Permits**

Subject	1997-98	1998-99	1999-00	2000-01	2001-02	% of 2001-2002 Total
Agriculture	25	22	33	23	26	.2%
Art	155	228	261	273	248	2.3%
Business	199	205	264	296	275	2.5%
English	1,577	1,958	2,349	2,428	2,273	20.1%
Foreign Language Total (Table 4B)	663	727	845	851	716	6.6%
Government	0	0	0	0	0	0%
History	4	4	3	3	0	0%
Health Science	116	120	131	145	149	1.4%
Home Economics	62	63	66	81	63	.6%
Industrial Technology Ed.	76	74	79	67	60	.6%
Mathematics	1,580	1,815	2,018	1,885	1,716	15.8%
Music	361	453	534	535	484	4.5%
Physical Education	756	837	1041	1,173	1,066	9.8%
Science Total (Table 4A)	2,070	2,407	2,728	2,734	2,106	19.4%
Social Science	1,289	1,573	1,914	1,975	1,678	15.5%
<b>Total</b>	<b>8,933</b>	<b>10,486</b>	<b>12,267</b>	<b>12,469</b>	<b>10,860</b>	<b>100.0%</b>

Table 4A reflects the distribution of emergency permits for science by the specific science areas. The Commission revised the subject areas for science in 1995 to include the four specific areas of biological sciences, chemistry, geosciences and physics. The subjects, life science and physical science, were eliminated. However, individuals who were enrolled in programs for those credentials and had obtained an emergency permit for those subjects prior to the change were allowed to continue renewing those documents in order to give them time to complete the program. Therefore, emergency permits in those subjects have steadily declined since 1995 as those individuals earn their credentials. Slightly over half of the science permits were issued for biological sciences.

**Table 4A  
Science Emergency Permits**

Subject	1997-98	1998-99	1999-00	2000-01	2001-02	% of 2001-2002 Total
Life Science	113	74	49	34	21	1.0%
Physical Science	106	86	64	45	22	1.0%
Science: Biological Science	1,015	1,247	1,530	1,518	1,189	56.5%
Science: Chemistry	498	616	666	690	524	24.9%
Science: Geosciences	94	111	135	152	126	6.0%
Science: Physics	244	273	284	292	224	10.6%
<b>Science Total</b>	<b>2,070</b>	<b>2,407</b>	<b>2,728</b>	<b>2,731</b>	<b>2,106</b>	<b>100.0</b>

Permits for foreign languages accounted for 6.6% of the subjects. Table 4B provides information on the languages for which those permits were issued. The numbers show that permits for teaching Spanish accounted for 82.5% of the foreign language permits while French constituted 9.8% of those documents and 7.7% was divided among the nine remaining languages.

**Table 4B  
Foreign Language Emergency Permits**

Subject	1997-98	1998-99	1999-00	2000-01	2001-02	% of 2001-2002 Total
Foreign Language: Cantonese	0	0	0	5	0	0.0%
Foreign Language: Chinese	7	5	6	3	2	0.3%
Foreign Language: French	57	79	98	97	70	9.8%
Foreign Language: German	10	18	15	15	15	2.1%
Foreign Language: Italian	0	3	4	3	3	0.4%
Foreign Language: Japanese	11	12	15	17	22	3.1%
Foreign Language: Korean	3	0	1	2	1	0.1%
Foreign Language: Latin	4	7	12	9	7	1.0%
Foreign Language: Mandarin	1	2	0	1	2	0.3%
Foreign Language: Pilipino	0	0	0	2	0	0.0%
Foreign Language: Russian	1	2	2	2	1	0.1%
Foreign Language: Spanish	567	595	689	692	591	82.5%
Foreign Language: Vietnamese	2	4	3	3	2	0.3%
<b>Foreign Language Total</b>	<b>663</b>	<b>727</b>	<b>845</b>	<b>851</b>	<b>716</b>	<b>100.0</b>



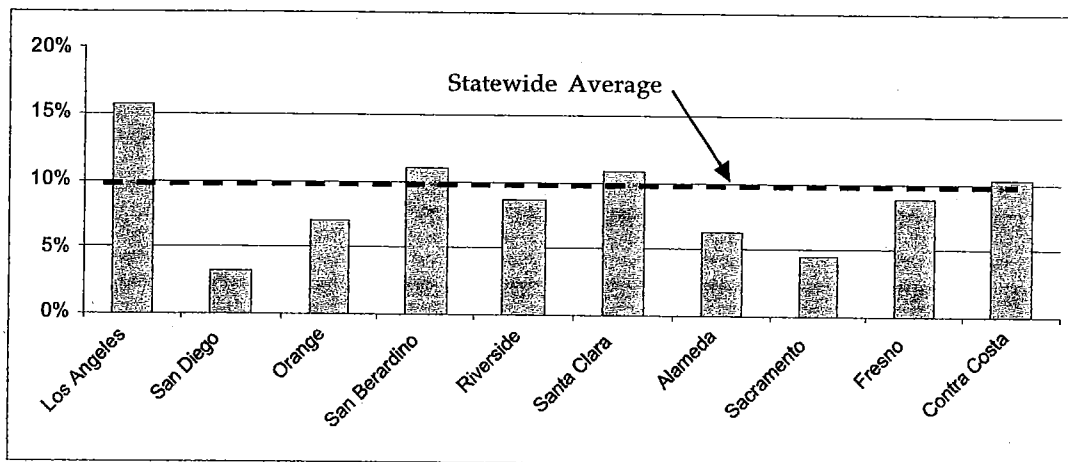
Table 5 includes the ten largest counties based on total certificated staff. Certificated staff consists of teachers, administrators, and services personnel (counselors, librarians, nurses, etc.). The percentages for emergency permits and waivers allows the reader to make comparisons between the counties, even though their sizes may vary. The table shows that Los Angeles County, which has the largest number of certificated staff of any county, employed 16.7% of those individuals on emergency permits. In contrast, San Diego County, which has the second largest number of certificated staff, used the lowest percentage of emergency permits. None of these ten counties utilized waivers for more than 2% of their certificated staff.

**Table 5**  
**Permits and Waivers Issued in Ten Largest Counties**  
**Compared to Certificated Staff**

Ten Largest Counties	Total Teaching Staff	Emergency Permits	% on Permits	Total Certificated Staff	Waivers	% on Waivers
Los Angeles	81,443	13,571	16.7%	93,579	1,002	1.1%
San Diego	24,230	842	3.5%	27,947	49	0.2%
Orange	22,748	1,680	7.4%	25,847	106	0.4%
San Bernardino	18,082	2,082	11.5%	20,554	169	0.8%
Riverside	15,731	1,259	8.0%	17,829	85	0.5%
Santa Clara	12,491	1,410	11.3%	14,270	188	1.3%
Sacramento	11,484	489	4.3%	13,346	37	0.3%
Alameda	11,094	714	6.4%	12,783	110	0.9%
Fresno	9,058	751	8.3%	10,798	48	0.4%
Contra Costa	8,012	825	10.3%	9,125	155	1.7%

The statewide average usage of emergency permits decreased from 11.5% in 2000-01 to 9.8% in 2001-2002. Figure 4 compares the ten largest counties to the statewide average of certificated staff employed on emergency permits. Six of the ten counties were below the statewide average.

**Figure 4**  
**Percentage of Certificated Staff Serving on Emergency Permits**



To better describe the distribution of the various subject areas, Table 6 displays the highest requested subject areas by county.

**Table 6**  
**The number of emergency permits requested by subject area and county**  
**for 2001-02**

Name of County	Science	Math	English	Social Science	Physical Education
Alameda	59	54	52	44	39
Alpine	0	0	0	0	0
Amador	0	2	0	1	0
Butte	1	5	5	4	1
Calaveras	5	2	1	1	0
Colusa	0	0	1	1	3
Contra Costa	83	66	71	46	38
Del Norte	1	0	3	0	1
El Dorado	8	7	10	5	2
Fresno	35	36	52	39	35
Glenn	0	2	1	1	0
Humboldt	0	0	0	0	0
Imperial	5	10	10	18	6
Inyo	1	0	3	1	0
Kern	32	35	58	29	9
Kings	5	10	7	17	16
Lake	3	1	1	2	0
Lassen	1	3	4	1	1
Los Angeles	1,114	769	1,041	804	512
Madera	3	7	5	2	2
Marin	4	6	2	3	1
Mariposa	0	2	0	0	0
Mendocino	0	0	1	1	1
Merced	14	11	24	18	11
Modoc	0	0	0	1	0
Mono	0	0	1	0	0
Monterey	23	21	25	20	13
Napa	5	5	5	5	6
Nevada	0	2	3	2	0
Orange	135	81	118	88	36
Placer	4	3	5	5	7
Plumas	0	3	0	0	0
Riverside	88	82	122	76	63
Sacramento	45	42	51	37	13
San Benito	4	1	6	2	0

Name of County	Science	Math	English	Social Science	Physical Education
San Bernardino	107	124	187	78	80
San Diego	47	61	40	29	19
San Francisco	8	9	7	13	11
San Joaquin	19	20	32	13	12
San Luis Obispo	2	2	1	0	0
San Mateo	18	25	23	16	8
Santa Barbara	8	2	13	6	7
Santa Clara	102	91	116	109	50
Santa Cruz	10	10	13	20	7
Shasta	4	2	4	6	0
Sierra	0	0	0	0	0
Siskiyou	0	0	2	1	0
Solano	34	31	28	27	15
Sonoma	7	8	9	3	2
Stanislaus	6	6	23	8	2
Sutter	2	1	1	1	0
Tehama	0	0	0	0	0
Trinity	0	0	0	0	0
Tulare	21	28	40	26	16
Tuolumne	1	0	0	2	0
Ventura	31	22	32	35	19
Yolo	5	4	8	6	2
Yuba	1	2	4	3	1
<b>Total</b>	<b>2,111</b>	<b>1,716</b>	<b>2,271</b>	<b>1,676</b>	<b>1,067</b>

58

### **Credential Waivers**

Since July 1, 1994, the California Commission on Teacher Credentialing has had the sole authority to review requests by employing school districts to temporarily waive specific credential requirements for individuals. Prior to that date, the authority to grant waivers was vested in the State Board of Education. Waivers are requested by employing agencies when they have exhausted their attempts to find a credentialed individual or an individual who is eligible for an emergency permit. When adopting regulations and developing procedures for exercising its authority, the Commission established as the fundamental goal of the waiver process the transitioning of individuals from waivers to emergency permits and ultimately to full credentials.<sup>1</sup>

Since the requirements for credential waivers are at a level below those for emergency permits, regulations require that every waiver presented to the Commission's Appeals and Waivers Committee must go through a public notice process at the local level. Governing boards of public school districts must approve each waiver in a public meeting. County offices of education and non-public schools must post, in a public place for 72 hours, a notice that they are employing individuals in specific assignments on waivers. This process notifies the public that a non-credentialed individual will be teaching in a public school classroom.

According to the California Basic Education Data System (CBEDS) data maintained by the California Department of Education, during 2001-02 there were 343,057 certificated staff in the public schools including administrators, counselors, psychologists, and elementary, secondary, and special education teachers. Table 1 below displays the number of waivers the Commission has issued compared to the number of certificated staff. The numbers do not include waivers granted for 30-day substitute teaching as substitutes are not included in the CBEDS data. The table shows that the percentage of certificated staff serving on waivers has decreased over the last four years despite a steady increase in the number of certificated employees over this time period.

The data in Table 7 reflects the number of waivers issued to public schools in California. Please see section II and III for the non-public and charter school waiver data.

**Table 7  
Total Waivers Issued as Compared to Total Certificated Staff**

Fiscal Year	Certificated Employees	Waivers	Percentage
1995-96	266,543	3,560	1.3 %
1996-97	278,871	4,395	1.6 %
1997-98	300,577	4,768	1.6 %
1998-99	314,352	3,862	1.2 %
1999-00	326,168	3,678	1.1 %
2000-01	336,751	3,238	1.0%
2001-02	343,057	2,803	0.8%

<sup>1</sup> The State Board of Education or the Superintendent of Public Instruction retains the legal authority to review all waiver requests that do not involve credentialing.

**Types of Credential Waivers**

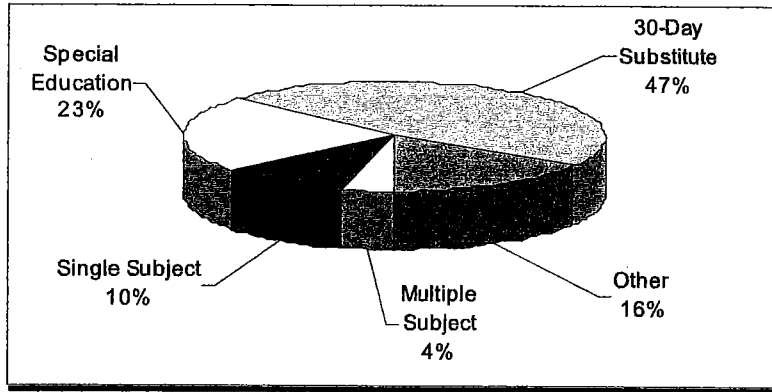
Table 8 displays the types of credential waivers issued to public schools during the last five fiscal years for which data is available. There was a 5.7% decrease in the number of credential waivers issued in 2001-02 compared to 2000-01. This compares to a 5.4% increase in 2000-01 over the previous year. While 30-Day substitute permits increased 3%, and accounted for over 51% of the total waivers issued, decreases were experienced in all three types of teaching waivers (multiple subject, single subject, and special education) issued by the Commission.

**Table 8  
Credential Waivers Issued, 1997-98 through 2001-02**

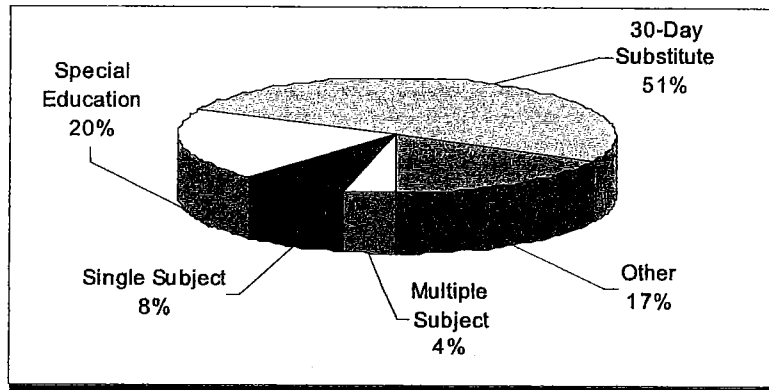
Permit/Credential Type	1997-98	1998-99	1999-00	2000-01	2001-02	% Change from 00-01
30-Day Substitute	1,806	2,067	2,134	2,886	2,973	3.0%
Multiple Subject	613	579	300	234	149	- 36.3%
Single Subject	363	513	525	607	444	- 26.9%
Special Education	2,237	2,285	1,899	1,424	1,185	- 16.8 %
Resource Specialist	578	4	0	0	0	0%
Reading Specialist	464	438	340	269	241	- 10.4%
Adapted PE	85	108	125	131	141	7.6%
Clinical or Rehabilitative	223	281	245	314	380	21.0%
Administrative Services	18	23	17	31	34	9.7%
Pupil Personnel Services	89	82	67	67	74	10.5%
Library Media	37	45	47	63	49	- 22.2%
Other	61	119	113	98	106	8.2%
Total	6,574	6,544	5,812	6,124	5,776	- 5.7%

Figure 5 and 6 illustrate, by percentage, the types of credential waivers issued in 2000-01 and 2001-02. The overall number of waivers decreased by 348, or 5.7%. The distribution of waiver types remained relatively constant in fiscal year 2001-02 compared to the previous year, with 30-Day emergency permits increasing by 4% due to the reduction in numbers of teaching waivers issued.

**Figure 5**  
**Types of 2000-01 Credential Waivers by Percentage**  
**6,124 Waivers**



**Figure 6**  
**Types of 2001-02 Credential Waivers by Percentage**  
**5,776 Waivers**



**Subject Authorizations on Single Subject Credential Waivers**

Table 9 is a breakdown of the specific teaching subject authorizations of single subject credential waivers issued for the last three fiscal years.

**Table 9  
Single Subject Authorizations on Credential Waivers**

Subject	1999-00	2000-01	2001-02	% of 2001-02 Total
Agriculture	1	1	0	0.2%
Art	8	7	12	1.1%
Business	3	10	7	1.5%
English	35	69	32	10.5%
<b>*Foreign Language Total</b>	<b>46</b>	<b>65</b>	<b>60</b>	<b>9.9%</b>
Health Science	10	3	5	0.5%
Home Economics	2	3	1	0.5%
Industrial Tech Education	9	1	4	0.2%
Mathematics	227	290	208	44.1%
Music	31	27	17	4.1%
Physical Education	53	62	33	9.4%
<b>**Science Total</b>	<b>84</b>	<b>97</b>	<b>76</b>	<b>14.7%</b>
Social Science	16	23	16	3.5%
<b>Total:</b>	<b>525</b>	<b>658</b>	<b>471</b>	<b>100 %</b>

* Foreign Language Subject Areas:	1999-00	2000-01	2001-02	% of 2001-02 Total
Foreign Language: French	3	10	9	15.0%
Foreign Language: German	0	2	1	1.7%
Foreign Language: Japanese	3	5	2	3.3%
Foreign Language: Korean	0	0	1	1.7%
Foreign Language: Latin	0	1	0	0%
Foreign Language: Mandarin	2	1	0	0%
Foreign Language: Punjabi	0	0	1	1.7%
Foreign Language: Spanish	37	45	46	76.7 %
Foreign Language: Vietnamese	1	1	0	0%
<b>Foreign Language total:</b>	<b>46</b>	<b>65</b>	<b>60</b>	<b>100 %</b>

<b>** Science Subject Areas:</b>	<b>1999-00</b>	<b>2000-01</b>	<b>2001-02</b>	<b>% of 2001-02 Total</b>
Science: Biological Science	51	62	37	48.7%
Science: Chemistry	14	20	19	25.0%
Science: Geosciences	11	6	7	9.2%
Science: Physics	8	9	13	17.1%
<b>Science total:</b>	<b>84</b>	<b>97</b>	<b>76</b>	<b>100 %</b>



**Section II:**

**Charter Schools**

Charter schools are public schools that provide instruction in any of grades K-12. In 1998-99, the maximum total number of charter schools authorized to operate in the state was set at 250 by Section 47602 of the Education Code. Additionally, in the 1999-2000 school year, and each successive school year thereafter, an additional 100 charter schools are authorized to operate in California. Charter schools are usually created or organized by a group of teachers, parents and community leaders, or a community-based organization. Furthermore, charter schools are usually sponsored by an existing local public school board or county board of education. Specific goals and operating procedures for the charter schools are detailed in an agreement, or charter, between the sponsoring board and charter organizers. Passage of Assembly Bill 544 (Lempert, Statutes of 1998, Chapter 34), effective January 1, 1999, required all charter school teachers to hold a Commission issued certificate, permit, or other equivalent document to that which a teacher in a public school would be required to hold. This requirement, as well as a general increase in the overall number of new charter schools in the state, has led to increases in the issuance of permits and waivers to charter schools over the past two years.

Table 10 displays the number of emergency permits and credential waivers issued to charter schools by county over the past three fiscal years. Tables 11 and 12 display the types of emergency permits and credential waivers issued during 2001-02.

**Table 10**  
**The Number of Emergency Permits and Credential Waivers**  
**Issued to Charter Schools by County from 1999-00 through 2001-02**

County	Permits 1999- 00	Waivers 1999- 00	Total 1999- 00	Permits 2000- 01	Waivers 2000- 01	Total 2000- 01	Permits 2001- 02	Waivers 2001- 02	Total 2001- 02
Alameda	24	6	30	14	8	22	13	2	15
Contra Costa	0	0	0	0	0	0	11	4	15
El Dorado	0	0	0	1	0	1	3	0	3
Humboldt	0	0	0	2	0	2	3	0	3
Kern	0	0	0	0	0	0	4	0	4
Kings	0	0	0	5	0	5	7	0	7
Fresno	12	3	15	29	4	33	44	7	51
Lassen	0	0	0	0	0	0	1	0	1
Los Angeles	151	12	163	220	10	230	252	8	260
Marin	2	0	2	2	0	2	1	0	1
Mendocino	1	1	2	8	0	8	6	0	6
Modoc	0	0	0	0	0	0	2	0	2
Mono	1	0	1	0	0	0	0	0	0
Monterey	3	0	3	3	0	3	9	0	9
Nevada	8	0	8	7	0	7	7	0	7

County	Permits 1999- 00	Waivers 1999- 00	Total 1999- 00	Permits 2000- 01	Waivers 2000- 01	Total 2000- 01	Permits 2001- 02	Waivers 2001- 02	Total 2001- 02
Orange	0	0	0	2	0	2	10	0	10
Placer	11	0	11	4	0	4	13	0	13
Riverside	3	0	3	12	1	13	13	0	13
Sacramento	21	0	21	26	0	26	33	0	33
San Bern.	37	3	40	46	1	47	62	1	63
San Diego	31	2	33	61	6	67	85	1	86
San Francisco	7	0	7	13	0	13	13	0	13
San Joaquin	4	0	4	0	0	0	16	0	16
San Mateo	19	1	20	21	3	24	19	3	22
Santa Barbara	1	0	1	0	0	0	4	0	4
Santa Clara	1	0	1	0	0	0	1	2	3
Santa Cruz	5	2	7	4	0	4	8	0	8
Shasta	1	0	1	3	0	3	0	0	0
Sierra	0	0	0	1	0	1	2	0	2
Siskiyou	0	0	0	0	0	0	1	0	1
Solano	0	0	0	3	0	3	0	0	0
Sonoma	5	2	7	8	1	9	5	1	6
Stanislaus	0	0	0	0	0	0	3	0	3
Sutter	0	0	0	2	0	2	2	0	2
Tulare	1	0	1	0	0	0	0	1	1
Yuba	1	0	1	1	0	1	7	0	7
Statewide	0	0	0	0	0	0	169	5	174
<b>Total</b>	349	32	381	498	34	532	829	35	864
<b>% Change</b>			81.4%			39.6%			62.4%

**Table 11**  
**Types of Emergency Permits Issued to Charter Schools in 2001-02**

<b>Types of Emergency Permits</b>	<b>Number</b>	<b>% of Total</b>
Single Subject	296	35.7%
Multiple Subject	511	61.6%
Education Specialist	22	2.7%
<b>Total</b>	<b>829</b>	<b>100.0</b>

**Table 12**  
**Types of Credential Waivers Issued to Charter Schools in 2001-02**

<b>Types of Credential Waivers</b>	<b>Number</b>	<b>% of Total</b>
Single Subject	14	40.0%
Multiple Subject	15	42.9%
Special Education	2	5.7%
Designated Subjects	4	11.4%
<b>Total</b>	<b>35</b>	<b>100.0</b>

### SECTION III:

#### Non-Public Schools and Agencies

Non-Public schools and agencies are licensed by the California Department of Education based upon standards in the Education Code and California Code of Regulations, Title 5, to serve special education students through contracts with public school districts. One of the licensing requirements for these schools is to employ credentialed special education teachers, the same as public school districts. Due to the statewide shortage of special education teachers, non-public schools experience difficulty in recruiting special education teachers so they request emergency permits and credential waivers to meet their staffing needs. Individuals employed on emergency permits and credential waivers at non-public schools must meet the same requirements as those employed by public schools.

Table 13 displays the number of emergency permits and credential waivers issued to non-public schools and agencies by county for the past three fiscal years. In October of 1997, requirements for emergency special education permits changed to no longer require that an individual hold a regular education credential to qualify for the permit. While that remains as an option to qualify, the new regulations allow individuals with appropriate course work or experience to obtain the permit, which has helped many more individuals qualify for the permit. Tables 14 and 15 display the types of emergency permits and waivers issued during fiscal year 2001-02.

**Table 13**  
**The Number of Emergency Permits and Credential Waivers**  
**Issued to Non-Public Schools by County from 1999-00 through 2001-02**

County	Permits 1999- 00	Waivers 1999- 00	Total 1999- 00	Permits 2000- 01	Waivers 2000- 01	Total 2000- 01	Permits 2001- 02	Waivers 2001- 02	Total 2001- 02
Alameda	29	25	54	22	19	41	25	33	58
Butte	1	0	1	0	0	0	0	0	0
Contra Costa	14	33	47	19	30	49	21	25	46
El Dorado	3	0	3	4	0	4	1	1	2
Fresno	0	0	0	0	0	0	0	0	0
Kern	1	1	2	0	0	0	1	0	1
Los Angeles	250	326	576	299	392	691	293	413	706
Marin	7	2	9	7	1	8	8	1	9
Mendocino	0	0	0	1	0	1	0	0	0
Monterey	0	0	0	1	0	1	1	0	1
Napa	5	2	7	2	2	4	3	1	4
Nevada	2	3	5	3	5	8	4	4	8
Orange	42	21	63	41	27	68	34	42	76
Placer	1	0	1	1	0	1	1	0	1
Riverside	22	48	70	23	44	67	26	47	73
Sacramento	47	25	72	39	39	78	57	38	95
San Benito	0	0	0	0	1	1	0	0	0
San Bern.	24	56	80	20	50	70	19	33	52

<b>County (cont.)</b>	<b>Permits 1999- 00</b>	<b>Waivers 1999- 00</b>	<b>Total 1999- 00</b>	<b>Permits 2000- 01</b>	<b>Waivers 2000- 01</b>	<b>Total 2000- 01</b>	<b>Permits 2001- 02</b>	<b>Waivers 2001- 02</b>	<b>Total 2001- 02</b>
San Diego	64	16	80	68	6	74	71	13	84
San Francisco	11	10	21	16	7	23	12	9	21
San Joaquin	6	0	6	7	1	8	5	1	6
San Mateo	4	4	8	1	0	1	0	0	0
Santa Barbara	8	9	17	6	5	11	6	3	9
Santa Clara	11	10	21	16	9	25	19	11	30
Santa Cruz	3	0	3	3	0	3	3	0	3
Shasta	0	0	0	0	0	0	1	0	1
Solano	4	4	8	4	5	9	5	8	13
Sonoma	14	1	15	15	2	17	10	1	11
Stanislaus	8	5	13	3	7	10	7	5	12
Tulare	0	1	1	0	0	0	0	0	0
Ventura	8	2	10	6	1	7	5	1	6
Yolo	0	1	1	1	4	5	5	1	6
Statewide	0	0	0	0	0	0	45	12	45
<b>Totals</b>	589	605	1,194	628	657	1,285	688	703	1,391
<b>% Change</b>			+15%			+8%			+4%

**Table 14**  
**Types of Emergency Permits Issued to Non-Public Schools and Agencies in 2001-02**

<b>Types of Emergency Permits</b>	<b>Number</b>	<b>% of Total</b>
Clinical & Rehabilitative Services	4	0.6%
Single Subject	5	0.7%
Multiple Subject	6	0.9%
Special Education	673	97.8%
<b>Total</b>	<b>688</b>	<b>100.0</b>

**Table 15**  
**Types of Credential Waivers Issued to Non-Public Schools and Agencies in 2001-02**

<b>Types of Emergency Waivers</b>	<b>Number</b>	<b>% of Total</b>
Designated Subjects/Special Subjects	3	0.4%
Adaptive Physical Education	17	2.4%
Clinical & Rehabilitative Services	12	1.7%
Special Education	670	95.3%
Single Subject	1	0.1%
Multiple Subject	0	0%
Pupil Personnel Services	0	0%
<b>Total</b>	<b>703</b>	<b>100.0</b>

## SECTION IV:

### Emergency Substitute Teaching Permits and Waivers:

Substitute teachers serve an important function in the educational system by filling in as the teacher when the full-time teacher is unavailable. For an individual to qualify for the substitute emergency permit, he or she must possess a bachelor's or higher degree (90 semester units for the Prospective Teaching Permit) from a regionally accredited college or university and pass the CBEST. All substitutes must also complete the Commission's professional fitness review. The 30-day (60 days for the Career Teaching Permit) reference in the title of the permit means that an individual can substitute for no more than thirty days for a single teacher during a school year. They may, however, substitute for an unlimited number of days for various teachers throughout the school year. The substitute permit is intended to meet the day-to-day substitute needs of a school district, and is not intended to serve as a long-term assignment alternative.

During the 2001-02 school year, the Commission issued 57,536 emergency substitute permits. Of these, 55,341 were for the 30-Day Substitute Emergency Permits, 2,045 were for the Prospective Substitute Permit, and 150 were for the Career Substitute Permit. Districts also requested 2,973 30-Day Substitute Waivers to meet the demand. Districts may request a substitute credential waiver to waive either CBEST, the bachelor's degree, or on rare occasions, both. Table 16 illustrates the number of permits and credential waivers issued during the past six years.

**Table 16  
Number of Emergency 30-Day Substitute Permits and Waivers  
Issued from 1996-97 through 2001-02**

30-Day Substitute Permits	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	% Change from 2000-01
<b>Total Permits</b>	<b>32,859</b>	<b>43,076</b>	<b>41,699</b>	<b>45,022</b>	<b>48,883</b>	<b>57,536</b>	<b>17.7%</b>
30-Day	*	*	41,208	43,701	46,928	55,341	17.9%
Prosp.Teach	*	*	424	1211	1,822	2,045	12.2%
Career Subs.	*	*	67	110	133	150	12.8%
<b>Waivers</b>	<b>2,584</b>	<b>1,806</b>	<b>2,067</b>	<b>2,134</b>	<b>2,886</b>	<b>2,973</b>	<b>3.0%</b>

\*The breakdown of 30-Day Substitute Type permit is not available for years prior to 1998.

The following defines the authorizations for the three types of substitute permits issued by the Commission.

- The Emergency 30-Day Substitute Teaching Permit authorizes the holder to serve as a day-to-day substitute teacher in any classroom, including preschool, kindergarten, and grades 1-12 inclusive. However, the holder may not serve as a substitute for more than 30 days for any one teacher during the school year.
- The Emergency Substitute Teaching Permit for Prospective Teachers authorizes the holder to serve as a day-to-day substitute teacher in any classroom, including preschool, kindergarten, and grades 1-12 inclusive. The holder may serve as a substitute for no more than 20 days for any one teacher and may only serve for a maximum of 90 days during the school year.
- The final type of emergency permit, the Emergency Career Substitute Teaching Permit authorizes the holder to serve as a day-to-day substitute teacher in any classroom, including preschool, kindergarten, and grades 1-12 inclusive. The holder may serve as a substitute for no more than 60 days for any one teacher during the school year.

## Section V:

### Summary and Conclusions

For almost 30 years the Commission has issued emergency permits. Recent developments in California have focused attention on public education and, in particular, the need for credentialed teachers. This seventh-annual report on the subject has been prepared to provide information on the utilization of emergency permits and credential waivers by California employers in 2001-02, and does not attempt to explain why counties and districts experience difficulty recruiting credentialed teachers.

The main findings of this report are:

- 29,083 emergency permits, and 5,776 credential waivers (2,803 excluding day-to-day substitute permits) were issued to public schools in 2001-02. Of these, 28,126 emergency permits and 1,778 waivers were issued strictly for teaching purposes (elementary, secondary, and special education).
- 12,610 multiple subject emergency permits were issued during 2001-02. This was a decrease of 2,895, or 18.7%, over 2000-01. This decrease can be attributed, in large part, to the increase in the number of candidates in the California pre-internship teaching programs, and internship programs offered through universities and school districts.
- 9,546 single subject emergency permits were issued during 2001-02. This was a decrease of 1,273, or 11.8%, over 2000-01; marking the first decline of emergency single subject permits in over ten years.
- 5,970 education specialist emergency permits were issued during 2001-02. This was a decrease of 279, or a 4.5%, over 2000-01. Emergency permits for employment as a resource specialist decreased by 41.8% during 2001-02. The resource specialist continues to decrease, since the authorization is now incorporated under the Education Specialist emergency permit.
- 864 emergency permits and waivers were issued to Charter Schools during 2001-02. This was a 62.4% increase over 2000-01. The increases were a direct result of Assembly Bill 544 (Lempert) (Statutes of 1998, Chapter 34), which, since its implementation in January 1, 1999, required all charter school teachers to hold a Commission issued certificate, permit or other equivalent document to that which a teacher in a public school would be required to hold, as well as an overall increase in the number of new charter schools.
- 5,776 waivers were issued during 2001-02. This was a 5.7% decrease over the previous fiscal year. If factoring out the 30-day substitutes, waivers would show a decrease of 435, or 13.4%.

The Governor, Legislature, and the Commission are working together to help recruit credentialed teachers from out-of-state, provide systematic support for pre-interns, provide additional funding for internship programs and BTSA, encourage individuals through CAL TEACH to become teachers, encourage individuals to become mathematics teachers by providing monetary awards, and encourage credentialed teachers to teach in low-performing schools by providing monetary incentives. Together, these initiatives constitute a multi-pronged approach toward meeting California's need for additional teachers for the future.



## Section VI:

### Emergency Permit Requirements

#### **Current Requirements for Emergency Permits**

The Commission currently issues eleven types of emergency permits (see appendix B). Emergency permits are valid for one year and authorize the holder to provide the same service as a full teaching credential. Employers applying on behalf of individuals for any of these permits must verify that those individuals have met minimum requirements before the permits are issued. Some of these requirements are general to all types of emergency permits, while others are specific to the type of permit requested. All emergency permits require the holder to complete specific requirements while he or she holds the permit in order to be eligible for a reissuance of the emergency permit for another year.

#### **General Requirements for All Emergency Permits**

The applicant must verify that he or she possesses a baccalaureate or higher degree from a regionally accredited college or university, pass the California Basic Education Skills Test (CBEST), complete the specific requirements for the permit requested as described in the next section of this report, and pass a character and identification clearance.

All employing agencies requesting emergency permits are required to file a Declaration of Need for Fully Qualified Educators. This Declaration is submitted each school year prior to the Commission issuing emergency permits to individuals employed by the agency. The employing agency states on the Declaration of Need its estimate of need for each type of emergency permit. The Declaration must be approved in a public meeting of the agency's governing board. Through this process, the governing board and the public are informed of the number of individuals that the district reasonably expects to employ with emergency permits. Having the Declaration approved by the board not only informs the board of the district's shortage areas, but also allows for policy discussions such as why there is a shortage, whether it is statewide or restricted to the district, and whether the district can recruit or develop fully qualified and credentialed staff.

As a condition for employing emergency permit holders, the district must agree to provide permit holders with orientation, guidance and assistance. The orientation and training must occur prior to the individual being placed in a classroom and must include curriculum training, effective techniques of classroom instruction and effective techniques of classroom management. The emergency permit regulations also require the employing district to assign a certified and experienced educator to guide and assist the emergency permit holder. In addition, the certified and experienced educator must have at least three years of full-time classroom teaching experience. Emergency permits are valid for one year and are restricted to the district requesting the permit.

#### **Specific Requirements for Emergency Permits**

In order to qualify for an emergency permit, an applicant must meet the general requirements listed above and the requirements specific to the type of permit requested. Specific requirements are listed below by permit type:

##### **Multiple Subject Emergency Teaching Permit**

- (1) The applicant must provide written intent to complete the requirements for reissuance of the permit during the valid period of the permit.
- (2) The applicant must verify one of the following:
  - (a) passage of the Multiple subject Assessment for Teachers (MSAT); or
  - (b) completion of at least 10 semester units of college course work in each of any four of the following subject areas: Language Studies, Literature, History, Social Science, Mathematics, Science, Humanities, Art, Physical Education and Human Development. (The fourth 10-unit area may also be a combination of any two-subject areas not previously used.)

#### Single Subject Emergency Teaching Permit

- (1) The applicant must provide written intent to complete the requirements for reissuance of the permit during the valid period of the permit.
- (2) The applicant must verify one of the following:
  - (a) passage of the examination(s) approved by the Commission to verify appropriate knowledge of the subject to be listed on the permit, or
  - (b) verification of at least 18 semester units, or nine upper division or graduate semester units of college course work in the subject to be listed on the permit.

#### Emergency Multiple or Single Subject Teaching Permit with CLAD Emphasis

The requirements for these permits are the same as for the permits listed above.

#### Emergency Multiple or Single Subject Teaching Permit with BCLAD Emphasis

The requirements for these permits are the same as for the basic multiple and Single Subject emergency teaching permits except that the applicant must verify proficiency in the language to be listed on the permit by one of the following means:

- (1) passage of one of the examinations approved by the Commission for this specific purpose, or
- (2) passage of a Commission-approved oral language proficiency assessment administered by a California college or university, or
- (3) possession of a three-year or higher degree from a foreign college or university in which all instruction was delivered in the language to be listed on the permit.

#### Emergency Cross-cultural, Language and Academic Development (CLAD) Permit

The applicant for this permit must possess a valid California teaching credential or children's center permit excluding emergency permits, internship credentials, exchange and sojourn credentials.

#### Emergency Bilingual, Cross-cultural, Language and Academic Development (BCLAD) Permit

The applicant for this permit must:

- (1) possess a valid California teaching credential or children's center permit excluding emergency permits, internship credentials, exchange and sojourn credentials; and
- (2) verify proficiency in the language to be listed on the permit by one of the following means:
  - (a) passage of one of the examinations approved by the Commission for this specific purpose, or
  - (b) passage of a Commission-approved oral language proficiency assessment administered by a California college or university, or
  - (c) possession of a three-year or higher degree from a foreign college or university in which all instruction was delivered in the language to be listed on the permit, or
  - (d) possession of a valid California Single Subject or Standard Secondary teaching credential with a major in the language to be listed on the permit.

#### Emergency Education Specialist Instruction Permit

- (1) The applicant must provide written intent to complete the requirements for reissuance of the permit during the valid period of the permit.
- (2) The applicant must verify one of the following:
  - (a) possession of a valid basic California teaching credential; or
  - (b) possession or eligibility for an out-of-state Special Education credential requiring a baccalaureate degree and preparation program; or
  - (c) a minimum of three years successful classroom experience working with Special Education students in a public or state-certified school; or
  - (d) a minimum of nine semester units in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

#### Emergency Resource Specialist Permit

The applicant for this permit must:

- (1) either possess a valid basic California teaching credential or possess or show eligibility for an out-of-state Special Education credential and
- (2) submit a statement indicating intent to enroll in a Commission-approved program for one of the following:

- (a) Education Specialist Instruction Credential, which authorizes service as a Resource Specialist;
- (b) one of the credentials prerequisite to the Resource Specialist Certificate; or
- (c) Resource Specialist Certificate itself.

**Emergency Library Media Teacher Services Permit**

Individuals holding a valid California teaching credential must:

- (1) provide written intent to complete the requirements for reissuance of the permit during the valid period of the permit.
- (2) verify possession of a valid basic California Teaching Credential.

Individuals holding an out-of-state credential authorizing service as a librarian must:

- (1) provide written intent to complete the requirements for reissuance of the permit during the valid period of the permit and
- (2) show possession of, or eligibility for, the out-of-state librarian credential.

**Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, Including Special Class Authorization – (No longer issued – renewals only)**

**Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing – (No longer issued – renewals only)**

**Reissuance Requirements for Emergency Permits**

For the first reissuance only, all of the following requirements must be satisfied:

- (1) the employing agency must verify that orientation, guidance and assistance have been provided,
- (2) obtain an evaluation by a Commission-accredited professional preparation institution identifying requirements the emergency permit holder must complete to be eligible for the related credential,
- (3) verify that holders of the emergency multiple or single subject teaching permits, emergency multiple or single subject teaching permits with either a CLAD or BCLAD emphasis, and the emergency education specialist instruction permit have completed one of the following:
  - a) take the appropriate subject matter examination(s) if the holder has not completed the subject matter knowledge requirement prior to applying for the permit, or
  - b) complete at least six semester units or nine-quarter units of approved course work (with a grade of "C" or better, non-remedial) in a Commission-accredited professional preparation program or subject matter program required for issuance of the related credential. The course work must be completed after the issuance date of the emergency permit that is being reissued and prior to the requested reissue date of the permit. The appropriate college or university must verify the course work, or
  - c) complete a minimum of ninety hours of professional development activities that are directly related to the subject or class authorized by the emergency permit if the applicant is employed by an employing agency with a Plan to Develop Fully Qualified Educators which has been approved by the Commission.

For all subsequent reissuances, both of the following requirements must be satisfied:

- (1) the employing agency must verify that orientation, guidance and assistance have been provided,
- (2) completion of at least six semester units or nine-quarter units of approved course work (with a grade of "C" or better, non-remedial) in a Commission-accredited professional preparation program or subject matter program required for issuance of the related credential. The appropriate college or university must verify this.

The employing agency must have on file with the Commission, an annual Declaration of Need for Fully Qualified Educators.

## Section VII:

### Credential Waiver Requirements:

#### **The Credential Waiver Process**

Credential waivers are utilized by county offices of education, school districts and non-public schools to fill certificated positions when individuals holding credentials are unavailable. When an employing agency reviews its staffing needs and recruits for various positions, it first must attempt to fill a position with an appropriately credentialed employee. If a credentialed individual is not available, the employer must explore the feasibility of employing an individual in an internship capacity. If a university or district internship program is not available, the employer may request an emergency permit. When the employer is unable to find an individual who qualifies for the emergency permit, it then requests a variable term waiver for the best qualified applicant available.

The Education Code [Section 44225(m)] authorizes the Commission to grant two types of waivers, short-term and variable term. Short-term waivers give local agencies the ability to cover unanticipated, immediate, short-term needs with teachers who hold a basic credential, but are assigned to teach outside of their credential authorization for one semester or less with their consent. These waivers are reported to the county offices of education for assignment monitoring purposes. This report does not include information pertaining to short-term waivers.

Variable term waivers provide additional time for individuals to complete credential requirements or provide employing agencies with time to find an individual who either holds an appropriate credential or qualifies under one of the available assignment options. Waivers are issued for one calendar year and the individual on the waiver must demonstrate progress by completing an examination or coursework toward the credential. Variable term waivers include:

- (1) waivers to facilitate assignment in school programs addressing issues of educational reform,
- (2) waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position,
- (3) waivers to temporarily exempt geographically isolated regions, which have severely limited ability to develop personnel, from specific state requirements for educator preparation, licensing or assignment, or
- (4) other temporary waivers approved at the discretion of the Commission.

Requests by employing school districts for waivers of credential requirements are reviewed by the Appeals and Waivers Committee of the Commission at each monthly meeting. The Committee has established criteria to guide employing agencies, Commission staff, and Commissioners in the preparation and review of waiver applications. The general criteria for credential waiver requests follows.

#### **General Criteria for All Waiver Requests**

Waiver requests must meet all of the following criteria before they will be placed on the Commission's consent calendar.

- *Recruitment:* There is acceptable evidence that the employer has verified that they have attempted to recruit a fully credentialed individual for this assignment.
- *Credential Goal:* There is evidence that the waiver request is in a subject matter area known to have substantial shortages of credentialed personnel. This is determined by a periodic review of the number of waiver requests and emergency permits issued during the prior year. Currently, the established shortage areas are: Special Education including the resource setting, speech therapy, education for limited English proficient students, math and science instruction, reading instruction, driver education and training, library media services, and Multiple subject instruction.
- *Qualifications:* There is acceptable evidence that the employing agency has provided sufficient information to explain why the applicant is the best available person for the position. Such information may include verification of the completion of a degree, CBEST, part or all of a professional preparation program, or related experience.

- *Assignment:* There is evidence that this person has not been identified as misassigned in this assignment by the employing agency, or if the person has been identified as misassigned, there is evidence that action other than requesting a waiver was taken as a result of that misassignment.
- *Commitment:* There is acceptable evidence that the individual will have ongoing support and assistance provided by district personnel who hold a credential in the area of the waiver.

#### **Criteria for Services Credential Waivers**

Variable term waivers for pupil personnel and administrative services credentials have additional criteria that must be met since there is no substantial statewide shortage of individuals who hold these credentials.

- *Personnel Shortage:* There is written documentation that no credentialed candidates applied for the position or that credentialed candidates did not meet specific employment criteria (i.e., special skills as described below) for the assignment. The employer must briefly explain why each credentialed candidate was not selected for the position.
- *Special Skills: Services, Experience and Expertise:* There is written documentation that this individual possesses special skills, or that he or she can provide special services to the pupils served by the employer and that, by virtue of this individual's training, experience or expertise, he or she is the best person for this assignment. Such written documentation shall be in the form of a state license or advanced degree in a field directly related to the proposed assignment. For example, a district seeking a waiver of a pupil personnel services credential may provide written documentation that the individual holds a Masters of Social Work degree from an accredited institution. An example of a special skill is proficiency in a second language spoken by the students in the district.
- *Program Enrollment:* There is written documentation that this individual is enrolled in a program of professional preparation leading to the appropriate services credential and that he or she is close to completing all requirements for the credential. Such written documentation shall include specific information on the number and type of courses completed, along with the anticipated date for program completion. Written documentation from the authorized administrator at the university verifying the individual's current status in the credential program and the anticipated completion date of the program must be submitted.

Once an employing agency determines that an individual meets the criteria, the variable term waiver must be approved by the local governing board for public school districts. In the case of county offices of education and non-public schools licensed by the California Department of Education, they must complete a public notice process. The minutes of the governing board attesting to the approval of the waiver request or a copy of the public notice must be included with the waiver application.

After Commission staff has reviewed the waiver request and determined that all information is included, the waiver is placed on the Commission agenda to be considered by the Appeals and Waivers Committee. Depending on the circumstances for each application, the waiver request may be placed on the *consent calendar*, which means the waiver has met all of the Committee's criteria for approval. It may be placed on the *conditions calendar* for which criteria has also been approved. The conditions recommended by staff depend on the circumstances of each case, but generally require that the applicant complete at least six semester units toward the credential goal or pass one or more sections of CBEST during the term of the waiver. These conditions are printed on the waiver document.

The credential waiver waives only specific academic requirements for a credential. All credential waiver holders must complete the same character and identification clearance as credentialed teachers. The character and identification clearance consists of a fingerprint review of any criminal history by both the California Department of Justice and the Federal Bureau of Investigation, and when necessary, the Commission's Committee of Credentials and Division of Professional Practices.

## **Appendix A**

### **Emergency Teachers: An Historic Overview**

Prior to the creation of the California Commission on Teacher Credentialing (CCTC), the State Department of Education issued Provisional Credentials to persons who met minimum qualifications, but had not completed a teacher preparation program. This was the pre-1970 antecedent to the emergency credential or permit, which the state has issued regularly for over 30 years.

The Teacher Preparation and Licensing Act of 1970 (the Ryan Act), created the Commission on Teacher Preparation and Licensing (later the California Commission on Teacher Credentialing) as an independent agency within the Executive Branch of the Government. The act authorized the Commission to issue emergency "credentials" based on "at least 90 semester units of college work." The 90-semester unit requirement raised the standard for the credential from the 60 semester units required for the provisional credential of the earlier era.

A new emergency credential was adopted by regulation in April 1976 when the Emergency Bilingual Certificate of Competence Teaching Credential became effective. Among the conditions for this emergency credential were the requirements that the applicant complete a minimum of 90 semester units, be assessed for competence in the target language, complete three semester units or staff development in bilingual teaching methodology and have either two years of teaching in a bilingual classroom or be employed as a paraprofessional in a bilingual classroom. The credential authorized the holder to teach any subject in a bilingual class in grades 12 and below. The Commission, by establishing this specific emergency credential, was responding to new California bilingual education legislation (the Chacon-Moscone Act of 1976, Chapter 36, Statutes of 1977) and recognizing the shortage of teachers with bilingual capabilities.

The requirements for emergency credentials or permits continued to evolve over time as new statutory and regulatory changes modified the requirements. In May 1981, the administrative regulations were amended to include enrollment in a degree or credential program and the completion of six semester units as requirements for serving an additional year on the emergency credential. Two important requirements in 1982 were added by statute: a baccalaureate degree and the California Basic Educational Skills Test (CBEST). The CBEST requirement became effective January 1, 1983 while the baccalaureate degree was phased in to become the minimum requirements for all emergency credentials. In 1986, a subject matter requirement for the single subject and the multiple subject emergency permits was established by law. In 1994, the Commission adopted regulations changing the title from "emergency credential" to "permit". (SB 322, Morgan, Chapter 378, Statutes of 1994). New legislation was enacted restricting the number of years an individual may serve on an emergency permit to no more than five.

## **Appendix B:**

### **Types of Emergency Permits Currently Issued in California**

The following is a list of the types of emergency permits currently issued in California. Following each title is a description of the school setting for each permit:

- Emergency Multiple Subject Teaching Permit, typically used for the elementary classroom;
- Emergency Single Subject Teaching Permit, typically used for the secondary classroom;
- Emergency Multiple Subject Teaching Permit with Cross-cultural, Language and Academic Development (CLAD) Emphasis, which authorizes teaching limited English proficient students;
- Emergency Single Subject Teaching Permit with CLAD Emphasis, which authorizes teaching limited English proficient students;
- Emergency Multiple Subject Teaching Permit with Bilingual, Cross-cultural, Language and Academic Development (BCLAD) Emphasis, which authorizes teaching in a bilingual classroom;
- Emergency Single Subject Teaching Permit with BCLAD Emphasis, which authorizes teaching in a bilingual classroom;
- Emergency Cross-cultural, Language and Academic Development (CLAD) Permit, which authorizes teaching limited English proficient students;
- Emergency Bilingual, Cross-cultural, Language and Academic Development (BCLAD) Permit, which authorizes teaching in a bilingual classroom;
- Emergency Education Specialist Instruction Permit, which authorizes instruction of students with special needs;
- Emergency Resource Specialist Permit, which authorizes the instruction of students with special needs who spend the majority of their school day in a regular education classroom;
- Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, Including Special Class Authorization, which authorizes service as a speech pathologist and authorizes instruction of children with autism  
**(no longer issued – renewal only);**
- Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, which authorizes service as a speech pathologist  
**(no longer issued – renewal only);**
- Emergency Library Media Teacher Services Permit, which authorizes services as a librarian.

## Appendix C

### Table of All Public School Districts

The following information is a combination of the California Basic Education Data System (CBEDS) and CCTC data. The employment data is from the California Department of Education's – California Basic Educational Data System (CBEDS) which is reported each October. The certificated personnel are represented in Full Time Equivalent (FTE) positions. The actual number of personnel at each district maybe higher due to part-time employees.

#### Legend

County	County Name (CBEDS data)
District	School District or County Offices of Education (CBEDS)
Admin	Number of Administrators (CBEDS)
Pupil Svcs	Number of Pupil Personnel Services staff (CBEDS)
Teachers	Number of Teachers employed by the district (CBEDS)
Total Cert.	Total number of Certificated Staff (CBEDS)
Permits	Number of emergency permits issued to the district or county (CCTC)
% of Teachers on Permits	Percentage of Teachers serving on emergency permits. Administrators and Services are excluded due to the fact that there are no emergency permits for administrators, and very few service permits. (CCTC)
Waivers	Number of variable term waivers issued to the district or county (CCTC)
% of Cert Staff on Waivers	Percentage of the Total Certificated Staff serving on variable term waivers (CCTC)
% of Cert Staff on P/W	Percentage of Total Certificated Staff serving on either an emergency permit or a variable term waiver (CCTC)



**EXHIBIT C**  
**TEACHER SUPPLY IN CALIFORNIA**  
**2001-2002 FIFTH ANNUAL REPORT**

**Teacher Supply in California  
A Report to the Legislature  
Fifth Annual Report  
2001-02**



**Submitted Pursuant to Chapter 381  
Statutes of 1999**

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**California Commission on Teacher Credentialing  
State of California  
2003**



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COMMISSION ON TEACHER CREDENTIALING**

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<b>Madkins, Lawrence</b>	<b>Teacher</b>
<b>Vaca, Alberto</b>	<b>Teacher</b>
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*Executive Officer*

<b>Sam Swofford, Ed.D.</b>	<b>Executive Director</b>
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## Table of Contents

	Page
Executive Summary .....	1
Table 1 (Summary) - Credentials Issued upon Recommendation of a California Institution of Higher Education (IHE) by Institution Type .....	13
Table 1 – Credentials Issued upon Recommendation of a California IHE by Institution .....	14
Table 1A (Summary) – Internship Credentials Issued upon Recommendation of a California IHE by Institution Type .....	17
Table 1A – Internship Credentials Issued upon Recommendation of a California IHE by Institution .....	18
Table 2 – District Interns Recommended for Professional Clear Credentials .....	20
Table 3 – Credentials Obtained by Out-of-State Trained Teachers .....	23
Table 4 – Comparison of Credentials and Emergency Permits Issued .....	24
Table 5 – Districts with 20 Percent or More on Emergency Permits and Waivers .....	26
Table 6 – Certificates, Permits, and Waivers Requested by Counties and Agencies .....	27
Appendix – Types of Credentials and Permits within this report .....	358

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*California Commission on Teacher Credentialing*

**Teacher Supply in California 2001-2002**  
**A Report to the Legislature**  
**Executive Summary**

Determining teacher supply in California is essential for policy makers as they analyze how current statutes and policies impact teacher recruitment, teaching incentives and teacher preparation. This report provides data collected by the California Commission on Teacher Credentialing (Commission) and addresses several questions regarding the supply of teachers newly available to teach in California classrooms.

Originally intended to provide data as outlined in Assembly Bill 471 (Scott, Chapter 381, Statutes of 1999) signed by Governor Davis, the report incorporates the requirements of the legislation into a tool for policy makers and others interested in teacher supply. More detailed data is available on-line in the full report at [www.ctc.ca.gov](http://www.ctc.ca.gov).

This report frames information under eight questions regarding teacher supply. The questions are:

- How Many Teachers Are Credentialed Each Year in California?
- What Types of Credentials Are Teachers Earning?
- Are Alternative Routes Growing?
- Are Career Ladder Programs Working?
- Who Prepares California's Teachers?
- Are More People Considering a Teaching Career?
- Are Credentialed Teachers Staying in the Classroom?
- Are the Numbers of Emergency Permits and Waivers Declining?

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*In fiscal year 2001-02 California saw a 23% increase in teachers newly available to teach, a 14% decrease in the number of emergency teaching permits, and a 22% decrease in the number of credential waivers.*

## How Many Teachers Are Credentialed Each Year in California?

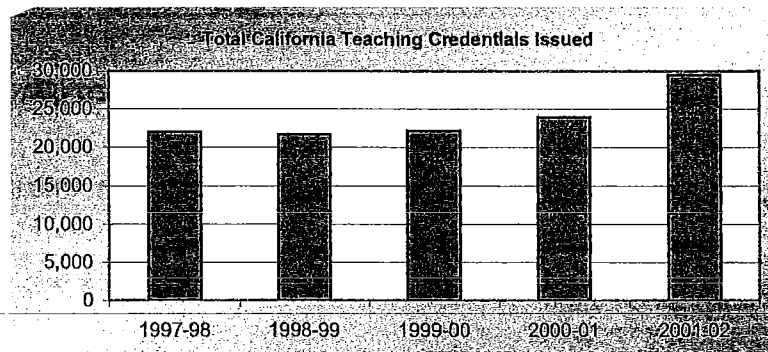
Teachers may earn a California teaching credential through a variety of programs offered by Institutions of Higher Education (IHE) or through intern programs offered by a school district or consortia of districts. All teacher preparation programs must meet the same high teacher preparation standards and be accredited by the Commission. Teachers prepared in other states have several options for obtaining a California credential depending on their years of experience or the comparability of their teacher preparation program to those in California. Recent legislation has effectively streamlined this process for out-of-state teachers.

The supply of credentialed teachers in California increased by 23% from fiscal year 2000-01 to 2001-02, from 23,926 to 29,536. Of these teachers, 46% had previously held an intern credential, a pre-intern certificate, or an emergency permit and were teaching in California classrooms.

The following chart shows the numbers of teachers earning California credentials for fiscal years 1997-98 through 2001-02.

**Total California Teaching Credentials Issued**

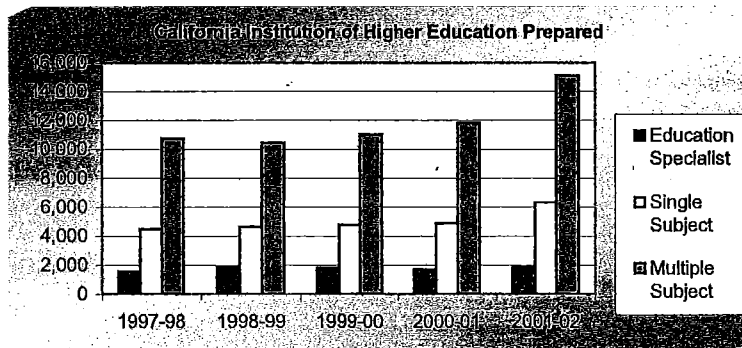
	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
California IHE Prepared	16,767	16,993	17,555	18,397	23,225	26.2%
District Prepared	393	508	703	805	682	-15.3%
Out-of-State Prepared	4,837	4,216	3,864	4,724	5,629	19.2%
<b>Totals</b>	<b>21,997</b>	<b>21,717</b>	<b>22,122</b>	<b>23,926</b>	<b>29,536</b>	<b>23.4%</b>



The following charts show the types of teaching credentials earned in California through the avenues outlined on the previous page – California IHE programs, school district programs and teachers prepared in other states. There are currently three basic types of teaching credentials issued by the Commission for service in K-12 academic settings. Multiple Subject Teaching Credentials authorize service in self-contained classrooms such as classrooms in most elementary schools. Single Subject Teaching Credentials authorize service in departmentalized classes such as those in most middle and high schools. Education Specialist credentials authorize service in special day classes and in resource programs for students with special needs.

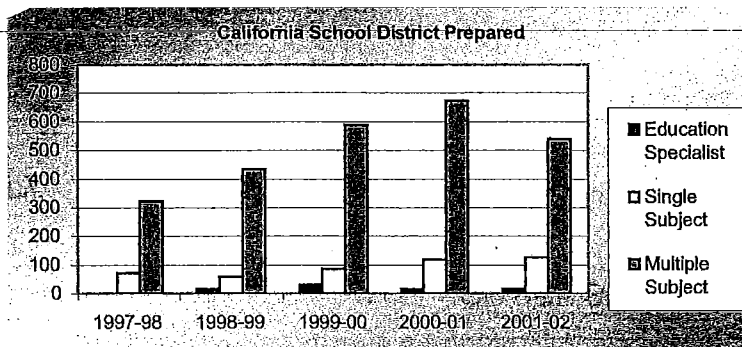
**California IHE Prepared**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
<b>Multiple Subject</b>	10,710	10,444	11,013	11,813	15,080	27.7%
<b>Single Subject</b>	4,500	4,650	4,748	4,886	6,313	29.2%
<b>Education Specialist</b>	1,557	1,899	1,794	1,698	1,832	7.9%
<b>Total</b>	<b>16,767</b>	<b>16,993</b>	<b>17,555</b>	<b>18,397</b>	<b>23,225</b>	<b>26.2%</b>



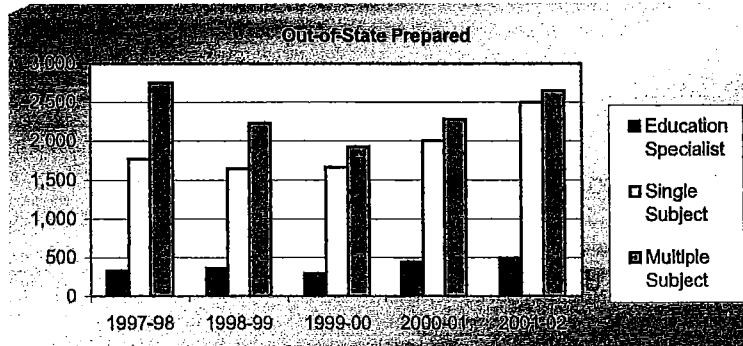
**District Prepared**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
<b>Multiple Subject</b>	322	434	587	673	539	-19.9%
<b>Single Subject</b>	71	58	85	117	126	7.7%
<b>Education Specialist</b>	0	16	31	15	17	13.3%
<b>Total</b>	<b>393</b>	<b>508</b>	<b>703</b>	<b>805</b>	<b>682</b>	<b>-15.3%</b>



**Out-of-State Prepared**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
<b>Multiple Subject</b>	2,747	2,223	1,918	2,277	2,640	15.9%
<b>Single Subject</b>	1,765	1,634	1,658	2,006	2,497	24.5%
<b>Education Specialist</b>	325	359	288	441	492	11.6%
<b>Totals</b>	<b>4,837</b>	<b>4,216</b>	<b>3,864</b>	<b>4,724</b>	<b>5,629</b>	<b>19.2%</b>



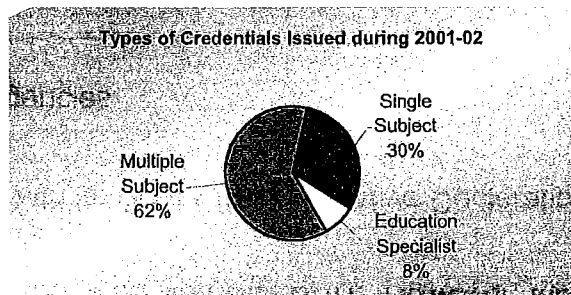
**What Types of Credentials Are Teachers Earning?**

This report focuses on teaching credentials for California’s K-12 classrooms. As stated previously, there are currently three basic types of teaching credentials issued by the Commission for service in K-12 academic settings. Multiple Subject Teaching Credentials authorize service in self-contained classrooms such as classrooms in most elementary schools. Single Subject Teaching Credentials authorize service in departmentalized classes such as those in most middle and high schools. Education Specialist credentials authorize service in special day classes and in resource programs for students with special needs.

As shown in the chart below, Multiple Subject Teaching Credentials comprise 62% of the total number of credentials issued in 2001-02 at 18,259. Single Subject Teaching Credentials comprise 30% at 8,936 and Education Specialist Teaching Credentials comprise 8% of the total at 2,341.

**Types of Credentials Issued During 2001-02**

	<u>2001-02</u>
<b>Multiple Subject</b>	18,259
<b>Single Subject</b>	8,936
<b>Education Specialist</b>	2,341
<b>Total</b>	<b>29,536</b>





## Are Alternative Routes Growing?

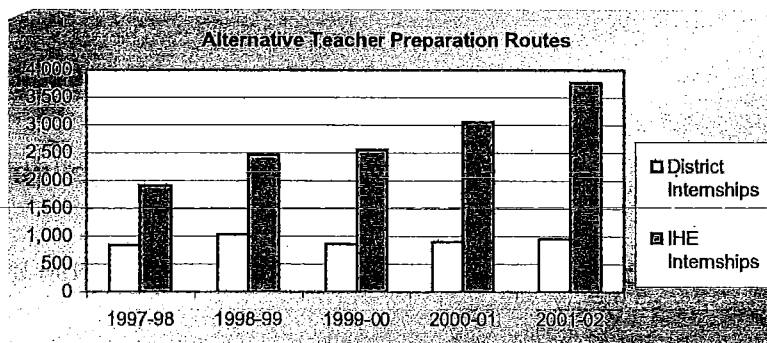
California offers great flexibility for individuals interested in becoming teachers. The traditional route to teaching includes a year of preparation courses including field experience and student teaching. The experience is carefully planned to introduce the prospective teacher into the classroom and to ensure that the teacher is fully prepared upon earning the credential. However, this route does not meet the needs of many individuals who have the skills and dedication necessary to become excellent teachers. For individuals who must earn a living while completing a teacher preparation program and for career changers who bring valuable skills and experience to the classroom, internship programs are a viable option.

Many IHEs offering teacher preparation programs offer an internship alternative. School districts may also offer teaching internship programs. All alternative programs must meet the same high standards as traditional programs and must be accredited by the Commission. Each program must show how it prepares interns prior to their classroom experience – usually during the summer – and must show how interns are mentored and assessed in addition to providing continued teacher education courses and seminars.

The chart below shows the number of intern credentials and certificates issued for use in both IHE and school district programs. Data for fiscal years 1997-98 through 2001-02 show a steady increase in IHE internship programs with an enrollment of 3,769 in 2001-02 and a slight variation over time in district internship programs with an enrollment of 944 in 2001-02.

**Alternative Teacher Preparation Routes**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
<b>IHE Internships</b>	1,909	2,458	2,557	3,056	3,769	23.3%
<b>District Internships</b>	834	1,030	855	897	944	5.2%
<b>Totals</b>	<b>2,743</b>	<b>3,488</b>	<b>3,412</b>	<b>3,953</b>	<b>4,713</b>	<b>19.2%</b>



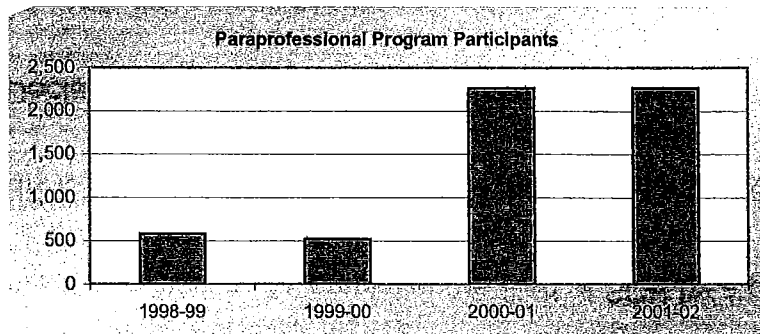
## Are Career Ladder Programs Working?

In the past few years, the Governor and the Legislature have provided programs for individuals working in classrooms as paraprofessionals and as pre-interns. These programs provide funding to support individuals while they work in the classroom and complete their teacher preparation. The Paraprofessional Teacher Training Program provides money for tuition and books, offers academic support as participating classroom aides earn a college degree and complete a credentialing program. The Pre-Intern Program provides funds for school districts to support teachers who would otherwise serve on emergency permits. The program offers training in basic classroom skills such as classroom management and organization, provides mentoring and helps the participants meet credentialing subject matter requirements to enter an internship program. Both programs have been highly successful in moving participants into internship programs and later to full credentials.

Analysis of the participation in both programs can help forecast future credential numbers. Participation in the Paraprofessional Teacher Training Program remained steady at 2,266 participants in 2001-02. The Pre-Intern Program showed a 21.6% increase in certificates issued from 2000-01 to 2001-02 from 8,092 to 9,841.

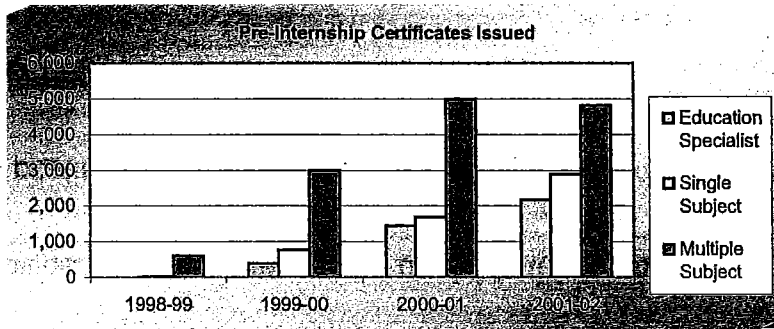
### Paraprofessional Program Participants

<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
580	522	2,268	2,266	-0.1%



**Pre-Internship Certificates Issued**

	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
Multiple Subject	597	2,987	4,981	4,799	-3.7%
Single Subject	12	760	1,677	2,875	71.4%
Education Specialist	0	395	1,434	2,167	51.1%
	<b>609</b>	<b>4,142</b>	<b>8,092</b>	<b>9,841</b>	<b>21.6%</b>

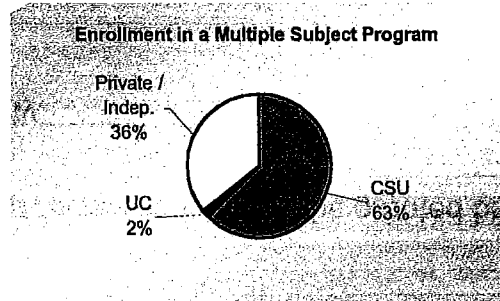


Tracking teacher preparation program enrollment can serve as yet another forecasting tool. Recent federal regulations, detailing the Elementary and Secondary Education Act, require all states to report data on teacher preparation. Included in this report is enrollment data for all California IHE teacher preparation programs during fiscal year 2000-01.

The charts on the next page show enrollment data for Multiple Subject Teaching Credential Programs, Single Subject Teaching Credential Programs and Education Specialist Teaching Credential Programs. The charts show this data according to enrollment in programs offered through the California State University (CSU), the University of California (UC) and Private/Independent Universities. Because not all credential candidates will complete their teacher preparation program in one year, the data should be viewed in light of the varying length of each candidate's progress toward the credential. The data show that there were 40,240 candidates enrolled in programs for Multiple Subject Teaching Credentials, 17,823 candidates enrolled in programs for Single Subject Teaching Credentials, and 8,009 candidates enrolled in programs for Education Specialist Teaching Credentials during fiscal year 2000-01.

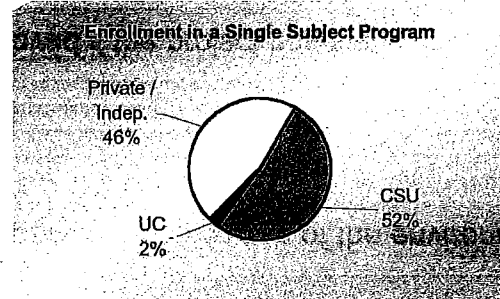
**Multiple Subject**

CSU	25,180
UC	686
Private / Indep.	14,374
<b>Total</b>	<b>40,240</b>



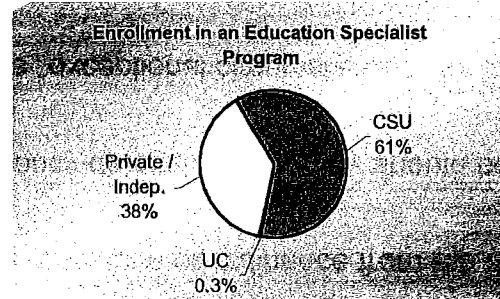
**Single Subject**

CSU	9,261
UC	376
Private / Indep.	8,186
<b>Total</b>	<b>17,823</b>



**Education Specialist**

CSU	4,916
UC	24
Private / Indep.	3,067
<b>Total</b>	<b>8,007</b>



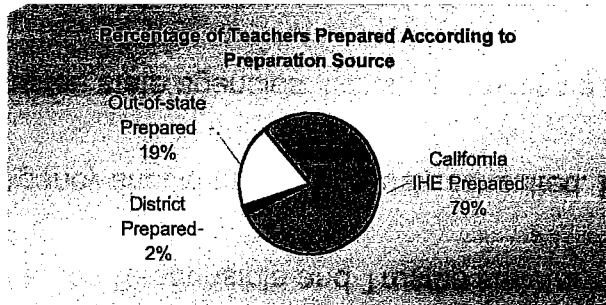
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**Who Prepares California's Teachers?**

California Universities prepared 79% of the teachers in California in fiscal year 2001-02. Teachers prepared in other states who later became credentialed in California comprised 19% of newly credentialed California teachers. The remaining 2% of newly credentialed teachers were prepared through school district internship programs.

**Percentage of Teachers Prepared According to Preparation Source**  
**Fiscal Year 2001-02**

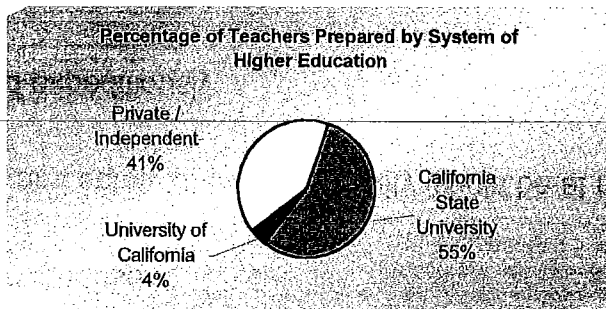
<u>Certification Route</u>	<u>Multiple Subject</u>	<u>Single Subject</u>	<u>Education Specialist</u>	<u>Totals</u>
California IHE Prepared	15,080	6,313	1,832	23,225
District Prepared	539	126	17	682
Out-of-state Prepared	2,640	2,497	492	5,629



Of the three university systems – California State University (CSU), University of California (UC) and Private/Independent Universities – CSU prepared 55% of the new teachers in the fiscal year 2001-02. Private/Independent Universities prepared 41%, and UC programs prepared 4% of the new teachers.

**Percentage of Teachers Prepared by System of Higher Education**  
**Fiscal Year 2001-02**

California State University	12,712
University of California	988
Private / Independent	9,525
<b>Total</b>	<b>23,225</b>

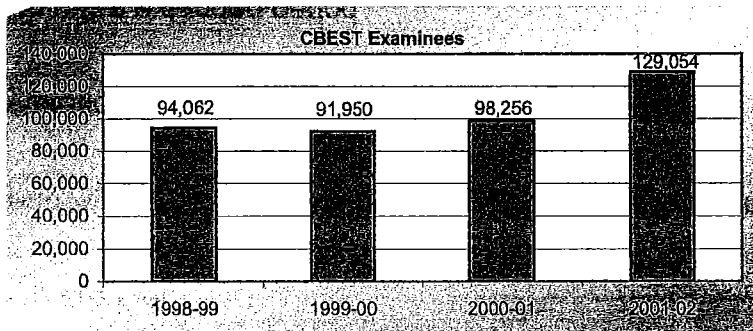


## Are More People Considering a Teaching Career?

One indicator of interest in teaching is the number of individuals taking the California Basic Educational Skills Test (CBEST). This exam is a prerequisite for all teaching and service credentials in California. It measures an individual's basic competence in reading, writing and mathematics. While the number of CBEST examinees has varied over the last four years, the data show a substantial increase in 2001-02 at 129,054 compared to 98,256 in 2000-01, and 91,950 in 1999-00. All examinee numbers include repeat test takers.

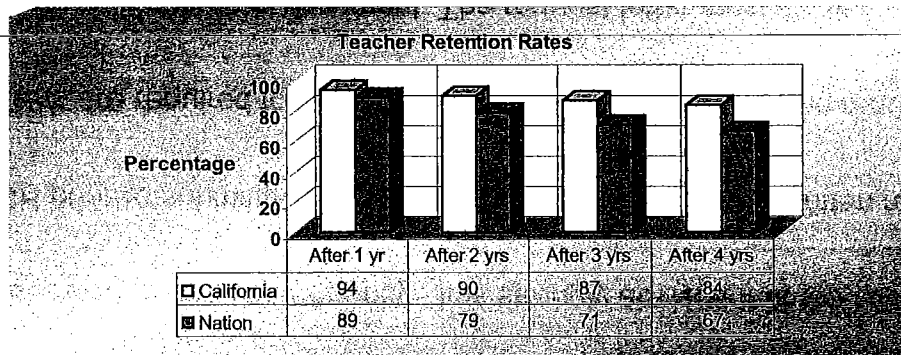
### CBEST Examinees

<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
94,062	91,950	98,256	129,054	31.3%



## Are Credentialed Teachers Staying in the Classroom?

A joint study undertaken in 2002 by the California Commission on Teacher Credentialing and the California Employment Development Department revealed that California public schools retained teachers at a significantly higher rate than the national average. Of the 13,000 newly employed teachers in fiscal year 1995-96, 84% remained employed in public education after four years, as compared to 67% nationally.

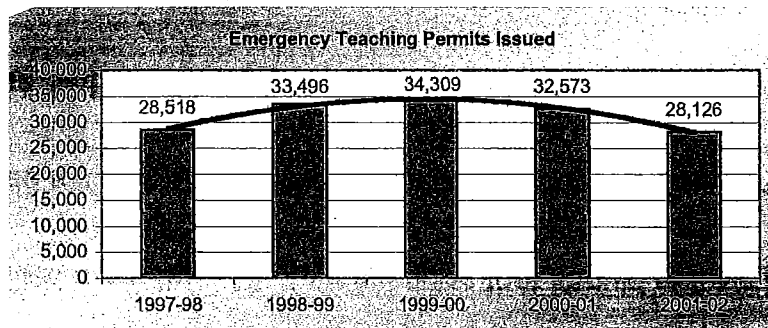


## Are the Numbers of Emergency Permits and Waivers Declining?

For the second consecutive year, emergency permits and credential waivers have decreased from the previous fiscal year. The number of emergency teaching permits (Multiple Subject, Single Subject, and Special Education) decreased by 14% -- from 32,573 in 2000-01 to 28,126 in 2001-02. Additionally, the number of credential waivers decreased by 22% -- from 2,265 in 2000-01 to 1,778 in 2001-02. Since fiscal year 1999-00, California has seen an 18% decrease in the number of emergency teaching permits issued, and a 35% decrease in the number of credential waivers issued. Taking into account an increase in the number of certificated teaching staff in California's schools and the decrease in the number of emergency permits, the percentage of emergency permits has decreased from 11% in 2000-01 to 9% in 2001-02. Credential waivers decreased from .7% of the total certificated teaching staff in 2000-01 to .6% in 2001-02.

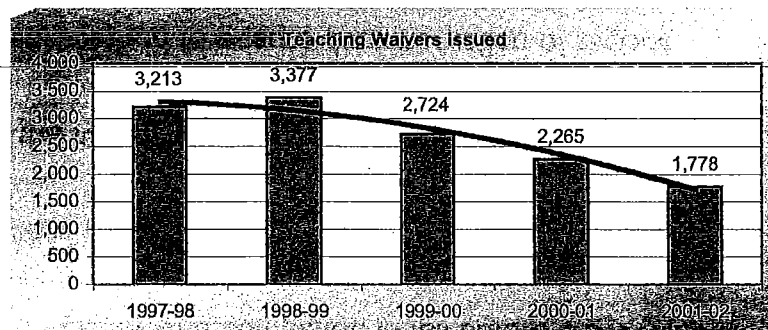
### Emergency Teaching Permits

<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
28,518	33,496	34,309	32,573	28,126	-13.7%

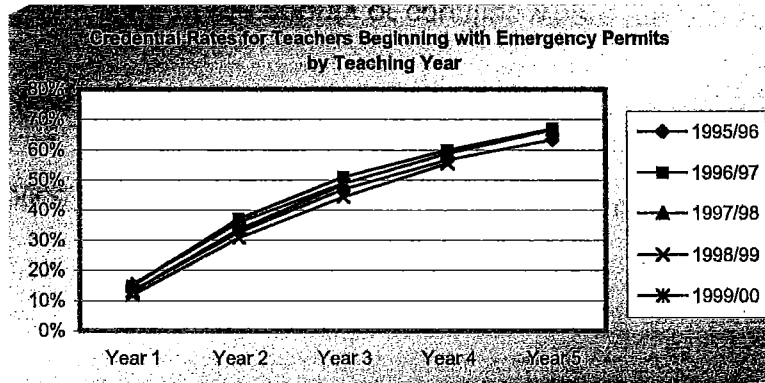


### Teaching Waivers

<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>% Change</u>
3,213	3,377	2,724	2,265	1,778	-21.5%



Another study conducted by the Commission during 2002 determined the number of new emergency permit holders earning a teaching credential and the length of time it took them to earn the credential. The following chart displays a cumulative percentage rate over a five-year period for each fiscal year studied. For example, in fiscal year 1995-96, of the 6,184 individuals who earned a new emergency teaching permit, 3,919 (or 63%) earned a teaching credential by the end of five years. Because national research indicated that emergency permit teachers seldom went on to earn full credentials, this new California data provides a more accurate view of the teacher supply pipeline.





**Issued July 1, 2001 to June 30, 2002**  
**Number of First Time/New Type Documents Issued Upon Recommendation**

The following table summarizes the numbers of documents issued between July 1, 2001 and June 30, 2002 upon the recommendation of a California institution with a Commission-accredited credential program. The numbers include individuals who obtained their initial certification (First Time) and individuals who previously held another type of certification such as an emergency permit (New Type). The numbers are broken down by the credential area and the type of recommending institution.

	Single Subject	Multiple Subject	Special Education	Total
<b>CALIFORNIA STATE UNIVERSITY</b>				
First Time	578	1,092	81	1,751
New Type	2,520	7,268	1,173	10,961
<b>CSU TOTAL</b>	<b>3,098</b>	<b>8,360</b>	<b>1,254</b>	<b>12,712</b>
<b>UNIVERSITY OF CALIFORNIA</b>				
First Time	150	209	1	360
New Type	205	405	18	628
<b>UC TOTAL</b>	<b>355</b>	<b>614</b>	<b>19</b>	<b>988</b>
<b>PRIVATE/INDEPENDENT INSTITUTIONS</b>				
First Time	346	809	14	1,169
New Type	2,514	5,297	545	8,356
<b>PRIVATE TOTAL</b>	<b>2,860</b>	<b>6,106</b>	<b>559</b>	<b>9,525</b>
<b>ALL INSTITUTIONS</b>				
First Time	1,074	2,110	96	3,280
New Type	5,239	12,970	1,736	19,945
<b>TOTAL</b>	<b>6,313</b>	<b>15,080</b>	<b>1,832</b>	<b>23,225</b>

**TABLE 1**  
**Multiple Subject, Single Subject and Special Education Teaching Credentials**  
**Issued July 1, 2001 to June 30, 2002**  
**Number of First Time/New Type Documents Issued Upon Recommendation**

The following table lists the number of Multiple Subject, Single Subject and Special Education teaching credentials issued with effective dates between July 1, 2001 and June 30, 2002 upon the recommendation of a California institution of higher education with a Commission-accredited program. The numbers include individuals who received their initial California credential (first time) and those who previously held a different type of document such as an emergency permit (new type). This report includes individuals who received preliminary and professional clear credentials.

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>CALIFORNIA STATE UNIVERSITY</b>				
Bakersfield	120	361	51	532
Chico	162	263	83	508
Dominguez Hills	193	576	112	881
Fresno	125	520	37	682
Fullerton	193	566	95	854
Hayward	145	437	20	602
Humboldt	64	102	21	187
Long Beach	252	540	24	816
Los Angeles	239	765	76	1,080
Monterey Bay	0	134	0	134
Northridge	295	578	165	1,038
Pomona	116	304	51	471
Sacramento	144	468	119	731
San Bernardino	142	502	92	736
San Diego	257	495	51	803
San Francisco	203	315	90	608
San Jose	137	350	57	544
San Luis Obispo	84	86	14	184
San Marcos	79	410	51	540
Sonoma	80	121	41	242
Stanislaus	68	467	4	539
<b>TOTAL</b>	<b>3,098</b>	<b>8,360</b>	<b>1,254</b>	<b>12,712</b>

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>UNIVERSITY OF CALIFORNIA</b>				
UC Berkeley	45	68	0	113
UC Davis	33	87	0	120
UC Irvine	50	79	0	129
UC Los Angeles	75	131	0	206
UC Riverside	45	89	12	146
UC San Diego	20	50	6	76
UC Santa Barbara	62	57	1	120
UC Santa Cruz	25	53	0	78
<b>TOTAL</b>	<b>355</b>	<b>614</b>	<b>19</b>	<b>988</b>

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>INDEPENDENT INSTITUTIONS</b>				
Alliant International University	34	41	0	75
Antioch University	0	23	0	23
Azusa Pacific University	90	305	76	471
Bethany College of Assemblies of God	7	25	0	32
Biola University	38	47	0	85
California Baptist University	28	102	14	144
California Lutheran University	38	106	11	155
Chapman University	582	1,050	69	1,701
Christian Heritage College	10	44	0	54
Claremont Graduate University	36	86	0	122
Concordia University	45	109	0	154
Dominican University of California	39	104	0	143
Fresno Pacific University	35	79	17	131
Holy Names College	10	28	7	45
Hope International University	0	25	0	25
John F. Kennedy University	5	18	0	23
La Sierra University	6	14	1	21
Loyola Marymount University	39	94	4	137
Mills College	19	28	1	48
Mount St. Mary's College	9	23	1	33
National Hispanic University	0	61	0	61
<b>National University</b>	<b>1,173</b>	<b>2,240</b>	<b>285</b>	<b>3,698</b>

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>INDEPENDENT INSTITUTIONS (Continued)</b>				
New College of California	0	7	0	7
Notre Dame de Namur University	56	76	0	132
Occidental College	6	9	0	15
Pacific Oaks College	0	44	8	52
Pacific Union College	22	21	0	43
Patten College	0	17	0	17
Pepperdine University - Los Angeles	27	169	0	196
Pepperdine University - Malibu	8	28	0	36
Point Loma Nazarene University	51	74	1	126
Santa Clara University	21	39	14	74
Simpson College	14	81	0	95
St. Mary's College of California	50	104	9	163
Stanford University	56	0	0	56
The Master's College	8	16	0	24
U.S. International University	0	0	0	0
University of La Verne	114	254	2	370
University of Phoenix	0	15	0	15
University of Redlands	44	124	0	168
University of San Diego	24	65	6	95
University of San Francisco	29	77	22	128
University of Southern California	23	67	5	95
University of the Pacific	35	40	6	81
Vanguard University	15	35	0	50
Westmont College	1	13	0	14
Whittier College	13	79	0	92
<b>TOTAL</b>	<b>2,860</b>	<b>6,106</b>	<b>559</b>	<b>9,525</b>
<b>GRAND TOTAL</b>	<b>6,313</b>	<b>15,080</b>	<b>1,832</b>	<b>23,225</b>

**TABLE 1A (SUMMARY)**  
**Multiple Subject, Single Subject, and Special Education Internship Credentials**  
**Issued July 1, 2001 to June 30, 2002**  
**Number of First Time/New Type Documents Issued Upon Recommendation**

The following table summarizes the numbers of documents issued between July 1, 2001 and June 30, 2002 upon the recommendation of a California institution of higher education with a Commission-accredited internship program. The numbers include individuals who received their initial California internship credential (First Time) and those who previously held a different type of document such as an emergency permit (New Type).

	Single Subject	Multiple Subject	Special Education	Total
<b>CALIFORNIA STATE UNIVERSITY</b>				
First Time	85	209	47	341
New Type	563	1,492	457	2,512
<b>CSU TOTAL</b>	<b>648</b>	<b>1,701</b>	<b>504</b>	<b>2,853</b>
<b>UNIVERSITY OF CALIFORNIA</b>				
First Time	34	32	0	66
New Type	34	77	7	118
<b>UC TOTAL</b>	<b>68</b>	<b>109</b>	<b>7</b>	<b>184</b>
<b>PRIVATE/INDEPENDENT INSTITUTIONS</b>				
First Time	38	81	8	127
New Type	110	430	65	605
<b>PRIVATE TOTAL</b>	<b>148</b>	<b>511</b>	<b>73</b>	<b>732</b>
<b>ALL INSTITUTIONS</b>				
First Time	157	322	55	534
New Type	707	1,999	529	3,235
<b>TOTAL</b>	<b>864</b>	<b>2,321</b>	<b>584</b>	<b>3,769</b>

**TABLE 1A**  
**Multiple Subject, Single Subject and Special Education Internship Credentials**  
**Issued July 1, 2001 to June 30, 2002**  
**Number of First-Time/New Type Documents Issued Upon Recommendation**

The following table lists the number of Multiple Subject, Single Subject and Special Education internship credentials issued with effective dates between July 1, 2001 and June 30, 2002 upon the recommendation of a California institution of higher education with a Commission-accredited internship program. The numbers include individuals who received their initial California internship credential (first time) and those who previously held a different type of document such as an emergency permit (new type).

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>CALIFORNIA STATE UNIVERSITY</b>				
Bakersfield	34	49	55	138
Chico	38	24	36	98
Dominguez Hills	53	218	30	301
Fresno	32	121	6	159
Fullerton	71	110	48	229
Hayward	78	182	0	260
Long Beach	16	30	11	57
Los Angeles	0	101	49	150
Monterey Bay	0	29	0	29
Northridge	115	101	74	290
Pomona	13	89	26	128
Sacramento	23	66	48	137
San Bernardino	114	281	33	428
San Diego	13	42	26	81
San Francisco	13	38	4	55
San Jose	14	36	14	64
San Marcos	0	32	19	51
Sonoma	0	0	25	25
Stanislaus	21	152	0	173
<b>TOTAL</b>	<b>648</b>	<b>1,701</b>	<b>504</b>	<b>2,853</b>

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>UNIVERSITY OF CALIFORNIA</b>				
UC Berkeley	0	31	0	31
UC Irvine	16	15	0	31
UC Los Angeles	12	41	0	53
UC Riverside	14	22	7	43
UC San Diego	26	0	0	26
UC Santa Cruz	0	0	0	0
<b>TOTAL</b>	<b>68</b>	<b>109</b>	<b>7</b>	<b>184</b>

2001/02	Single Subject	Multiple Subject	Special Education	Total
<b>INDEPENDENT INSTITUTIONS</b>				
Alliant International University	2	0	0	2
Azusa Pacific University	3	127	0	130
California Lutheran University	12	8	16	36
Chapman University	2	44	0	46
Claremont Graduate University	24	63	0	87
Concordia University	0	1	0	1
Dominican University of California	4	14	0	18
Fresno Pacific University	9	11	1	21
Holy Names College	1	10	0	11
John F. Kennedy University	2	7	0	9
National Hispanic University	0	36	0	36
National University	8	7	16	31
Notre Dame de Namur University	22	18	8	48
Pacific Oaks College	0	5	0	5
Patten College	0	15	0	15
Point Loma Nazarene University	15	27	0	42
Santa Clara University	5	14	16	35
U.S. International University	0	0	0	0
University of La Verne	9	45	0	54
University of Redlands	16	26	0	42
University of San Diego	3	0	4	7
University of San Francisco	0	0	9	9
University of the Pacific	11	2	3	16
Whittier College	0	31	0	31
<b>TOTAL</b>	<b>148</b>	<b>511</b>	<b>73</b>	<b>732</b>
<b>GRAND TOTAL</b>	<b>864</b>	<b>2,321</b>	<b>584</b>	<b>3,769</b>

**Table 2**  
**District Interns Recommended for Professional Clear Credential**  
**July 1, 2001 to June 30, 2002**

The following table lists the school districts which recommended teachers for Multiple and Single Subject Professional Clear, and Education Specialist Level II credentials on the basis of completion of a District Internship Program. The table identifies the type and number of each credential recommended by the districts.

County	District	Credential Type	Major(s)	Total
ALAMEDA	Alameda City Unified	Multiple Subject		1
		Single Subject	Spanish	1
			Math	1
			Science: Biological Sciences	2
	Berkeley Unified	Single Subject	English	1
			Science: Chemistry	1
			Social Science	1
	Emery Unified	Single Subject	Science: Biological Sciences	1
	Fremont Unified	Multiple Subject		4
		Multiple Subject	CLAD Emphasis	1
		Single Subject	Science: Biological Sciences	1
	Hayward Unified	Single Subject	Business	1
		Single Subject	Science: Biological Sciences	1
	Newark Unified	Multiple Subject		1
Oakland Unified	Multiple Subject		10	
	Single Subject	Music	1	
Compton Unified	Multiple Subject		10	
Long Beach Unified	Multiple Subject		1	
	Multiple Subject	BCLAD, Emphasis: Spanish	11	
Los Angeles Unified	Education Specialist	Mild/Moderate Disabilities	17	
	Multiple Subject		325	
	Multiple Subject	CLAD Emphasis	7	
	Multiple Subject	BCLAD Emphasis: Spanish	40	
			<b>Los Angeles Unified</b>	
			<b>Multiple Subject Total</b>	<b>372</b>



County	District	Credential Type	Major(s)	Total		
LOS ANGELES (cont.)	Los Angeles Unified (cont.)	Single Subject	English	52		
			Spanish	1		
			Math	5		
			Science: Biological Sciences	13		
			Science: Chemistry	2		
			Science: Chemistry w/CLAD	1		
			Science: Geoscience	2		
			Social Science	1		
						Los Angeles Unified Single Subject Total
						77
ORANGE	Buena Park Elementary	Multiple Subject		1		
		Multiple Subject	CLAD Emphasis	1		
		Multiple Subject		10		
SACRAMENTO	Del Paso Heights Elementary Folsom-Cordova Unified	Multiple Subject		3		
		Single Subject	Home Economics	1		
			Math	1		
			Physical Education	1		
		Single Subject	English	8		
SACRAMENTO	Grant Joint Union High Sacramento City Unified Sacramento County Office	Single Subject	Math	1		
		Single Subject	Science: Biological Sciences	1		
		Single Subject	Social Science	1		
		Single Subject	Math	1		
		Single Subject	Physical Education	1		
		Single Subject	Art	1		
		Single Subject	Science: Biological Sciences	1		
		Multiple Subject		2		
		Single Subject	Math	1		
		Multiple Subject		33		
SAN BENITO	San Juan Unified San Benito High	Multiple Subject		1		
		Single Subject		1		
		Multiple Subject		33		
SAN BERNARDINO	Ontario-Montclair San Diego Unified	Multiple Subject		1		
		Multiple Subject		38		
SAN DIEGO	Escalon Unified	Multiple Subject	BCLAD Emphasis: Spanish	1		
		Single Subject	English	1		
		Multiple Subject	Math	1		
		Multiple Subject		1		
SAN JOAQUIN	Lincoln Unified Lodi Unified	Multiple Subject		1		
		Multiple Subject		2		
		Single Subject	English	1		
		Single Subject	Science: Biological Sciences	1		

County	District	Credential Type	Major(s)	Total	
SAN JOAQUIN (cont.)	Manteca Unified	Multiple Subject		4	
		Single Subject	English Social Science	2	
	San Joaquin County Office	Multiple Subject		5	
		Single Subject	Home Economics Math	1	
	Stockton Unified	Multiple Subject		23	
		Multiple Subject	CLAD Emphasis	1	
		Single Subject	English Science: Biological Sciences	3	
		Single Subject	Social Science	1	
	Tracy Joint Unified	Multiple Subject		2	
		Single Subject	Art English Science: Biological Sciences	1	
		Single Subject	Math	1	
		Single Subject	Math	1	
	SANTA CRUZ	Pajaro Valley Unified	Single Subject		1
	STANISLAUS	Salida Union	Multiple Subject		1
<b>Grand Total</b>				<b>682</b>	

**Table 3  
 Credentials Obtained by Out-of-State Trained Teachers  
 July 1, 2001 to June 30, 2002**

The following table lists the type and number of preliminary and professional clear credentials issued to teachers who completed a teacher preparation program outside of California and are applying for their initial California credential. The total number of subject areas on Single Subject and Special Education Credentials is more than the total number of credentials as many individuals qualified for more than one subject authorization on their credential.

Credential	Subject Area	Total
Multiple Subject	General Subjects	2,640
<b>Total Multiple Subject Credentials = 2,640</b>		
Credential	Subject Area	Total
Single Subject	Agriculture	7
	Art	103
	Business	56
	English	624
	Foreign Language: Arabic	0
	Foreign Language: Chinese	1
	Foreign Language: French	56
	Foreign Language: German	18
	Foreign Language: Hebrew	0
	Foreign Language: Italian	0
	Foreign Language: Japanese	2
	Foreign Language: Korean	1
	Foreign Language: Latin	4
	Foreign Language: Mandarin	2
	Foreign Language: Russian	2
	Foreign Language: Punjabi	1
	Foreign Language: Spanish	113
	Home Economics	34
	Health Science	66
	Industrial Technology and Education	24
	Mathematics	299
	Music	145
	Physical Education	285
Science: Biological Sciences	262	
Science: Chemistry	110	
Science: Geological Sciences	35	
Science: Physics	72	
Social Science	476	
<b>Total Single Subject Credentials = 2,497</b>		
Credential	Subject Area	Total
Special Education	Deaf and Hard of Hearing	38
	Early Childhood Special Education	23
	Mild/Moderate Disabilities	373
	Moderate/Severe Disabilities	71
	Physical and Health Impairments	1
Visual Impairments	8	
<b>Total Special Education Credentials = 492</b>		
<b>Total Credentials Issued to Out-of-State Trained Teachers = 5,629</b>		

**Table 4**  
**Comparison of Credentials and Emergency Permits in Each Teaching Specialty Issued July 1, 2001 to June 30, 2002**

This table compares the number of teaching credentials to emergency permits issued for multiple subject, single subject and special education authorizations. The credential numbers include documents for individuals who were recommended by a California institution and individuals who completed a credential program outside of California. These data are presented for comparison purposes only. No inference may be made regarding the shortage or surplus of teachers for specific credential areas as information was not available regarding the numbers of teaching positions in each credential area, numbers of credential holders currently serving in schools, or the availability of newly credentialed teachers for vacant positions in schools. The number of subject areas on the single subject and special education credentials and permits is more than the total number of documents issued as some individuals qualified for more than one subject authorization on their document.

**Multiple Subject Documents**

Subject	Credentials	Permits
<b>General Subjects</b>	<b>18,259</b>	<b>12,610</b>

**Single Subject Documents**

Subject	Credentials	Permits
<b>Agriculture</b>	<b>68</b>	<b>26</b>
<b>Art</b>	<b>334</b>	<b>248</b>
<b>Business</b>	<b>311</b>	<b>275</b>
<b>English</b>	<b>2,284</b>	<b>2,273</b>
<b>Foreign Language: Arabic</b>	<b>0</b>	<b>0</b>
<b>Foreign Language: Cantonese</b>	<b>0</b>	<b>0</b>
<b>Foreign Language: Chinese</b>	<b>1</b>	<b>2</b>
<b>Foreign Language: French</b>	<b>104</b>	<b>70</b>
<b>Foreign Language: German</b>	<b>30</b>	<b>15</b>
<b>Foreign Language: Italian</b>	<b>2</b>	<b>3</b>
<b>Foreign Language: Japanese</b>	<b>8</b>	<b>22</b>
<b>Foreign Language: Korean</b>	<b>5</b>	<b>1</b>
<b>Foreign Language: Latin</b>	<b>6</b>	<b>7</b>
<b>Foreign Language: Mandarin</b>	<b>6</b>	<b>2</b>
<b>Foreign Language: Pilipino</b>	<b>0</b>	<b>0</b>
<b>Foreign Language: Punjabi</b>	<b>2</b>	<b>0</b>
<b>Foreign Language: Russian</b>	<b>3</b>	<b>1</b>
<b>Foreign Language: Spanish</b>	<b>458</b>	<b>591</b>
<b>Foreign Language: Vietnamese</b>	<b>1</b>	<b>2</b>
<b>Government</b>	<b>0</b>	<b>0</b>

**Single Subject Documents  
(Continued)**

<b>Subject</b>	<b>Credentials</b>	<b>Permits</b>
<b>Health Science</b>	<b>285</b>	<b>149</b>
<b>Home Economics</b>	<b>92</b>	<b>63</b>
<b>History</b>	<b>0</b>	<b>0</b>
<b>Industrial Technology</b>	<b>68</b>	<b>60</b>
<b>Life Science</b>	<b>22</b>	<b>21</b>
<b>Mathematics</b>	<b>992</b>	<b>1,716</b>
<b>Music</b>	<b>350</b>	<b>484</b>
<b>Physical Education</b>	<b>870</b>	<b>1,066</b>
<b>Physical Science</b>	<b>3</b>	<b>22</b>
<b>Science: Biological Sciences</b>	<b>899</b>	<b>1,189</b>
<b>Science: Chemistry</b>	<b>233</b>	<b>524</b>
<b>Science: Geosciences</b>	<b>123</b>	<b>126</b>
<b>Science: Physics</b>	<b>123</b>	<b>224</b>
<b>Social Science</b>	<b>1,715</b>	<b>1,678</b>

**Special Education Documents**

<b>Specialist Credential Area</b>	<b>Credentials</b>	<b>Permits</b>
<b>Deaf and Hard of Hearing</b>	<b>74</b>	<b>114</b>
<b>Early Childhood Specialist</b>	<b>133</b>	<b>248</b>
<b>Mild/Moderate Disabilities</b>	<b>1,764</b>	<b>4,372</b>
<b>Moderate/Severe Disabilities</b>	<b>378</b>	<b>1,262</b>
<b>Physical and Health Impairments</b>	<b>7</b>	<b>59</b>
<b>Visual Impairments</b>	<b>21</b>	<b>54</b>
<b>Resource Specialist</b>	<b>141</b>	<b>153</b>
<b>Documents Issued Under Prior Regulations</b>		
<b>Communication Handicapped</b>	<b>0</b>	<b>0</b>
<b>Learning Handicapped</b>	<b>13</b>	<b>0</b>
<b>Physically Handicapped</b>	<b>0</b>	<b>0</b>
<b>Severely Handicapped</b>	<b>3</b>	<b>0</b>
<b>Visually Handicapped</b>	<b>0</b>	<b>0</b>

**Table 5**

**Districts with 20 Percent or More of Staff on Emergency Permits and Waivers (2001-02)**  
 (Districts in bold employ more than 100 individuals on permits or waivers)

County	District	# Cert. Employees	# Permits & Waivers	% Permits & Waivers
FRESNO	Mendota Unified	120	32	26.7%
	Orange Center Elementary	23	5	21.7%
	Parlier Unified	198	48	24.2%
	Raisin City Elementary	16	4	25.0%
	Washington Union High	75	15	20.0%
	West Park Elementary	38	14	37.1%
	Westside Elementary	19	4	21.1%
KERN	Caliente Union Elementary	8	2	25.0%
	General Shafter Elementary	10	3	30.0%
	Maricopa Unified	26	7	26.9%
LOS ANGELES	Bassett Unified	326	90	27.6%
	<b>Compton Unified</b>	<b>1,571</b>	<b>607</b>	<b>38.6%</b>
	Duarte Unified	236	56	23.7%
	<b>Hacienda La Puente Unified</b>	<b>1,323</b>	<b>272</b>	<b>20.6%</b>
	<b>Hawthorne Elementary</b>	<b>542</b>	<b>112</b>	<b>20.7%</b>
	<b>Inglewood Unified</b>	<b>898</b>	<b>193</b>	<b>21.5%</b>
	Los Nietos Elementary	129	30	23.3%
	<b>Lynwood Unified</b>	<b>783</b>	<b>361</b>	<b>46.1%</b>
	<b>Paramount Unified</b>	<b>865</b>	<b>185</b>	<b>21.4%</b>
	Rosemead Elementary	187	51	27.3%
	Valle Lindo Elementary	66	15	22.7%
MENDOCINO	Point Arena Joint Union High	16	4	25.0%
MERCED	El Nido Elementary	13	3	23.1%
	Le Grand Union High	35	11	31.4%
MONTEREY	Chualar Union Elementary	19	8	42.1%
SAN BERNARDINO	Baker Valley Unified	17	7	41.2%
	<b>Ontario-Montclair Elementary</b>	<b>1,405</b>	<b>303</b>	<b>21.6%</b>
SAN JOAQUIN	<b>Lincoln Unified</b>	<b>490</b>	<b>170</b>	<b>34.7%</b>
SAN MATEO	Ravenswood City Elementary	342	79	23.1%
SANTA CLARA	Orchard Elementary	55	14	25.5%
STANISLAUS	Paradise Elementary	9	2	22.2%
	Shiloh Elementary	7	2	28.6%
TULARE	Allensworth Elementary	7	3	42.9%
	Alpaugh Unified	18	7	38.9%
	Buena Vista Elementary	9	2	22.2%
	Lindsay Unified	214	52	24.3%
	Richgrove Elementary	42	19	45.2%
	Saucelito Elementary	7	4	57.1%
	Sequoia Union Elementary	17	5	29.4%
	Stone Corral Elementary	7	3	42.9%
	Sundale Union Elementary	31	9	29.0%

**Table 6  
Certificates, Permits and Waivers Requested by Counties and Agencies:  
July 1, 2001 to June 30, 2002**

This table provides information on the number of University Internships, District Internships, Pre-Internships, Emergency Permits and Credential Waivers issued to each county and district. The first two columns identify the county and agency. The "Agency Total" column provides the total number of each type of document and the grand total of documents issued for each agency. The "Credential Title" column breaks down the documents by general document type (e.g. University Internship, Emergency Permit, etc.) and specific document type (e.g. Multiple Subject, Education Specialist, etc.) for each agency. The "Cred Total" column identifies the total number of specific documents issued to an employer. The "Subject" column breaks out the specific document type by all subject areas listed on the documents. The final column identifies the total number of subjects listed on each specific document issued to an employer.

Notes: CLAD = Crosscultural, Language and Academic Development authorization for teaching English as a Second Language and specialized academic instruction for limited English proficient (LEP) students.  
BCLAD = Bilingual, Crosscultural, Language and Academic Development for teaching LEP students in the primary language.  
Subject total may be higher than credential total as some individuals earned more than one authorization.

County Name	Agency Name	Agency Total	Credential Title	Cred Total	Subject	Subl Total
ALAMEDA	ALAMEDA CITY UNIFIED	3	UNIVERSITY INTERNSHIP CREDENTIALS Public Personnel Services Credential	2	School Psychology	2
			Multiple Subject Teaching Credential	1	General Subjects	1
		1	DISTRICT INTERNSHIP CERTIFICATES District Intern Certificate / Single Subject	1	English	1
		5	PRE-INTERNSHIP CERTIFICATES Pre-Intern Certificate / Single Subject	4	English Mathematics Physical Education	1 2 1
		42	Pre-Intern Certificate / Multiple Subject EMERGENCY PERMITS Library Media Teacher Services Permit Single Subject Teaching Permit	1 14	General Subjects English Mathematics Mathematics (Examination) Music Physical Education Science: Biological Sciences Science: Chemistry Science: Physics Social Science	1 2 3 4 2 1 1 1 1
			Multiple Subject Teaching Permit	14	CLAD General Subjects General Subjects (Examination)	1 1 10
			Education Specialist Instruction Permit	13	Mild/Moderate Disabilities Moderate/Severe Disabilities	10 3
		5	CREDENTIAL WAIVERS Adapted Physical Education Specialist Credential Education Specialist Instruction Credential	1 4	Mild/Moderate Disabilities	1 3

**EXHIBIT D**  
**Cal HFA**  
**EXTRA CREDIT TEACHER PROGRAM**




**California Housing Finance Agency**

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## EXTRA CREDIT TEACHER'S HOME PURCHASE ASSISTANCE (EXTRA CREDIT TEACHER PROGRAM)

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The Extra Credit Teacher Program provides a below market interest rate CalHFA first loan, together with a forgivable interest CalHFA second loan to assist qualified credentialed school staff to purchase their first home. It is designed in most cases to provide up to 100% of the financing needed for the purchase of a home. This program is intended to assist low performing schools recruit and retain credentialed school staff to increase their academic standing and thus provide pupils with high quality education. At the same time, the Extra Credit Teacher Program makes homeownership a possibility for credentialed school staff who otherwise would not be able to purchase a home without an affordable loan and down payment assistance. Click on this link for a list of currently eligible [Low Performing schools](#) or [Low Performing School Districts](#).

### THE PROGRAM PROVIDES TWO LOANS

#### The CalHFA First Loan:

- 30-year Term
- Fixed Rate
- Below Market Rate
- Loan Amount to the Maximum a borrower can Qualify for According to Income.

#### Combined with:

#### The CalHFA Second Loan:

- The greater of \$7,500 or 3% of the sales price
- 30-year Term
- Deferred Payments (no monthly payment required)
- Forgivable Interest Rate from 5% to 0%\*

\*If an eligible borrower remains employed at a low performing school continuously for three years, the interest rate on the second loan will be reduced progressively to zero percent (0%) and remain there for the term of the loan. The interest rate on the first loan remains fixed at the initial rate for the entire term of the loan. See further details on interest forgiveness below in the section on "[HOW TO APPLY FOR INTEREST FORGIVENESS ON THE SECOND LOAN.](#)"

Additionally, CalHFA will permit homebuyers to use other CalHFA-approved down payment assistance loans or grants help in the acquisition of the home. Some local housing agencies offer this type of assistance that may be combined with the Extra Credit Teacher Program. A list of these agencies and organizations may be found by [clicking here for the Affordable Housing Partnership Program](#).

## BORROWER ELIGIBILITY

All borrowers must be first-time homebuyers whose income does not exceed CalHFA Income Limits adjusted for county and family size. Click here for [Income Limits](#) for each county and family size. Schools or school districts employing eligible credentialed staff who are applying for this program will be required to provide the lender with a certification of the school or school district eligibility and homebuyer's employment eligibility. Click here for the [Eligibility Certificate](#).

All homebuyers must meet CalHFA Extra Credit Teacher Program eligibility requirements:

- **Credentialed.** Be a holder of an appropriate credential. An eligible teacher, administrator, or staff member is any person who holds one of the credentials listed and issued by the California Commission on Teacher Credentialing. Click here for [Credential List](#).
- **Low Performing School.** Currently be employed in a [Low Performing School](#) that scores in the bottom fifty percentile (50%) Statewide Rank Academic Performance Index ("API"), as published by the Superintendent of Public Instruction or the Department of Education pursuant to Ed Code § 52056. If school does not have an API ranking, please contact CalHFA for determination of eligibility.
- **Low Performing School District.** Eligible credentialed Staff Members found on [Credential List](#) may either be employed in a Low Performing school as described above or in a low performing school district. Low performing school districts are defined as districts where more than 50% of the K-12 public schools within the district are low performing.
- **Service Commitment.** Intend to work for three years continuously from the date of the loan in a Low Performing School or Low Performing School District.
- **First-time Homebuyer.** The borrower must be a first-time homebuyer (i.e. not have owned and occupied a home in the last three years).
- **Occupancy.** The residence being purchased shall be intended to be the borrower's primary residence.
- **Income Limits.** The total borrower income does not exceed [CalHFA Income Limits](#) adjusted for county and family size.
- **Single Family Residence Only/Sales Price Limits.** The residence being purchased and financed is a single-family residence, condominium, or manufactured housing located within California, and does not exceed CalHFA area [sales price limits](#).
- **Qualify for the Loan Program.** The borrower must be able to credit qualify for either a CalHFA FHA-insured, VA Guaranteed, or Mortgage Insurance Services-insured 30 year fixed rate first loan for the amount necessary to purchase a home.

## PROPERTY LOCATION AND SALES PRICE LIMITS

The property the homebuyer is purchasing may be located anywhere in California. This program does not require the borrower to live in the same jurisdiction as the employing school. Additionally, each county has a maximum sales price allowable for this program. Click here for [Sales Price Limits](#).

## APPLYING FOR THE EXTRA CREDIT TEACHER LOAN

CalHFA-approved lenders initiate the process for Extra Credit Teacher Program Loans. Borrowers will complete a standard loan application with the lender who processes the application, prepares all the necessary documentation, approves and funds both the first and second Extra Credit Teacher Program loans. Approved lenders may reserve funds for the program for 90 days on behalf of qualified homebuyers. Click here for a list of [Approved](#)

Lenders.

## HOW TO APPLY FOR INTEREST FORGIVENESS ON THE SECOND LOAN

Interest on the second loan may be reduced to 0% if the credentialed school staff person meets continued eligibility by remaining employed in a low performing school or low performing school district if applicable, on a continuous basis for three years from the date specified on the second loan documents. The interest rate on the second loan will be reduced by 1% the first full year, by one percent (1%) the second full year and by three percent (3%) the third full year, at which time it will reach zero percent (0%) and then will remain there for the term of the loan. In the event of the borrower's termination of employment during the first five years, the interest rate on the second loan will accrue at the last reduced rate (if applicable) that the teacher or principal met continued eligibility.

In order to qualify for partial or full interest rate reduction, the borrower shall produce documentation evidencing continued eligibility to the satisfaction of CalHFA at the end of the three-year period.

Repayment of the principal and accrued interest on both the first and second loans shall be due and payable at the earlier of the following events:

- Transfer of title
- Sale of the residence
- Payoff/refinance of the first loan
- The property is no longer the borrower's primary residence (subject to CalHFA hardship provisions described in the CalHFA lending manual)

## QUESTIONS

Questions regarding the Extra Credit Teacher Program should be directed to CalHFA-approved Lenders or to the California Housing Finance Agency, Homeownership Programs, 1121 L Street, 7th Floor, Sacramento, CA 95814; by phone (916) 324-8088; or email: [homeownership@calhfa.ca.gov](mailto:homeownership@calhfa.ca.gov)

For additional home loan resources for teachers, visit the Teachers' Home Loan Resource web site at <http://www.teachershomeloanresource.com>.

## Extra Credit Teacher Program Credential List

(An Applicant must hold one of the following credentials issued by the California Commission on Teacher Credentialing )

### For Teachers:

Single Subject Teaching Credential  
 Multiple Subject Teaching Credential  
 Specialist Instruction Credential in Special Education  
 Education Specialist Instruction Credential  
 Standard Elementary Teaching Credential

Standard Secondary Teaching Credential  
 Standard Early Childhood Education Teaching Credential  
 Standard Restricted Special Education Teaching Credential  
 General Kindergarten-Primary Teaching Credential  
 General Elementary Teaching Credential  
 General Junior High Teaching Credential  
 General Secondary Teaching Credential  
 Special Secondary Teaching Credential in Art  
 Special Credential for Teaching Exceptional Children  
 Special Secondary Teaching Credential in Business Ed  
 Special Secondary Credential for Teaching the Blind  
 Special Secondary Teaching Credential in Homemaking  
 Special Secondary Teaching Credential in Industrial Arts  
 Special Secondary Credential for Teaching Lip Reading  
 Special Secondary Teaching Credential in Music  
 Special Secondary Limited Teaching Credential in Music  
 Special Secondary Teaching Credential Limited in Agriculture  
 Special Secondary Credential for Teaching the Partially Sighted Child  
 Special Secondary Teaching Credential in Physical Education  
 Special Secondary Speech Arts  
 Special Secondary Teaching Credential in Correction of Speech Defects  
 Special Secondary Credential for Teaching the Mentally Retarded

#### **For Administrators:**

Administrative Services Credential  
 Administrative Services Credential (Examination)  
 Standard Supervision Credential  
 Standard Administration Credential  
 General Elementary School Administration Credential  
 General Elementary School Supervision Credential  
 General Secondary School Administration Credential  
 General Secondary School Supervision Credential  
 General Administration Credential  
 General Supervision Credential  
 The Supervision Credential  
 General School-Principal or Supervisor Credential

#### **For Staff Members:**

School Nurse Credential  
 Clinical or Rehabilitation Service Credential  
 Pupil Personnel Services Credential

*(e.g. School Counseling, School Social Work, School Psychology and Child Welfare and Attendance)*

Library Media Teacher Service Credential  
 Designated Subjects Vocational Education Teaching Credential



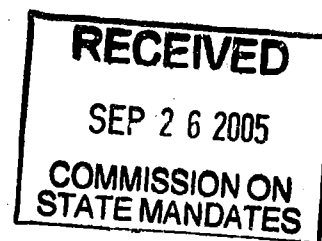


DEPARTMENT OF  
**FINANCE**

ARNOLD SCHWARZENEGGER, GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DDF.CA.GOV

September 22, 2005



Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of October 7, 2003, the Department of Finance has reviewed the test claim submitted by the San Diego County Office of Education (claimant) asking the Commission to determine whether specified costs incurred under various sections of the Education Code and various sections of Title V of the California Code of Regulations (CCR) relating to teacher credentialing are reimbursable state mandated costs (Claim No. CSM-03-TC-09 "Teacher Credentialing").

Before addressing the individual activities specified in the test claim, we call attention to Education Code Section 13274 as it existed in the Education Code in 1973:

*"Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefore prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of said applicants for such employment."* (Emphasis added) [Exhibit A]

This section of the Education Code exists today essentially verbatim (only minor technical changes have been made) as Section 44830 [Exhibit B]. While the Education Code has been amended and modified with some new credentialing requirements added and old requirements removed, these requirements are essentially upon the teachers themselves. The requirement that districts only employ persons who possess the qualifications prescribed by law has not changed. Therefore, local educational agencies (LEAs) have continuously been required to conduct activities to ensure they meet this requirement of law, for which they receive base revenue limit funding, prior to the enactment of statutes requiring state mandated reimbursement.

Due to the vast number of claimed activities in this test claim, we will discuss each activity below with the appropriate Education Code or CCR reference in italics followed by our comments. Similar activities are combined when possible. Commencing with page 97, of the test claim, claimant has identified the following new duties, which it asserts are reimbursable state mandates:

*A and 1—Chapter 2 (commencing with Section 44200), Chapter 4 (commencing with Section 44800) of Part 25 of the Education Code, and various sections of the CC*—We note that the

*A and 1—Chapter 2 (commencing with Section 44200), Chapter 4 (commencing with Section 44800) of Part 25 of the Education Code, and various sections of the CC*—We note that the Education Code and CCR in existence prior to 1975 contained a multitude of provisions relating to teacher credentialing and employment. While some of those specific activities may have changed or been modified over the years, an essential requirement of operating a school is the employment of teachers. Therefore, the duties cited by the claimant pre-existed the mandate reimbursement law and any activities claimed in this section should be deemed to be funded by base revenue limit funding provided to LEAs.

*B—Education Code §44225(m)*—This Section requires the Commission on Teacher Credentialing (CTC) to review waiver requests that have been submitted by LEAs. There is no statutory requirement that LEAs submit waivers. Therefore, the submission of waivers by an LEA is a voluntary activity that does not result in a reimbursable mandate.

*C and D—Education Code §44225.7(a) and §44225.7(b)*—These Sections require LEAs to follow certain procedures for requesting the assignment of a teacher who is not credentialed. There is no statutory requirement that LEAs hire non-credentialed teachers. In fact, Education Code §44225.7 states specifically that "...the district may, as a last resort, request approval for the assignment of a person who does not meet that criteria." This Section provides districts with the option of assigning a teacher that is not fully qualified, but does not require it. These requirements only apply when the LEA has voluntarily made these hiring choices and therefore, do not result in any reimbursable state mandated activities.

*E, F, and G—Education Code §44300(a)(3), §44300(g), and §44301(b)*—These Sections lay out specific requirements in the hiring and employment of Emergency Permit holders. There is no statutory requirement that LEAs employ Emergency Permit holders. These requirements only apply when the LEA has voluntarily made these hiring choices. The hiring of an Emergency Permit holder is a voluntary action of the LEA and therefore does not result in any reimbursable state mandated activities.

*H, I, O, P, T, and U—Education Code §44326(d), §44327(a), §44830.3(a), §44830.3(b), §44885.5(a), and §44885.5(b)*—These Sections lay out specific procedures for various aspects of a district intern program. District intern programs are not statutorily required and are a voluntary action of an LEA. Therefore, these Sections do not result in any state reimbursable mandated activities as they stem from LEA participation in a voluntary program.

*J—Education Code §44332(b)*—County offices of education are allowed to issue Temporary County Certificates. It is not statutorily required that counties offer them and it is not statutorily required that LEAs request them. Therefore, this Section does not result in any state reimbursable mandated activities as it stems from a voluntary action.

*K—Education Code §44830(a)*—This Section existed essentially verbatim (only minor technical changes) in the 1973 Education Code as Section 13274 [Exhibit A]. Therefore, this Section does not result in any state reimbursable mandated activities as it existed prior to the constitutional requirement for reimbursement.

*L—Education Code §44830(b)*—This section requires that an LEA not hire a permanent, temporary, or substitute teacher unless that person has demonstrated basic skills proficiency or is exempted from the requirement by other sections of the Education Code. As previously stated, Education Code Section 13274, as it existed in the Education Code in 1973, already required school districts to only employ persons who possess the qualifications prescribed by

law. This would include ensuring that all teachers employed by the district have met or are exempt from the basic skills proficiency requirement. In addition, the Section allows LEAs to administer the basic skills proficiency test required by the Education Code. However, the Section does not require that an LEA administer the test and, in fact, the CTC offers several administrations of the basic skills test each year. The Section contains legislative intent language regarding the development of a pool of qualified emergency substitute teachers, public notice of the basic skills test requirements, and encouragement of individuals who are known to be qualified to be substitutes to take the exam. However, as legislative intent language, this part of the Section does not statutorily require the LEA to do these things.

*M and N—Education Code §44830(i) and §44830(j)*—These Sections state the protocol for hiring teachers with vocational designated subject credentials and the passage of a basic skills proficiency test. These Sections do not result in any reimbursable state mandated activities as there is no statutory requirement that LEAs hire teachers with vocational designated subject credentials. Furthermore, Section 44830(j) allows LEAs to charge a fee to the individual for taking the test to cover costs including the costs of developing the test, administering the test, and grading the test.

*Q and R—Education Code §44842(a) and §44842(b)*—These Sections specify the requirements for when a teacher fails to notify the LEA of their intent to remain for the following academic year. Section 44842(a) existed essentially verbatim (minor technical changes) in Education Code Section 13260 (as printed in 1973) [Exhibit C] and applied to all teachers. Section 44842(b) was added at a later time; however it only serves to clarify how the intent of Section 44842(a) would be applied to teachers who teach in year-round schools. Therefore, this Section does not result in any reimbursable activities as it existed prior to the constitutional requirement for reimbursement.

*S—Education Code §44842(c)*—This Section requires that prior to termination of an employee who has failed to report for duty, the LEA provide at least five days notice of the time and place for which the employee was to have reported to work. This Section also specifies that it only applies to employees who did not request or were not granted a leave of absence and, furthermore, only applies to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous year. This Section does not require that the LEA terminate the employee, only that if they do, they provide the notification first. Therefore, this Section does not result in any state reimbursable activities, as there is not a statutory requirement to proceed with the termination.

*V—Education Code §44901(b)*—This Section specifies the procedures relating to the notification of a certificated employee during the second year of employment of the LEA decision to reelect or not reelect the employee for the next year. This Section applies specifically to certificated employees who are serving in two or more districts. However, Education Code Section 13346.30 (as printed in 1973) [Exhibit D] already contained requirements regarding the notification of employees of the LEA's intent to reelect or not reelect the employee for first and second year employees. Therefore, while this Section applies specifically to employees working in multiple districts, it is not a new requirement and therefore does not result in any state reimbursable mandated activities.

*W and X—Education Code §45037(a), 45037(b), and 45037(c)*—These Sections specify that if a person renders service as a teacher and does not have a valid certification document, the district will be assessed a penalty and that if a county office of education draws a warrant for that person they too shall be assessed a penalty. These Sections only result in a penalty if the



LEA has not been diligent in ensuring that their employees have the appropriate certification documents. Therefore, these Sections do not result in any state reimbursable mandated activities as the LEA could have avoided the situation.

*2—Section 80005(b) of Title 5 of the CCR*—This Section specifies the requirements when an LEA opts to assign a teacher to an area outside of the broad areas of the teacher’s credential. There is no statutory requirement to assign a teacher to an area outside their credential area. Doing so is a voluntary action on behalf of the LEA. Therefore, this Section does not result in any state reimbursable mandated activities as it stems from a voluntary action.

*3—Section 80016(a)(3) of Title 5 of the CCR*—This Section specifies the requirements for issuance of a Certificate of Completion. There is no statutory requirement to offer these Certificates of Completion; therefore this Section does not result in any state reimbursable mandated activities as the initial action is voluntary.

*4—Section 80020.4.1(e) of Title 5 of the CCR*—This Section requires that an LEA keep on file the verification of the teaching experience for an individual who has developed, directed, implemented, or coordinated reading programs for a minimum of three years prior to July 1, 2004, on the basis of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent who continues in such assignment. The choice of continuing an employee who qualifies for this exemption instead of someone who meets the newer requirements for reading programs as specified in Section 80020.4.1(d) [Exhibit E] is the option of the LEA. Therefore, this Section does not result in any state reimbursable mandated activities as the initial action is voluntary.

*5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18—Sections 80023.1(b), 80023.2(d), 80025(c), 80025.1(a), 80025.1(b), 80025.5, 80026, 80026.1, 80026.5(a), 80026.5(b), 80026.6(a), and 80027(a), and 80027(b) of Title 5 of the CCR*—These Sections specify the procedures that must be followed when LEAs request authorization for, and employ, Emergency Permit holders, Emergency 30-Day Substitute Permit holders, Emergency Career Substitute Teaching Permit holders, Designated Subjects Vocational Education Permit holders, and Limited Assignment Multiple or Single Subject Teaching Permit holders. There is no statutory requirement that LEAs hire employees with these credentials instead of fully qualified teachers. These requirements only apply when the LEA has voluntarily made these hiring choices. Therefore, these Sections do not result in any reimbursable state mandated activities.

*19, 20, 21, 22, and 23—Section 80035(a), 80035(b), 80035(c), 80035(d) and 80035.5 of Title 5 of the CCR*—These Sections specify procedures related to the credentialing of vocational education teachers. While the Sections do require certain activities of the LEAs with regards to teachers with vocational certification or those in the process of obtaining vocational certification, there is no statutory requirement that LEAs employ vocational education teachers. Therefore, these Sections do not result in any state reimbursable mandated activities as these Sections only apply when an LEA has voluntarily opted to provide a vocational program.

*24, 25, 26, 27, 28, 29, 30, 31, and 32—Sections 80036(a), 80036(b), 80036(c), 80036(d), 80036.1(a), 80036.1(b), 80036.1(c), 80036.1(d), and 80036.3(a) of Title 5 of the CCR*—These Sections specify procedures related to the credentialing of adult education teachers with adult education credentials. While the Sections do require certain activities of the LEAs with regards to teachers with adult education credentials, there is no statutory requirement that adult education teachers have adult education credentials. Pursuant to Education Code § 44865 [Exhibit F], an adult education class can be taught by anyone with a valid teaching credential

based upon a bachelor's degree, student teaching, and special fitness to perform, if the teacher provides consent. Additionally, these Sections apply to the submission of applications for the issuance or reissuance of preliminary adult education credentials or for the issuance of clear adult education credentials. Not only is there no requirement to hire someone with an adult education credential, there is no statutory requirement that an LEA hire an individual that does not already possess a clear credential. These requirements only apply when the LEA has voluntarily made these hiring choices. Therefore, these Sections do not result in any reimbursable state mandated activities.

*33, 34, 35, 36, and 37—Sections 80037(a), 80037(b), 80037.5(b), 80038(a), and 80040(a) of Title 5 of the CCR—*These Sections specify the requirements upon an LEA when submitting an application for various forms of a Designated Subjects Special Subjects Teaching Credential. There is no statutory requirement that an LEA provide the courses for which a Designated Subjects credential would be applicable. These courses include driver's education, aviation flight or aviation ground, and basic military drill. Therefore, if an LEA voluntarily provides these courses, then they have voluntarily taken on the procedures and requirements of these Sections. Therefore, these Sections do not result in any reimbursable state mandated activities.

*38, 39, and 40—Sections 80043(a), 80043(b), 80043(c), 80045(a), and 80045(b) of Title 5 of the CCR—*These Sections specify the requirements upon an LEA when submitting an application for an Eminence Credential. There is no statutory requirement that an LEA request an Eminence Credential for an employee. Education Code §13133 (as printed in 1973) [Exhibit G] and currently Education Code §44262 [Exhibit H] have always stated, "Upon the recommendation of the governing board of a school district, the commission may issue an eminence credential..." Since, there is no statutory requirement that an LEA requests an Eminence Credential for an employee and if an LEA voluntarily applies, then they have voluntarily taken on the procedures and requirements of these Sections. Therefore, these Sections do not result in any reimbursable state mandated activities.

*41 and 42—Sections 80047.2(a) and 80047.4(a)(4) of Title 5 of the CCR—*These Sections only apply when the employee is placed in a classroom and does not possess the approved credential. There is no statutory requirement that an LEA place a teacher who does not possess the approved credential in that classroom. Therefore, if an LEA voluntarily places a teacher who is subject to the additional requirements of the regulations due to the credential they possess, then the LEA has voluntarily taken on the procedures and requirements of these Sections. Therefore, these Sections do not result in any reimbursable State mandated activities.

*43 and 44—Section 80048.2(a) and 80048.2(f) of Title 5 of the CCR—*These Sections only apply to Preliminary Specialist Instruction Credentials in Special Education, these credentials are only approved for a five year period and are not renewable. The CTC indicates that they have not issued these credentials since June 30, 1998. Therefore, these Sections do not result in any reimbursable state mandated costs.

*45, 46, and 47—Section 80048.3(a), 80048.3(b), and 80048.3(c) of Title 5 of the CCR—*These Sections specify the requirements for obtaining a level 1 Education Specialist Instruction Credential both when the applicant is trained in California and when they are trained out-of-state. While these Sections do make requirements upon the LEAs, there is no statutory requirement that an LEA hire an individual who has not yet received their credential or to hire an individual who was trained out-of-state. These requirements only apply when the LEA has

voluntarily made these hiring choices. Therefore, these Sections do not result in any reimbursable state mandated activities.

*48 and 66—Section 80048.3.1(a) and 80466 of Title 5 of the CCR—*These Sections require that an individual who is applying for a credential based on out-of-state training and work experience provide specific documentation. The requirements contained in these Sections apply to the out-of-state LEA, not a California LEA. Therefore, these Sections do not result in any reimbursable state mandated activities.

*49, 50, 51, 56, 57, 58, and 59—Sections 80048.4(a), 80054(a), 80054(d), 80070.2(a), 80070.3(a), 80070.4(a), and 80070.6(a) of Title 5 of the CCR—*These Sections provide specific requirements when an individual is applying for various credentials. The Sections do require that the employing agencies verify successful work experience. However, Education Code Section 13200.3 (as printed in 1973) [Exhibit I] requires that districts certify, "...whether such holder possesses acceptable professional abilities as indicated by classroom performance." Therefore, verifying successful work experience is not a new requirement. Furthermore, while these Sections do make requirements upon the LEAs, there is no statutory requirement that an LEA hire an individual who has not yet received the specified credential. These requirements only apply when the LEA has voluntarily made this hiring choice. Therefore, this Section does not result in any reimbursable state mandated activities.

*52 and 53—Sections 80055.1(a), and 80055.2(a) of Title 5 of the CCR—*These Sections provide the specific requirements for Exchange Certificated Credentials and Sojourn Certificated Employee Credentials. There is no statutory requirement that an LEA hire an individual who would require an exchange or sojourn certificate. These requirements only apply when the LEA has voluntarily made this hiring choice. Therefore, this Section does not result in any reimbursable state mandated activities.

*54 and 55—Sections 80058.2(a) and 80058.2 (b) of Title 5 of the CCR—*These Sections allow an LEA to request an extension when an individual's preliminary credential or 30-day substitute credential expires prior to the end of the school year. There is no statutory requirement to employ individuals with these certificates in the first place and further, there is no statutory requirement to continue to employ them once their certificate has expired. These requirements only apply when the LEA has voluntarily made this hiring choice and then choose to continue employment when the credential has expired. Therefore, this Section does not result in any reimbursable state mandated activities.

*60—Section 80071.4(h) of Title 5 of the CCR—*This Section specifies the requirements when an LEA requests a special administration of the basic skills examination. The CTC offers the California Basic Educational Skills Test (CBEST) six times per year. There is no statutory requirement that an LEA provide a special administration of the CBEST. Therefore, this Section only applies when an LEA voluntarily chooses to offer the special administration and thus, this Section does not result in any reimbursable state mandated activities.

*61 and 62—Sections 80413.3(a) and 80413.3(b) of Title 5 of the CCR—*These Sections provide the specific requirements for preliminary and professional clear multiple and single subject teaching credentials for experienced out-of-state credentialed teachers. However, while these Sections do make requirements upon the LEAs, there is no statutory requirement that an LEA hire an individual who has an out-of-state credential. These requirements only apply when the LEA has voluntarily made this hiring choice. Therefore, this Section does not result in any reimbursable state mandated activities.

*63—Section 80435(b) of Title 5 of the CCR*—This Section provides alternative modes in which academic transcripts may be submitted to the CTC. An institute of higher education providing the coursework, not an LEA, should normally submit academic transcripts. Therefore, this Section does not result in any reimbursable state mandated activities.

*64 and 65—Sections 80441(a) and 80441(c)*—These Sections provide the specific requirements when a county office of education issues a Temporary County Certificate. County offices of education are allowed to issue Temporary County Certificates. It is not statutorily required that counties offer them and it is not statutorily required that LEAs request them. Therefore, this Section does not result in any state reimbursable mandated activities as it stems from a voluntary action.

*67, 68, 69, 70, 71 and 72—Sections 80556(a), 80556(c), 80556(j), 80556.1(a), 80556.1(e), and 80056.1(h) of Title 5 of the CCR*—These Sections provide the specific requirements regarding the provision and use of professional growth advisors. These Sections do place requirements upon LEAs.

*73, 74, and 75—Sections 80601 and 80601(c) of Title 5 of the CCR*—These Sections provide the specific requirements for Validation of Service Requests. There is no statutory requirement that an LEA request a Validation of Service, thus this is a voluntary action. Therefore, these Sections do not result in any reimbursable state mandated activities.

As the result of our review, we have concluded that the statutes and regulations may have resulted in some higher level of activities, most of which were triggered by a voluntary action. However, as we stated on the first page of our analysis, districts receive base revenue limit funding in order to perform the basic function of providing public education, which includes staffing classes with teachers and meeting the legal requirements of Education Code Section 13224 (as printed in 1973) [Exhibit A] and Education Code Section 44830 (Statutes of 2004) [Exhibit B]. Therefore any finding of reimbursable activities should be offset by funding already received. If the Commission reaches the same conclusion at its scheduled hearing on the matter, the nature and extent of the specific activities required could be addressed in the parameters and guidelines, which will then have to be developed for the program.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your October 7, 2003 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Barbara Taylor, Principal Program Budget Analyst at (916) 445-0328 or Jesse McGuinn, state mandates claims coordinator for the Department of Finance, at (916) 445-8913.

Sincerely,



Jeannie Oropeza  
Program Budget Manager

Attachments

Attachment A

DECLARATION OF BARBARA TAYLOR  
DEPARTMENT OF FINANCE  
CLAIM NO. CSM-03-TC-09

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.
2. We concur that the various sections of the Education Code and various sections of Title V of the California Code of Regulations sections relevant to this claim are accurately quoted in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.
3. Attachment B is a true copy of Finance's analysis of prior to its enactment as various sections of the Education Code and various sections of Title V of the California Code of Regulations.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

Sept 22, 2005  
at Sacramento, CA

Barbara J. Taylor  
Barbara Taylor

**PROOF OF SERVICE**

Test Claim Name: Teacher Credentialing  
Test Claim Number: CSM-03-TC-09

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 7 Floor, Sacramento, CA 95814.

On , I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 7 Floor, for Interagency Mail Service, addressed as follows:

A-16  
Ms. Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Facsimile No. 445-0278

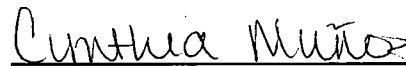
B-8  
State Controller's Office  
Division of Accounting & Reporting  
Attention: William Ashby  
3301 C Street, Room 500  
Sacramento, CA 95816

B-29  
Marianne O'Malley  
Legislative Analyst's Office  
925 L Street, Suite 1000  
Sacramento, CA 95814

Ms. Lora Duzyk  
San Diego County Office of Education  
6401 Linda Vista Road  
San Diego, CA 92111

Mr. Sam Swofford  
Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on at Sacramento, California.

  
\_\_\_\_\_  
Cynthia Muñoz

# Exhibit A

***Employment Restricted to Persons Possessing Prescribed Qualifications; Public Policy of State Against Discrimination on Basis of Race, Etc.***

13274. Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of said applicants for such employment.

(Amended by Stats. 1972, Ch. 769.)

***Registration of Certification Document Renewal***

13275. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 13157 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 13157. If any person so employed is the holder of a California state college, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this State, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 13157.

(Amended by Stats. 1959, Ch. 1557.)

***Age or Marital Status in Employment in Positions Requiring Certification Qualifications***

13277. The Legislature hereby declares that it is contrary to the interest of this State and of the people thereof for any governing board or any person or persons charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification qualifications to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code.

(Amended by Stats. 1961, Ch. 1700.)

***Prohibition Against Certain Rules and Regulations Re Residency***

13277.1. No school district may adopt or maintain any rule or regulation which requires a candidate for a position requiring certification qualifications to be a resident of the district or to become a resident of the district, or which requires that an employee maintain residency within the district; nor may a district grant any preferential treatment to



# Exhibit B

- Section**  
 44876. Qualifications for dental hygienists.  
 44877. Qualifications for nurse.  
 44878. Qualifications for optometrist.  
 44879. Qualifications for school audiometrist.  
 44885.5. District interns; classification as probationary or permanent employees.  
 44893. Retention of permanent classification upon advancement of teacher.  
 44894. Permanent classification; retention; acquisition.  
 44895. Retention of permanent classification upon advancement.  
 44896. Employee transfer from administrative or supervisory position to teaching position; statement of reasons.  
 44897. Classification of administrator or supervisor as classroom teacher.  
 44898. Permanent classification as a classroom teacher.  
 44899. Permanent classification of administrator or supervisor.  
 44900. Transfer of permanent employee.  
 44901. Permanent status of employees who have served in more than one district; notices.  
 44902.1. Districts that become unified; effect on certified employees employed during previous year in schools being acquired by the unified district.  
 44902.2. Unified school district; certified employees entitled to continued employment; additional employees.  
 44903. Change in organization of district; effect on probationary employees.  
 44903.7. Exceptional needs local plan development or revision; certificated employee rights.  
 44907. Retirement.  
 44908. Complete school year for probationary employees.  
 44909. Employment to perform services under contract with public or private agencies or certain categorically funded projects; attainment of permanent status.  
 44910. Service at regional occupational centers or programs.  
 44911. Service under provisional credential; computation for permanent classification.  
 44912. Service under credential authorizing basic military drill teaching.  
 44913. Summer school employment in computation for classification as permanent employee.  
 44914. Substitute and probationary employment in computation for classification as permanent employee.  
 44915. Probationary employees; classification.  
 44916. Time of classification; written statement of employment status.  
 44917. Substitute employees; temporary employment deemed probationary employment.  
 44918. Substitute or temporary employee deemed probationary employee; reemployment rights.  
 44919. Temporary employees.  
 44920. Employment of certain temporary employees; reemployment in vacant position as probationary employee.  
 44921. Employment of temporary employees; reemployment rights.  
 44922. Reduction to part-time employment status; board regulations.  
 44923. Termination of extra assignment of full-time permanent employee.  
 44924. Waiver of benefits agreements null and void.  
 44925. Part-time reader.  
 44926. Teacher-assistant with temporary certificate.  
 44927. Contracts assigning certificated personnel.

- Section**  
 44928. Credentials of teaching staff; limitations on staff having only emergency credentials.  
 44929. Certificated employees; encouragement of retirement; credit of additional service years; conditions.  
 44929.1. Defined Benefit Program; credit of additional service years and age to certificated employees; conditions.

**§ 44830. Employment of certificated persons**

(a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c)(1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a

# Exhibit C

***Automatic Declining of Employment***

13260. If, without good cause, a permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him, or mailed to him by United States certified mail with return receipt requested to his last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, he may be deemed to have declined employment and his services as an employee of the district may be terminated on June 30th of that year.

(Amended by Stats. 1973, Ch. 291.)

***Notice of Employment***

13261. The county superintendent of schools shall be given immediate notice in writing by the governing board of the district of the employment of persons for positions requiring certification qualifications. The notice shall include but not be limited to such data as may be prescribed by the Superintendent of Public Instruction, in regulations he is herewith authorized to adopt.

***Employment Dated From First Acceptance of Probationary Position; Provision for Random Selection***

13262. Except as otherwise provided in Sections 13252 to 13273, inclusive, every probationary or permanent employee employed before July 1, 1947, shall be deemed to have been employed on the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment on the same date, the governing board of the district shall determine the order of employment by lots drawn by the employees concerned or assigned at random by an independent auditing firm employed in accordance with Section 13263 or by other means as determined pursuant to the procedures described in Article 5 (commencing with Section 13080) of Chapter 1 of this division.

(Amended by Stats. 1970, Ch. 1577.)

***Employment Dated from First Acceptance of Paid Service in Probationary Position; Establishment of Date***

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

Every certificated employee who first rendered paid service on the same date shall participate in a single drawing to determine the order of employment except that in school districts having an average daily attendance in excess of 15,000, an independent auditing firm may be employed to assign to such employees numbers at random which shall

# Exhibit D

(c) The governing board has received recommendations of the superintendent of the district and, if the employee is employed at a community college, the recommendations of the president of that community college.

(d) The governing board has considered the statement of evaluation and the recommendations in a lawful meeting of the board.

(Added by Stats. 1971, Ch. 1654. See note following Section 13345 of this article.)

**Contract Employee: First Contract**

13346.20. If a contract employee is working under his first contract, the governing board, at its discretion and not subject to judicial review except as expressly provided herein, shall elect one of the following alternatives:

(a) Not enter into a contract for a second academic year.

(b) Enter into a contract for a second academic year.

(c) Employ the contract employee as a regular employee for all subsequent academic years.

(Added by Stats. 1971, Ch. 1654. See note following Section 13345 of this article.)

**Contract Employee: Second Contract**

13346.25. If a contract employee is employed under his second consecutive contract entered into pursuant to Section 13346.20, the governing board, at its discretion and not subject to judicial review except as expressly provided herein, shall elect one of the following alternatives:

(a) Employ the contract employee as a regular employee for all subsequent academic years.

(b) Not employ the contract employee as a regular employee.

(Added by Stats. 1971, Ch. 1654. See note following Section 13345 of this article.)

**Notice re Decisions: Requirements**

13346.30. The governing board shall give written notice of its decision under Section 13346.20 and the reasons therefor to the employee on or before March 15 of the academic year covered by the existing contract. Failure to give the notice as required to a contract employee under his first contract shall be deemed an extension of the existing contract without change for the following academic year. The governing board shall give written notice of its decision under Section 13346.25 and the reasons therefor to the employee on or before March 15 of the academic year covered by the existing contract. Failure to give the notice as required to a contract employee under his second consecutive contract shall be deemed a decision to employ him as a regular employee for all subsequent academic years.

(Added by Stats. 1971, Ch. 1654. See note following Section 13345 of this article.)

# **Exhibit E**

**TITLE 5. Education****Division 8. Commission on Teacher Credentialing****Chapter 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970****Article 1. General Provisions and Definitions****§80020.4.1. Services a Teacher May Provide.****§ 80020.4.1 . Services a Teacher May Provide.**• Note • History

(a) The holder of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning at the school site in grades twelve and below, including preschool, and in classes organized primarily for adults.

(b) The holder of a California designated subjects adult teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for adult teaching subject areas.

(c) The holder of a California designated subjects vocational teaching credential may develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning for vocational teaching subject areas.

(d) Irrespective of the provisions set out in this section, only individuals who hold either the Reading and Language Arts Specialist Credential or Administrative Services Credential may develop, direct, implement, and coordinate school district or county reading programs. Effective July 1, 2004, school site reading programs may only be developed, directed, implemented, or coordinated by individuals who hold the Reading and Language Arts Specialist Credential, Restricted Reading Specialist Credential, Reading Certificate, or Administrative Services Credential.

(e) An individual who has developed, directed, implemented, or coordinated reading programs for a minimum of three years prior to July 1, 2004, on the basis of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, shall be authorized to continue in such assignment. Verification of this teaching experience must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Education Code Section 44258.9(b).

**NOTE**

Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d) and 44258.9(b), Education Code.

**HISTORY**

1. New section filed 4-14-2000; operative 5-14-2000 (Register 2000, No. 15).
2. Amendment of section heading and section filed 12-23-2002; operative 1-22-2003 (Register 2002, No. 52).

**§80020.5. Additional Assignment Authorizations for Specified Pupil Personnel Services Credentials.**



# Exhibit F

**§ 44858. Age or marital status in employment in positions requiring certification qualifications**

The Legislature hereby declares that it is contrary to the interest of this state and of the people thereof for any governing board or any person charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1982, c. 466, p. 2019, § 36.)

**§ 44859. Prohibition against certain rules and regulations re residency**

No school district may adopt or maintain any rule or regulation which requires a candidate for a position requiring certification qualifications to be a resident of the district or to become a resident of the district, or which requires that an employee maintain residency within the district; nor may a district grant any preferential treatment to candidates or employees because they are residents of the district.

The Legislature in enacting this section recognizes that the public school system of this state is the property of all its citizens, and that all qualified candidates for positions of employment with school districts, regardless of residence, should be granted the opportunity to compete for and obtain such positions based solely on merit and fitness. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44860. Qualification for employment as principal**

No person shall be employed as principal of a school of six or more certificated employees unless he or she holds a valid school administration credential and at least one of the following: a teaching credential, or a services credential with a specialization in pupil personnel, health, clinical or rehabilitative, or librarian services. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1990, c. 341 (A.B.2943), § 4.)

**§ 44861. Employment of substitute principal**

A substitute principal holding a valid teacher's credential of the same grade as the school to be administered may be employed without meeting the requirements of Section 44860 to meet an emergency for not more than five months of any school year. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44862. Required age for teaching**

No person is eligible to teach in any public school in the state, or to receive a certificate to teach who has not attained the age of 18 years. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44863. Subjects authorized in special certificate**

No teacher holding a special certificate shall be employed to teach any subject not authorized in the certificate. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44864. County wherein teacher in joint elementary district must hold certificate**

Each teacher in a joint elementary district shall hold a valid certificate in the county in which the schoolhouse is located. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44865. Qualifications for home teachers and teachers in special classes and schools; consent to assignment**

A valid teaching credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assign-

ment as a teacher in the following assignments, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher:

- (a) Home teacher.
- (b) Classes organized primarily for adults.
- (c) Hospital classes.
- (d) Necessary small high schools.
- (e) Continuation schools.
- (f) Alternative schools.
- (g) Opportunity schools.
- (h) Juvenile court schools.
- (i) County community schools.
- (j) District community day schools. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1978, c. 924, p. 2894, § 1; Stats.1980, c. 260, p. 533, § 1; Stats.1981, c. 1021, p. 3932, § 1; Stats.1997, c. 825 (A.B.287), § 18, eff. Oct. 9, 1997.)

**§ 44866. Qualifications of home instructor of physically handicapped pupils**

The qualifications of a home instructor of physically handicapped pupils shall be a valid teaching credential or a credential authorizing the teaching of exceptional children in an area of specialized preparation issued by the State Board of Education, or the Commission for Teacher Preparation and Licensing. (Stats. 1976, c. 1010, § 2, operative April 30, 1977.)

**§ 44867. Qualification of teachers in opportunity schools or classes**

Except as provided in Section 44865, teachers in opportunity schools, classes, or programs shall have the same qualifications and shall be employed in the same manner as in other elementary and secondary schools of the school district in which the opportunity schools, classes, or programs are situated. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1980, c. 260, p. 533, § 2.)

**§ 44868. Qualifications for employment as library media teacher**

No person shall be employed as a library media teacher in any elementary or secondary school, unless he or she holds a valid credential of proper grade authorizing service as a library media teacher or a valid teaching credential issued by the Commission on Teacher Credentialing if he or she has completed the specialized area of librarianship. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1988, c. 180, § 3; Stats.1989, c. 1360, § 26.)

**§ 44869. Library media teacher to rank as teacher**

Any library media teacher when employed full time as a library media teacher or serving full time, partly as a library media teacher and partly as a teacher, shall rank as a teacher. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1988, c. 180, § 4.)

**§ 44870. Qualifications for supervisors of teachers**

No one shall be employed to supervise the work of teachers for more than half time during any school week unless he is the holder of a valid teacher's certificate authorizing him to teach in the schools and classes in which he is to supervise instruction and a valid supervision certificate. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

# Exhibit G

**Minimum Requirements for Teaching Credential**

13132.5. The minimum requirements for the teaching credential also include the satisfactory completion of a unit requirement in health education, including, but not limited to, emphasis on the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and of the use of tobacco.

This section shall not become operative until July 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970, as amended.

(Added by Stats. 1972, Ch. 1255.)

Note: Stats. 1972, Ch. 1255, also contains the following provisions:

SEC. 28.5. This act shall be known and may be cited as the Campbell-Moretti-Deukmejian Drug Abuse Treatment Act.

**Eminence Credential**

13133. Upon the recommendation of the governing board of a school district, the commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor commonly taught or service practiced in the public schools of California. This credential shall authorize teaching or the performance of services in the public schools in the subject or subject area or service and at the level or levels approved by the commission as designated on the credential.

Each credential so issued shall be issued for a one-year period and may be renewed for one-year periods by the commission upon the request of the governing board of the school district. Upon three renewals the holder of an eminence credential shall be eligible for a life credential, which may be issued by the commission.

(Added by Stats. 1970, Ch. 557.)

**Assignment to Single Subject Class**

13134. Until June 30, 1975, a teacher licensed pursuant to the provisions of this article may be assigned, with his consent, to teach any single subject class in which he has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he holds at least 60 semester hours equally distributed among the four areas of a diversified major set forth in Section 13157.4. A three-semester-unit variance in any of the required four areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for such assignment. The authorization of the governing board shall remain valid for one year and may be renewed annually.

(Amended by Stats. 1973, Ch. 489.)

**Minimum Requirements for Specialist Instruction Credential**

13135. The minimum requirements for specialist instruction credentials are:

- (a) A valid teaching credential; and
- (b) Such specialized and professional preparation as the commission may require and is required by other provisions of this code.

# Exhibit H

(b) The minimum requirements for the clear designated subjects teaching credential for vocational education or adult education shall include study of computer-based technology, including the uses of technology in educational settings, and the minimum requirements for the special subjects credential may, at the discretion of the commission, include the study of computer-based technology, including the uses of technology in educational settings. (Added by Stats.1992, c. 1245 (S.B.1422), § 4.)

**§ 44261. Multiple or single subject teaching credentials; minimum requirements**

The minimum requirements for the multiple or single subject teaching credential with a designated emphasis shall be as specified in Section 44259. (Added by Stats.1992, c. 1245 (S.B.1422), § 6.)

**§ 44261.2. Legislative findings and declarations**

(a) The Legislature finds and declares the following:

(1) The role of parents and guardians in the education of pupils and the development of children and youth is critically important.

(2) Active partnerships among parents, guardians, and professional educators are essential features of effective education.

(3) Recent and anticipated changes in the conditions of childhood and adolescence, including, but not limited to, the changing family structure and ethnic and cultural diversity, make it more critical than before that partnerships among parents, guardians, and professional educators be effective.

It is the intent of the Legislature that prospective teachers and certificated educators acquire needed perspectives to serve as active partners with parents and guardians in the education of pupils.

(b) The commission shall adopt standards and requirements pursuant to paragraphs (3) and (4) of subdivision (b) of Section 44259, Section 44265, Sections 44266 to 44270.1, inclusive, and Section 44372 that emphasize the preparation of prospective teachers and other certificated educators to serve as active partners with parents and guardians in the education of pupils. The standards shall address, through appropriate instruction and field experiences, the roles of parents and guardians in the educational process, strategies for involving and working with parents and guardians, and the changing conditions of childhood and adolescence, including, but not limited to, the changing family structure and ethnic and cultural diversity.

(c) An institution meets the standards set forth in subdivision (b) with the incorporation of appropriate content within existing professional preparation courses.

(d) The implementation of subdivision (b) as it applies to paragraphs (3) and (4) of Section 44259 shall occur in conjunction with the review of requirements for earning and renewing multiple and single subject teaching credentials, as required by subdivisions (a) and (b) of Section 44259.2.

(e) The standards and requirements developed pursuant to subdivision (b) and the conditions described in subdivision (d) of this section shall not apply to any person holding a valid credential on December 31, 1993.

(f) The commission shall not, by regulation, revoke or restrict in any way a credential that was valid prior to the effective date of this section unless the commission issues the holder of the credential a valid substitute credential. The authorization of the substitute credential shall not be more restrictive than that of the former credential. The definition of the term "authorization," in subdivision (d) of Section 44203 of Article 1 of Chapter 2 of Part 25 of the Education Code, applies to this subdivision. (Added by Stats.1993, c. 767 (A.B.1264), § 1.)

**§ 44262. Eminence credential**

Upon the recommendation of the governing board of a school district, the commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California. This credential shall authorize teaching or the performance of services in the public schools in the subject or subject area or service and at the level or levels approved by the commission as designated on the credential.

Each credential so issued shall be issued initially for a two-year period and may be renewed for a three-year period by the commission upon the request of the governing board of the school district. Upon completion of the three-year renewal period, the holder of an eminence credential shall be eligible upon application for a professional clear teaching credential. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1996, c. 1067 (S.B.1924), § 7.)

**§ 44263. Assignment to single subject class**

A teacher licensed pursuant to the provisions of this article may be assigned, with his or her consent, to teach any single subject class in which he or she has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he or she holds at least 60 semester hours equally distributed among the four areas of a diversified major set forth in Section 44314. A three-semester-unit variance in any of the required four areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for such assignment. The authorization of the governing board shall remain valid for one year and may be renewed annually. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1977, c. 36, § 188, eff. April 29, 1977, operative April 30, 1977.)

**§ 44264. Assignment of holders of credentials authorizing teaching or administration in secondary schools to teach or provide administration for grades 5 and 6**

Notwithstanding any other provision of law, a person holding a credential issued under the laws and regulations in effect on or before December 31, 1971, authorizing teaching in grades 7 to 12, inclusive, or grades 7 to 9, inclusive, in the secondary schools may be assigned, with his or her consent, to teach any subject authorized on his or her credential in grades 5 and 6 or grade 5 or grade 6 in a departmentalized program in a school composed of grades 5, 6, 7, and 8 or grades 6, 7, and 8.

Notwithstanding any other provision of law, a person holding a credential issued under the laws and regulations in effect on or before December 31, 1971, authorizing administration in grades 7 to 12, inclusive, in the secondary schools may be assigned, with his or her consent, to provide administration for grades 5 and 6 or grade 6, in a school composed of grades 5, 6, 7, and 8 or grades 6, 7, and 8. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1986, c. 171, § 2.)

**§ 44265. Specialties; bilingual, early childhood, special education; regulations**

Credentials for teaching specialties, including, but not limited to, bilingual education, early childhood education, and special education, shall be based upon a baccalaureate degree from an accredited institution, completion of a program of professional preparation, and any other standards which the commission may establish.

In adopting the necessary rules and regulations establishing the requirements for the preparation of special education specialties, the commission shall ensure that teachers have sufficient knowledge of subject matter that is the core of the California public school curriculum and experience with nonspecial education pupils to the extent deemed appropriate by the commission.

# Exhibit I

vided in Section 13200.3, and on the condition that such person completes within five years either: (a) one year of postgraduate study, in courses selected by such person as he deems appropriate for his present or potential teaching assignments, or (b) a course of training and experience prescribed by and under the direction of the governing board of the employing district, to include at least in-service training, which course shall be designed to provide the equivalent in experience to such one year of postgraduate study. The governing board of the employing school district shall certify to the individual's successful completion of such training.

(Added by Stats. 1968, Ch. 1424. Effective until 61st day after final adjournment of 1972 Regular Session.)

#### *Certification of Professional Ability*

13200.3. A probationary credential issued pursuant to this article shall authorize the holder to teach in any school district which employs as a district superintendent, or as the chief administrative employee of the district, a person who is a holder of any valid standard or general administration credential.

Such district superintendent or chief administrative employee shall certify to the Superintendent of Public Instruction, at any time after one school year of full-time teaching but within two years of employment of a holder of a probationary credential, whether such holder possesses acceptable professional abilities as indicated by classroom performance. Upon an affirmative certification, the State Board of Education shall immediately issue such holder a credential upon the condition that such holder complete the additional work provided for in Section 13200.2 within five years. Upon a negative certification, the probationary credential shall expire immediately.

(Added by Stats. 1968, Ch. 1424. Effective until 61st day after final adjournment of 1972 Regular Session.)

#### *Grade Level of Teaching*

13200.4. The probationary credential shall authorize the holder to teach at the elementary or secondary level in the public schools; provided, that if certification pursuant to Section 13200.3 has been obtained at one level, within one year of employment of such holder at the other level, the district superintendent or chief administrative employee shall certify the professional abilities as required in Section 13200.3.

(Added by Stats. 1968, Ch. 1424. Effective until 61st day after final adjournment of 1972 Regular Session.)

#### *Requirements by School District*

13200.5. The school district employing a holder of a probationary credential may require either or both of the following:

(a) A demonstrated subject matter expertise as shown by the successful completion of an examination approved by the Commission for Teacher Preparation and Licensing.



# SixTen and Associates Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President  
E-Mail: Kbpsixten@aol.com

**San Diego**  
5252 Balboa Avenue, Suite 900  
San Diego, CA 92117  
Telephone: (858) 514-8605  
Fax: (858) 514-8645

**Sacramento**  
3841 North Freeway Blvd., Suite 170  
Sacramento, CA 95834  
Telephone: (916) 565-6104  
Fax: (916) 564-6103

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JUN 06 2008

**COMMISSION ON  
STATE MANDATES**

June 4, 2008

Paula Higashi, Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Re: CSM 03-TC-09  
Teacher Credentialing

Dear Ms. Higashi:

On March 12, 2008, I submitted to the Commission, on behalf of the test claimant, a supplement to the test claim filing, specifically, the history of the Title 5, CCR, sections included in the test claim, at the request of the Commission staff.

This letter transmits, on behalf of the test claimants, the list of registers and relevant section numbers, in the form of an amended attachment page to the CSM 2 form.

Sincerely,



Keith B. Petersen

C: Lora Duzyk, Assistant Superintendent  
San Diego County Office of Education  
6401 Linda Vista Road  
San Diego, CA 92111-7399

Amended Attachment to COSM Form CSM 2 (1/91)  
 Test Claim of San Diego County Office of Education  
03-TC-09 Teacher Credentialing

**Statutes Cited**

Chapter 1087, Statutes of 2002  
 Chapter 1069, Statutes of 2002  
 Chapter 585, Statutes of 2001  
 Chapter 381, Statutes of 1999  
 Chapter 281, Statutes of 1999  
 Chapter 547, Statutes of 1998  
 Chapter 533, Statutes of 1998  
 Chapter 934, Statutes of 1997  
 Chapter 948, Statutes of 1996  
 Chapter 303, Statutes of 1996  
 Chapter 922, Statutes of 1994  
 Chapter 673, Statutes of 1994  
 Chapter 378, Statutes of 1993  
 Chapter 1050, Statutes of 1992  
 Chapter 590, Statutes of 1991  
 Chapter 375, Statutes of 1989  
 Chapter 1355, Statutes of 1988  
 Chapter 1468, Statutes of 1987  
 Chapter 989, Statutes of 1986  
 Chapter 747, Statutes of 1985  
 Chapter 482, Statutes of 1984  
 Chapter 1302, Statutes of 1983  
 Chapter 1038, Statutes of 1983  
 Chapter 536, Statutes of 1983  
 Chapter 498, Statutes of 1983  
 Chapter 1388, Statutes of 1982  
 Chapter 471, Statutes of 1982  
 Chapter 434, Statutes of 1982  
 Chapter 206, Statutes of 1982  
 Chapter 1136, Statutes of 1981  
 Chapter 228, Statutes of 1975

**Education Code Sections Cited**

Education Code Section 44225  
 Education Code Section 44225.7  
 Education Code Section 44300  
 Education Code Section 44301  
 Education Code Section 44326  
 Education Code Section 44327  
 Education Code Section 44332  
 Education Code Section 44830  
 Education Code Section 44830.3  
 Education Code Section 44842  
 Education Code Section 44885.5  
 Education Code Section 44901  
 Education Code Section 45037

**California Code of Regulations Registers**

**Register 75-16**

Title 5, Sections:      5923.1 (80035)    5923.2 (80036)    5923.3 (80037)    5923.4 (80038)  
                                  5924.1 (80043)    5924.3 (80045)

**Register 75-25**

Title 5, Sections:      5923.1 (80035)    5923.2 (80036)    5923.3 (80037)    5923.4 (80038)  
                                  5924.1 (80043)    5924.3 (80045)

**Register 75-27**

Title 5, Sections:      5923.2 (80036)

**Register 76-05**

Title 5, Sections:      5920.4 (80027)

**Register 76-21**

Title 5, Sections: 5920.2 (80025)

**Register 76-49**

Title 5, Sections: 5923.1 (80035) 5923.6 (80040)

**Register 77-21**

Title 5, Sections: 5924.1 (80043) 5924.3 (80045)

**Register 77-51**

Title 5, Sections: 80005 80025 80026 80027 80035  
80036 80037 80038 80040 80043  
80045 80054

**Register 78-10**

Title 5, Sections: 80055.1

**Register 78-22**

Title 5, Sections: 80055.2

**Register 78-48**

Title 5, Sections: 80058.2

**Register 79-23**

Title 5, Sections: 80036

**Register 80-06**

Title 5, Sections: 80054

**Register 80-32**

Title 5, Sections: 80070.2 80070.3 80070.4 80070.6

**Register 81-15**

Title 5, Sections: 80025 80026 80027

**Register 81-23**

Title 5, Sections: 80070.2 80070.3 80070.4 80070.6

**Register 82-41**

Title 5, Sections: 80071.4

**Register 82-45**

Title 5, Sections: 80025.1 80045 80055.1

**Register 82-48**

Title 5, Sections: 80071.4

**Register 83-12**

Title 5, Sections: 80071.4

**Register 83-23**

Title 5, Sections: 80070.2

**Register 83-30**

Title 5, Sections: 80435

**Register 83-31**

Title 5, Sections: 80025 80027

**Register 83-40**

Title 5, Sections: 80441

**Register 84-08**

Title 5, Sections: 80035 80036 80036.1 80036.3 80037  
80038 80040

**Register 84-40**

Title 5, Sections: 80071.4

**Register 86-40**

Title 5, Sections: 80550 80552 80553 80554 80555  
80556 80558 80560 80565

**Register 86-50**

Title 5, Sections: 80071.4

**Register 86-52**

Title 5, Sections: 80047.2 80047.4

**Register 89-11**

Title 5, Sections: 80035

**Register 89-12**

Title 5, Sections: 80071.4

**Register 89-46**

Title 5, Sections: 80047.2 80047.4

**Register 90-42**

Title 5, Sections: 80048.2

**Register 92-39**

Title 5, Sections: 80048.2

**Register 93-25**

Title 5, Sections: 80025

**Register 94-16**

Title 5, Sections: 80023.1 80023.2 80025 80026.1 80026.5  
80026.6 80027

**Register 94-19**

Title 5, Sections: 80556 80556.1

**Register 95-09**

Title 5, Sections: 80047.2

**Register 95-15**

Title 5, Sections: 80025.5 80035 80035.5 80036 80036.1  
80036.3 80040

**Register 95-32**

Title 5, Sections: 80023.1 80023.2 80026 80026.1 80026.6

**Register 96-26**

Title 5, Sections: 80601

**Register 96-41**

Title 5, Sections: 80043 80045

**Register 97-39**

Title 5, Sections: 80047.2 80048.2 80048.3 80048.4

**Register 97-51**

Title 5, Sections: 80055.1 80055.2

**Register 98-03**

Title 5, Sections: 80023.1

**Register 98-12**

Title 5, Sections: 80037.5

**Register 98-28**

Title 5, Sections: 80027

**Register 98-32**

Title 5, Sections: 80025.1

**Register 98-49**

Title 5, Sections: 80071.4

**Register 99-11**

Title 5, Sections: 80043 80045

**Register 99-41**

Title 5, Sections: 80048.3

**Register 99-46**

Title 5, Sections: 80023.1 80026 80026.1 80026.6

**Register 99-51**

Title 5, Sections: 80048.3.1 80413.3

**Register 2000-15**

Title 5, Sections: 80020.4.1 80054

**Register 2000-16**

Title 5, Sections: 80071.4

**Register 2000-22**

Title 5, Sections: 80005

**Register 2001-17**

Title 5, Sections: 80016

**Register 2001-24**

Title 5, Sections: 80026 80027

**Register 2001-47**

Title 5, Sections: 80026 80027

**Register 2002-21**

Title 5, Sections: 80026.6

**Register 2002-50**

Title 5, Sections: 80054

**Register 2002-52**

Title 5, Sections: 80020.4.1

**Register 2003-05**

Title 5, Sections: 80043

**Title 5, California Code of Regulations Originally Listed**

Sections	80005	80016	80020.4.1	80023.1	80023.2
	80025	80025.1	80025.5	80026	80026.1
	80026.5	80026.6	80027	80035	80035.5
	80036	80036.1	80036.3	80037	80037.5
	80038	80040	80043	80045	80047.2.
	80047.4	80048.2	80048.3	80048.3.1	80048.4
	80054	80055.1	80055.2	80058.2	80070.2
	80070.3	80070.4	80070.6	80071.4	80413.3
	80435	80441	80466	80556	80556.1
	80601				

**ITEM \_\_**  
**TEST CLAIM**  
**DRAFT STAFF ANALYSIS**  
**AND**  
**PROPOSED STATEMENT OF DECISION**

Education Code Sections 44225, 44225.7, 44300, 44301, 44326, 44327, 44332, 44830, 44830.3,  
 44842, 44885.5, 44901, 45037

Statutes 1975, Chapter 228; Statutes 1981, Chapter 1136; Statutes 1982, Chapter 206; Statutes  
 1982, chapter 434; Statutes 1982, Chapter 471; Statutes 1982, Chapter 1388; Statutes 1983,  
 Chapter 498; Statutes 1983, Chapter 536; Statutes 1983, Chapter 1038; Statutes 1983, Chapter  
 1302; Statutes 1984, Chapter 482; Statutes 1985, Chapter 747; Statutes 1986, Chapter 989;  
 Statutes 1987, Chapter 1468; Statutes 1988, Chapter 1355; Statutes 1989, Chapter 375; Statutes  
 1991, Chapter 590; Statutes 1992, Chapter 1050; Statutes 1993, Chapter 378; Statutes 1994,  
 Chapter 673; Statutes 1994, Chapter 922; Statutes 1996, Chapter 303; Statutes 1996, Chapter  
 948; Statutes 1997, Chapter 934; Statutes 1998, Chapter 533; Statutes 1998, Chapter 547;  
 Statutes 1999, Chapter 281; Statutes 1999, Chapter 381; Statutes 2001, Chapter 585; Statutes  
 2002, Chapter 1069; and Statutes 2002, Chapter 1087

California Code of Regulations, Title 5, Sections 80005, 80016, 80020.4.1, 80023.1, 80023.2,  
 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6, 80027, 80035, 80035.5, 80036,  
 80036.1, 80036.3, 80037, 80037.5, 80038, 80040, 80043, 80045, 80047.2, 80047.4, 80048.2,  
 80048.3, 80048.3.1, 80048.4, 80054, 80055.1, 80055.2, 80058.2, 80070.2, 80070.3, 80070.4,  
 80070.6, 80071.4, 80413.3, 80435, 80441, 80466, 80556, 80556.1, 80601

Register 75, No. 16 (April 16, 1975); Register 75, No. 25 (June 20, 1975); Register 75, No. 27  
 (Aug. 2, 1975); Register 76, No. 5 (Feb. 27, 1976); Register 76, No. 21 (June 20, 1976); Register  
 76, No. 49 (Jan. 2, 1977); Register 77, No. 21 (June 19, 1977); Register 77, No. 51 (Jan. 15,  
 1978); Register 78, No. 10 (April 7, 1978); Register 78, No. 22 (June 29, 1978); Register 78, No.  
 48 (Dec. 29, 1978); Register 79, No. 23 (July 5, 1979); Register 80, No. 6 (March 7, 1980);  
 Register 80, No 32 (Sept. 5, 1980); Register 81, No. 15 (May 6, 2001); Register 81, No. 23  
 (July 3, 1981); Register 82, No. 41 (Jan. 1, 1983); Register 82, No. 45 (Dec. 2, 1982); Register  
 82, No. 48 (Nov. 10, 1982); Register 83, No. 12 (March 15, 1983); Register 83, No 23 (July 3,  
 1983); Register 83, No. 30 (Aug. 21, 1983); Register 83, No. 31 (Aug. 28, 1983); Register 83,  
 No. 40 (Sept. 27, 1983); Register 84, No. 8 (Mar. 23, 1984); Register 84, No. 40 (Nov. 3, 1984);  
 Register 86, No. 40 (Oct. 31, 1986); Register 86, No. 50 (Jan. 9, 1987); Register 86, No. 52  
 (Jan. 1, 1987); Register 86, No. 52 (Jan. 1, 1987); Register 89, No. 11 (April 9, 1989); Register  
 89, No. 12 (April 16, 1989); Register 89, No. 46 (Dec. 13, 1989); Register 90, No. 42 (Sept. 4,  
 1990); Register 92, No. 39 (Sept. 21, 1992); Register 93, No. 25 (July 15, 1993); Register 94,  
 No. 16 (May 20, 1994); Register 94, No. 19 (June 9, 1994); Register 95, No. 9, (Mar. 3, 1995);  
 Register 95, No. 15 (May 10, 1995); Register 95, No. 32 (Sept. 7, 1995); Register 96, No. 26  
 (July 27, 1996); Register 96, No. 41 (Nov. 10, 1996); Register 97, No. 39 (Oct. 26, 1997);  
 Register 97, No. 51 (Dec. 16, 1997); Register 98, No. 3 (Jan. 13, 1998); Register 98, No. 12  
 (April 17, 1998); Register 98, No. 28 (July 6, 1998); Register 98, No. 32 (Sept. 5, 1998);  
 Register 98, No. 49 (Dec. 2, 1998); Register 99, No. 11 (April 10, 1999); Register 99, No. 41  
 (Nov. 7, 1999); Register 99, No. 46 (Nov. 12, 1999); Register 99, No. 51 (Jan. 15, 2000);



Register 2000, No. 15 (May 14, 2000); Register 2000, No. 16 (May 21, 2000); Register 2000, No. 22 (June 20, 2000); Register 2001, No. 17 (May 25, 2001); Register 2001, No. 24 (June 15, 2001); Register 2001, No. 47 (Oct. 9, 2001); Register 2002, No. 21 (June 20, 2002); Register 2002, No. 50 (Jan. 8, 2002); Register 2002, No. 52 (Jan. 22, 2003); Register 2003, No. 5 (Mar. 1, 2003).

*Teacher Credentialing*  
03-TC-09

San Diego County Office of Education, Claimant

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Attached is the draft proposed statement of decision for this matter. This draft proposed statement of decision also functions as the draft staff analysis, as required by section 1183.07 of the Commission's regulations.

**EXECUTIVE SUMMARY**

**Overview**

This test claim addresses the teacher credentialing process and employment of K-12 teachers. The claimant requests reimbursement for statutes and regulations enacted and amended from 1975 to 2002.

Generally, teachers must be certified by the California Commission on Teacher Credentialing (CTC) in order to be employed in a California public school district. California's credential structure is organized by subject matter and the classroom setting in which individuals teach rather than school setting or age group. Within this structure, the State has established certification tiers, starting with a preliminary credential that ensures candidates meet the requirements before advancing to the professional clear teaching credential. Clear credentials replaced the life credentials formally issued, and now require continued professional growth and renewal every five years. CTC issues 54 basic types of documents, including 32 types of teaching credentials/certificates/permits, eight different emergency permits, eight service credentials/permits, six child development permits, and waivers. Within each of these categories, CTC issues preliminary, professional, and renewal documents, as well as many different types of authorizations to teach a specific subject.

There are four basic credentials that authorize individuals to teach in California K-12 schools. The credential for single subject instruction authorizes the practice of assigning teachers and students to specified subject matter courses, as is commonly practiced in high schools and junior high schools. The single subject credential authorizes a school district to assign the holder of the credential to courses of study that relate to the credential. The credential for multiple subject instruction allows the "the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and in early childhood education." Specialist instruction is defined as any specialty requiring advanced preparation or special competence, including, but not limited to, specialists in reading, math, special education, and early childhood education. The designated subjects credential authorizes the practice of assignment of teachers to designated technical, trade, or career technical courses that may be part of a program of trade, technical, or career technical education. CTC also issues credentials for other educational occupations requiring state certification, including credentials for librarians and administrators.

All credential candidates must obtain a college degree through a regionally accredited college or university and demonstrate academic preparation in the subject matter in which they wish to teach. Candidates must also complete a CTC-approved teacher preparation program, pass a basic skills assessment (currently the California Basic Educational Skills Test or CBEST), and receive a formal recommendation from the college, university, or local educational agency where they completed the teacher preparation program. The State offers multiple routes into teaching including traditional one-year post-baccalaureate teacher preparation programs at institutions of higher education, district or university sponsored intern programs, and four to five year blended programs that allow for the concurrent completion of a baccalaureate degree and professional preparation.

The statutory and regulatory schemes provide many options for school districts to achieve desired staffing needs. Under certain circumstances, the Legislature has authorized CTC to provide a special administration of the basic assessment test, or CBEST, to fill staffing needs. In addition, CTC has the authority, under limited circumstances, to issue certificates, permits, and waivers authorizing persons who are not fully-credentialed, or are not fully credentialed in a particular subject area, to teach and provide educational services to students in public schools. These alternative certifications include district intern certificates, limited assignment permits, emergency permits, and credential waivers.

Since 1961, school districts have been subject to statutory penalties when a school district hires a person, without valid certification documents, to render services as a teacher. However, the Legislature has provided options to avoid this penalty, which include requests for a continuance or extension of service, requests for temporary county certificates, and validation of service requests.

#### The Test Claim Statutes

This test claim addresses the following credential and employment topics, all of which include activities performed by K-12 school districts:

- A. Basic skills assessments, including basic skills proficiency assessments, the special administration of CBEST, and administering a local assessment for applicants of vocational designated subject credentials.
- B. The following procedures for obtaining credentials and certificates:
  1. General procedures for applying for a credential;
  2. Single and multiple subject credential requirements for experienced out-of-state credentialed teachers;
  3. Certain special education credential requirements;
  4. Designated subject credentials, including those in vocational education, adult education, aviation flight/ground, basic military drill, ROTC, driver's education, and supervision and coordination;
  5. Administrative service credentials;
  6. Other credentials, including an eminence credential, exchange certificated credential, and a sojourn credential; and

7. Specialized certificates issued for providing services to limited English proficient students and resource services in the classroom for special education students.
- C. Authorized assignments of teachers. This includes regulations addressing the assignment of teachers to courses for which no single subject credential exists, and those governing the assignment of teachers to develop and direct reading programs.
- D. The following alternative certificates, permits, and credential waiver requests made when a “suitable, fully prepared teacher is not available to a school district”:
  1. Legislation that establishes a priority in hiring persons not fully credentialed;
  2. District intern program;
  3. Request for limited assignment permits;
  4. Request for emergency permits for single or multiple subjects, and emergency permits for substitute teachers; and
  5. Request for credential waivers.
- E. Penalties and options for avoiding penalties, including a request for a continuance or extension of service, temporary county certificates, and validation of service requests.
- F. Professional growth programs that require professional growth advisors from the district to mentor and assist in the professional growth and renewal of single and multiple subject credentials, and service and specialist credentials.
- G. Other employment issues, including procedures for a teacher’s failure to declare his or her intent to remain employed in the district and procedures when a teacher is employed in more than one school district.

### **Procedural History**

On September 25, 2003, claimant, San Diego County Office of Education filed this test claim. Comments on the test claim have been filed by the Department of Finance and the California Commission on Teacher Credentialing. These state agencies agree that some of the activities under the professional growth program are required and eligible for reimbursement. However, these agencies contend that the remaining statutes and regulations do not impose a reimbursable state-mandated program because they are either not mandated by the state, or are not newly required.

### **Commission Responsibilities**

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. “Test claim” means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6. In

making its decisions, the Commission cannot apply article XIII B as an equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.<sup>1</sup>

### Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Subject	Description	Staff Recommendation
<p><b>A. <u>Basic Skills Assessments</u></b></p> <p>1. Basic Skills Proficiency Assessments (Ed. Code, § 44830(a)(b))</p>	<p>Education Code section 44830 governs the employment of certificated individuals in a K-12 school district. The statute requires school districts to employ for positions that require certification qualifications only those persons who possess the qualifications prescribed by law and prohibits school districts from hiring a person unless that person has demonstrated basic skills proficiency by passing the CBEST, or is exempted. The statute also provides authority for school districts to administer the state basic skills test; directs the Superintendent of Public Instruction SPI, in conjunction with CTC and local governing boards, to take steps necessary to ensure the effective implementation of the basic skills requirements.</p>	<p><i>Deny.</i> Education Code section 44830 does not mandate a new program or higher level of service on school districts. The requirement to employ only those persons who possess the qualifications prescribed by law was required by a 1974 statute (former Ed. Code, § 13251) and is, therefore, not new. The remaining provisions do not impose state-mandated duties on school districts. They instead provide authority to districts to administer the state basic skills test, and prohibit school districts from hiring persons who do not demonstrate basic skills proficiency.</p>
<p>2. Special administration of CBEST (Cal. Code Regs., tit. 5, §80071.4)</p>	<p>This regulation authorizes CTC to arrange for a special administration of CBEST for a school district, a group of school districts, a county office of education, or a group of counties in the event of an emergency employment situation. The written request by the school districts must include the minutes of the governing board meeting that shows an emergency, as defined, exists, and that the district or county will assist in the administration and pay the full fee</p>	<p><i>Deny.</i> Section 80071.4 does not impose a state-mandated program on school districts. The plain language of the regulation authorizes, but does not require, a school district to file a written request based on local hiring decisions. Since the activities required are triggered by the school districts' decision to file a request, the downstream requirements are not mandated by the state. Nor is there any evidence in the record that school districts are practically compelled, to file a request for the special</p>

<sup>1</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802.

	required. The superintendent of the district is also required to provide information as part of the request.	administration of CBEST.
3. Administering a local assessment for candidates of a vocational designated subject credential (Ed. Code, § 44830(h), (i), (j) (as added or amended from 1983 to 1998)	This statute requires school districts, which employ individuals that hold a vocational designated subject credential and provide vocational courses to students, to establish their own basic skills proficiency assessment that is at least equivalent to the district test for high school graduation.	<i>Deny.</i> Education Code section 44830(h)(i)(j) does not impose a state-mandated program on school districts. Under the Education Code, career technical education is defined the same as vocational education, and courses in career technical education are courses of study required to be offered for grades 7 to 12. However, school districts are not required to employ persons that hold a vocational credential to comply with this existing law. Rather, school districts have the choice to employ a person that holds a single subject credential in specific single subject areas to comply with the law. In addition, the statute provides fee authority to the district for the costs of developing, administering, and grading the assessment test.
<b>B. <u>Procedures for Obtaining Credentials and Certificates</u></b> 1. Procedures for Applying for a Credential (Cal. Code Regs., tit. 5, §§ 80435, 80466)	Section 80435 of the regulations requires school districts, with CTC-approved programs of professional preparation, to submit official transcripts of the credential applicant with the application to CTC, or provide a recommendation of the applicant for the credential to CTC.  Section 80466 provides an option to credential applicants who have not completed a program of professional preparation to, instead, offer three years of successful full-time teaching experience completed within ten years prior to the date of application for a California credential, verified by the school district employer.	<i>Deny.</i> These regulations do not impose a state-mandated program on school districts. With respect to section 80435, school districts have the option under the law, but are not required, to offer a program of professional preparation and, thus, activities to submit transcripts or recommendations to CTC following the applicant's completion of the program and in conjunction with the application for the credential, are not mandated by the state.  The activity imposed by 80466 is an activity to be performed by an out-of-state school district employer. Section 80466 does not impose any duties or activities on California school districts.

<p>2. Single and Multiple Subject Credential Requirements for Experienced Out-of-State Credentialed Teachers (Cal. Code Regs., tit. 5, § 80413.3)</p>	<p>This regulation credentialed out of state teachers who wish to teach in California to provide to CTC a signed, written justification and verification of a school district's intention to enroll the out-of-state applicant into an approved program of teacher support.</p>	<p><i>Deny.</i> Section 80413.3 does not impose a state-mandated program on school districts. The plain language of the regulation imposes requirements on an out-of-state teacher who wishes to become credentialed and teach in California. State law does not require school districts to hire out-of-state credentialed teachers. This hiring decision is a voluntary decision made at the local level and, thus, any downstream requirements performed by the employing California school district are not mandated by the state.</p>
<p>3. Special Education Credentials: Authority to provide services to students with serious emotional disturbance and autism (Cal. Code Regs., tit. 5, §§ 80047.2, 80047.4); former specialist credential in Special Education (Cal. Code Regs., tit. 5, §§ 80048.2, and repealed in 2010); preliminary and professional clear education specialist instruction credential (Cal. Code Regs., tit. 5, §§ 80048.3, 80048.4); credentials for out-of-state credentialed special education teachers (Cal. Code Regs., tit. 5, §§ 80048.3(c), 80048.3.1)</p>	<p>These regulations address credentials authorizing holders to provide services to students with serious emotional disturbance and autism; former requirements to obtain preliminary and professional clear specialist instruction credentials in special education; requirements to obtain a preliminary level 1 and professional level II education specialist instruction credential for those who complete a professional preparation program in California and outside California; and requirements for out-of-state credentialed special education teachers.</p> <p>These regulations generally require the applicant for these credentials to submit from the employing California school district, favorable evaluations or recommendations; and verification of an offer of employment or experience.</p>	<p><i>Deny.</i> These regulations do not impose a state-mandated program on school districts. Any requirements imposed to obtain authority to teach special education students are imposed on the holder of the credential and are not imposed on the school district. The decision to provide a favorable evaluation or recommendation, or to employ an out-of-state credentialed special education teacher are local decisions left to the discretion of an employing school district. In addition, the preliminary specialist instruction credentials in special education issued pursuant to section 80048.2(a) ceased to be issued by CTC after June 30, 1998 (before the period of potential reimbursement for this claim) and, thus, are not analyzed for reimbursement.</p>

<p>4. Designated Subjects Credentials: general requirements for programs of personalized preparation (Cal. Code Regs., tit. 5, § 80040.); vocational education teaching credentials (Cal. Code Regs., tit. 5, §§ 80035, 80035.5); adult education credentials (Cal. Code Regs., tit. 5, §§ 80036, 80036.1, 80036.3); designated credentials in aviation flight/ground, basic military drill, ROTC, and driver’s education (Cal. Code Regs., tit. 5, §§ 80037, 80037.5); supervision and coordination designated credential (Cal. Code Regs., tit. 5, § 80038)</p>	<p>These regulations address the requirements for obtaining one of the designated subjects credentials that allows the holder to provide services in the designated technical, trade, or career technical courses, including vocation education, adult education, aviation flight/ground, basic military drill, ROTC, and driver’s education. An applicant seeking one of these designated subject credentials is required to first participate in a CTC-approved program of personalized preparation for the credential and submit certain verifications to CTC from the employing school district that offered the approved program showing that the applicant has been informed of the requirements for obtaining a professional clear credential in the subject, and that the applicant has completed the requirements of the personalized program.</p>	<p><i>Deny.</i> These regulations do not impose a state-mandated program on school districts. There is no requirement in state law for a school district to offer a program of personalized preparation for a designated subjects credential applicant. In addition, most of the courses that are authorized to be taught by a holder of a designated subjects credential are courses that are provided at the option of the school district and are not mandated by the state to be offered to students. To the extent a school district feels it necessary to hire a teacher with a designated subjects credential, there are numerous programs of personalized preparation approved and offered by other entities and universities where the applicant can obtain the required skills for the credential. Requirements to obtain the credential are, imposed on the applicant: not the school district. Finally, the remaining activities that may be performed by school districts to recommend an applicant for the credential and to verify employment experience and completion of the personalized preparation program are not mandated by the state.</p>
<p>5. Administrative Services Credential (Cal. Code Regs., tit. 5, § 80054)</p>	<p>The administrative services credential authorizes the holder to provide services to develop, coordinate, and assess instructional programs; supervise, evaluate, and discipline certificated and classified employees; provide student discipline; manage the school site; recruit, employ, and assign teachers.</p> <p>To obtain a preliminary credential, the applicant must submit verification to CTC of three years</p>	<p><i>Deny.</i> Section 80054 of the regulations does not impose a state-mandated program on school districts. The plain language of the regulation imposes requirements on the credential applicant. Although the applicant’s former and current employers verify the successful experience in the employment of the applicant in order to obtain the credential, this verification is triggered by the district’s local hiring decisions. There is no mandate imposed on the district to verify the</p>

	<p>of successful, full-time teaching or service experience from in-state public or private schools. To obtain a professional clear credential, the applicant is required to submit verification of two years of successful experience in a full-time administrative position in a California public or private school.</p>	<p>successful employment of its employees.</p>
<p>6. Other Credentialed Employees: eminence credentials, exchange certificated credentials, sojourn certificated employee credentials (Cal. Code Regs., tit. 5, §§ 80043, 80045, 80055.1, 80055.2)</p>	<p>Other credentials issued by CTC include:</p> <p>Eminence credentials. CTC is authorized by statute to grant an eminence credential to an individual who is eminent in a specific endeavor and is recognized beyond the boundaries of his or her community. Eminence credentials are only available at the recommendation of an employing school district.</p> <p>Exchange certificated credentials. School districts are authorized by statute to enter into agreements with authorities of any foreign country, state or territory, or any other school district for the exchange and employment of regularly credentialed employees. To obtain this credential, the employing school district is required to submit to CTC a verification of proposed employment and other specified information.</p> <p>Sojourn Certificated Employee Credential. School districts are authorized to engage in arrangements with authorities in foreign countries, states, or territories, to hire bilingual teachers employed in public or private schools of the foreign country, etc. To obtain these credentials, the school district is required to submit</p>	<p><i>Deny.</i> These regulations do not impose a state-mandated program on school districts. There is no requirement in state law to hire these individuals or go through the credentialing process, which allows the district to hire these individuals.</p>



	specified information and certifications to CTC.	
7. Specialized Certificates to teach English to limited English proficient students, and to provide services as a resource specialist. (Cal. Code Regs., tit. 5, §§ 80016, 80070.2-80070.4, 80080.6)	<p>Section 80016 of the regulations implements a statute that authorizes the assignment of teachers with a basic teaching credential to provide specially designed content instruction in English to limited English proficient pupils. The regulation clarifies the requirements and authorizations for the certificate of completion of staff development. To obtain the certificate, the holder is required to submit verification from the CTC–approved program offered by a school district, county office of education, college or university, or other approved agency, of completion of staff development programs.</p> <p>Sections 80070.2 et seq. address the requirements to obtain a resource specialist certificate. The holder of this certificate provides, among many services, instruction and services to pupils with an individualized education plan (IEP) assigned to regular classroom teachers for a majority of the school day. To obtain the certificate, the applicant is required to submit employment experience verifications from employing school districts.</p>	<p><i>Deny.</i> Section 80016 of the regulations does not impose a state-mandated program on school districts. The plain language of the regulation imposes requirements on the applicant for the certificate. The verification required to be submitted by the applicant is submitted by “the school district, county office of education, college or university, or other approved agency, <i>whose program has been approved by</i>” CTC. In addition, the regulation implements a statute that was enacted to provide an alternative to the certificate requirements for teaching limited English proficient students. Thus, under the law, school districts had the option of hiring an individual with this certificate, or one who held a cross-cultural language and academic development certificate (CLAD) or a bilingual CLAD under existing law.</p> <p>Sections 80070.2 et seq. do not impose a state-mandated program on school districts. The plain language of these regulations imposes requirements on the applicant seeking the resource specialist certificate, and provides various options to obtain those certificates. The experience and employment verifications required by these regulations are triggered by the local hiring decisions of the school district. State law does not require school districts to hire a teacher who does not already have a clear resource specialist certificate.</p>
<b>C. <u>Authorized Assignments of Teachers</u></b> This includes	Section 80005 states that the holder of a teaching credential based on a baccalaureate degree and a teacher preparation program may be	<i>Deny.</i> Section 80005 of the regulations does not impose a state-mandated program on school districts. The plain language of the

<p>regulations addressing the assignment of teachers to courses for which no single subject credential exists, and those governing the assignment of teachers to develop and direct reading programs. (Cal. Code Regs., tit. 5, §§ 80005, 80020.4.1)</p>	<p>assigned, with consent, to teach subject-matter classes that do not fall within or are not directly related to the broad single subjects listed in regulation, if the employing school district has determined the teacher has the requisite knowledge and skills. Examples of these courses include conflict management, study skills, teen skills, leadership, and study hall.</p> <p>Section 80020.4.1 authorizes school districts to maintain the service of a teacher, who does not have a specialist or administrative services credential or a reading certificate, as a school site reading program coordinator if the teacher has completed three years of reading coordinator experience before July 1, 1994. Employing agencies are required to keep verification of these services on file.</p>	<p>regulation does not require school districts to offer these courses or assign a teacher to teach these courses.</p> <p>Section 80020.4.1 of the regulations does not impose a state-mandated program on school districts. Keeping teachers without the specified credentials to coordinate a school site reading program is expressly authorized, but not required by the regulation.</p>
<p><b><u>D. Alternative Certificates, Permits, and Waivers</u></b></p> <p>1. Prioritizing the hiring of persons with alternative certificates, permits, or credential waivers (Ed. Code, § 44225.7(a), as enacted in 1999.)</p>	<p>Education Code section 44225.7(a) was enacted in 1999 to specify the relative priority for hiring persons who are not fully credentialed. The statute was intended to reduce the number of emergency credentials and credential waivers issued by CTC and used by school districts. The statute provides that if a suitable fully prepared teacher is not available to a school district, the district under all circumstances shall make reasonable efforts to recruit an individual for the assignment in the following order: (1) a candidate who is qualified to participate and enrolls in an approved internship program in the region of the school district; (2) a candidate who is scheduled to complete preliminary credential</p>	<p><i>Deny.</i> Education Code section 44225.7(a) does not impose a state-mandated new program or higher level of service on school districts. School districts are not mandated by state law to request the approval from CTC for the assignment of persons who are not fully prepared teachers. Moreover, before the enactment of section 44225.7(a), school districts were already required by state law to recruit and employ qualified individuals, and to hire fully credentialed teachers first. This statute simply clarifies the prioritization of hiring, and does not mandate a higher level of service.</p>

	<p>requirements in six months. “If a suitable individual who meets the priorities listed in [subdivision (a)] is not available to the school district, the district, as a last resort, <i>may</i> request approval for the assignment of a person who does not meet that criteria.”</p>	
<p>2. District Intern Program (Ed. Code, §§ 44326, 44327, 44830.3, 44885.5)</p>	<p>In 1983, the Legislature established the district intern program as an alternative route into teaching. A district internship is a fully paid position where the intern serves as teacher of record for pupils in grades 1 to 12, classes in bilingual education, or for pupils in special education classes, while simultaneously participating in a teacher preparation program. Education Code section 44830.3(a) provides the authority for a school district to offer a district intern program and employ district interns. And, pursuant to Education Code section 44225.7(a), the district may do so, only if a suitable fully prepared teacher is not available to the district. If employed, district interns are required to teach with the assistance and guidance of certificated employees. School districts that participate in the program are required to maintain program records, develop and implement a professional development plan, and classify the district intern as a probationary employee.</p>	<p><i>Deny.</i> These statutes do not impose a state-mandated program on school districts. School districts are not mandated by the state to participate in the district intern program or to hire a district intern to fill a staffing need. The statutory scheme provides options for school districts to consider and use based on local hiring decisions. Moreover, there is no evidence in the record that school districts are practically compelled by state law to participate in the district intern program or hire a district intern. There are no apparent penalties in the law for not participating in the program. While there is a monetary penalty imposed when a school district hires a person to render service as a teacher who does not have any valid certification document issued by CTC, that penalty is not directly related to a school district choosing not to participate in the district intern program. There are many options available to school districts to fill positions with persons with valid certification documents.</p> <p>Nor is there evidence in the record for the relevant period of potential reimbursement that a school district was left with no reasonable alternative but to participate in the district intern program. Nor is there information regarding the types of courses where pupils were served or</p>

		<p>will be served by district interns. For example, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that participate in the district intern program and fill a discretionary course with a district intern would not be eligible for reimbursement.</p>
<p>3. Limited Assignment Permits (Cal. Code Regs., tit. 5, §§ 80026, 80027)</p>	<p>A limited assignment permit is a permit issued at the request of an employing school district to allow fully credentialed teachers to teach outside their authorized subject areas for one year, while the teacher completes the requirements to earn the additional authorization for that assignment. School districts have had this authority since 1976, but in 2001 a number of amendments were made to the program. School districts seeking to exercise the limited assignment option are required to submit to CTC an annual declaration of need certifying that there is an insufficient number of certificated persons who meet the district’s “specified employment criteria” for certain positions in the year covered by the declaration. School districts must also show that the applicant is employed and will be assigned an experienced educator. Districts must also keep on file a written statement verifying consent of the teacher to service on the limited assignment permit.</p>	<p><i>Deny.</i> These regulations do not impose a state-mandated program on school districts. The limited assignment permit is an option available to employing school districts to fill staffing vacancies. In 2001, section 80027 was amended to clarify that a limited assignment multiple or single subject permit is not an “emergency” option for non-fully prepared teachers, but an assignment option for a credentialed teachers. In 2009, CTC amended section 80027 again to clarify that the activities imposed on the school district to obtain a limited assignment multiple or single subject teaching permit is required only if the “employing agency elects to request” the permit. Although the state encourages school districts to use this option before seeking an emergency permit or credential waiver, there is no state-mandated duty imposed on school districts to exercise this option.</p> <p>Moreover, the filing of a declaration of need with CTC seeking the issuance of limited assignment permits for the year when the district finds there is no suitable fully</p>

		<p>prepared teacher available is itself, a discretionary act. In <i>California Teachers Association v. Commission on Teacher Credentialing</i>, the court interpreted the filing of a statement of need pursuant to section 80026 and determined that “nothing in title 5, California Code of Regulations, section 80026 [governing the statement of need] provides any limitation on a district’s discretion.<sup>2</sup> Thus, school districts are not legally compelled by state law to comply with the limited assignment permit process.</p> <p>Nor is there any evidence of practical compulsion. There are no apparent penalties in the law for not complying with the limited assignment permit process. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to comply with the limited assignment process. As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.</p> <p>Nor is there evidence in the record that a school district was practically compelled during the relevant period of reimbursement to resort to the limited assignment process in order to carry out the core mandatory function to provide required educational services to K-12 students.</p>
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<sup>2</sup> *California Teachers Association v. Commission on Teacher Credentialing* (1992) 7 Cal.App.4th 1469.

		<p>Even if there was evidence that a district filed a statement of need for approval of hiring a person eligible to teach under a limited assignment permit, that evidence would not, by itself, prove practical compulsion. The statement of need required by section 80026 of the regulations to obtain a limited assignment permit is an annual filing by a district that “<i>estimates</i>” the number of unprepared teachers the district might need for the year, with a promise from the district that it will first try to recruit fully credentialed teachers and interns. An estimate of need is not “certain” for purposes of practical compulsion, and does not amount to concrete evidence that an emergency in fact existed, or a certain and severe consequence would occur, forcing the district to go through the process and hire an individual eligible for a limited assignment permit for a teaching position.</p> <p>Moreover, there is no evidence in the record that school districts were compelled to use the limited assignment permit process to teach courses required by the state to be offered to K-12 students. For example, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that go through the limited assignment permit process to fill a staffing need for a discretionary course would not be eligible for reimbursement.</p>
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<p>4. Emergency Permits: Emergency Single Subject or Multiple Subject Teaching Permit; Emergency Substitute Permits (Ed. Code, §§ 44300, 44301, 44225.7(a); Cal. Code Regs., tit. 5, §§ 80023.1, 80023.2, 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6.)</p>	<p>Emergency permits or credentials have long been authorized by the Legislature to address the shortage of qualified teachers, and since 1943, the law has evolved to now offer over 17 types of emergency permits. The claimant seeks reimbursement to comply with the process of obtaining an emergency single or multiple subject permits, and three emergency substitute teaching permits (emergency 30-day substitute teaching permit, an emergency career substitute teaching permit, and 30-day emergency substitute designated subjects vocational educational permit.)</p> <p>To obtain an emergency single or multiple subject permit, a school district is required to annually file with CTC a statement of need showing that it has implemented in policy and practice a process for conducting a diligent search for a sufficient number of certificated teachers. The exclusive representative of certificated employees may file statements disagreeing with the school district. The school district must also inform each applicant that it will provide the orientation, guidance and assistance required, and verify that the emergency employee meets ongoing training requirements. These activities, however, are no longer required as of July 1, 2006. CTC, at its December 2003 hearing, voted to phase emergency multiple and single subject permits out, and replace the permit, beginning on July 1, 2006, with a short-term staff permit and provisional internship</p>	<p><i>Deny.</i> These statutes and regulations do not impose a state-mandated program on school districts. School districts are not legally compelled by state law to participate in the underlying program to request emergency permits. Rather, school districts make a local decision to perform the activities in order to ensure staffing. Section 80023.1 of the Title 5 regulations plainly states that school districts and county offices of education “may” submit emergency permit applications for multiple or single subject permits. A local decision requiring a school district to incur costs does not constitute a state-mandated program.</p> <p>Moreover, the filing of a declaration of need with CTC seeking the issuance of emergency permits for the year when the district finds there is no suitable fully prepared teacher available is itself, a discretionary act. In <i>California Teachers Association v. Commission on Teacher Credentialing</i>, the court interpreted the filing of a statement of need pursuant to section 80026 and determined that “nothing in title 5, California Code of Regulations, section 80026 [governing the statement of need] provides any limitation on a district’s discretion.”<sup>3</sup></p> <p>Claimant argues, however, that school districts are practically compelled to comply with these statutes and regulations to fill positions with emergency credentials and, thus, are entitled to reimbursement pursuant to article XIII B, section 6 of the California Constitution based on three CTC</p>
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<sup>3</sup> *California Teachers Association, supra*, 7 Cal.App.4th 1469.

	<p>permit for multiple and single subjects, both of which have not been pled in this test claim.</p> <p>Separate process are provided for emergency substitute teaching permits, but generally require that the school district describe the situation that necessitates the use of an emergency permit, state that a credentialed individual is not available, and provide verification of employment.</p>	<p>published reports pointing to enrollment growth fueling a shortage of fully qualified teachers in California classrooms, thereby requiring school districts or county offices of education to rely on emergency permits or waivers in the 2001-2002 school year.</p> <p>However, there are no apparent penalties in the law for not complying with the emergency permit process. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to comply with the emergency permit process. As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.</p> <p>Teacher shortages have occurred over time in the state of California, and those shortages have been documented. However, there is no concrete evidence in the record that an “emergency” existed in any particular district which left no reasonable alternative and, in fact, practically compelled a school district to resort to the emergency permit process in order to carry out the core mandatory function to provide required educational services to K-12 students. The claimant’s evidence of state reports and statistics alone, which show that districts statewide filed statements of need and CTC issued emergency permits during the 2001-2002 school year, does not support the finding of practical compulsion. As stated above, there is</p>
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		<p>discretion in those local hiring decisions, and no evidence has been filed showing the type of emergency, the classes that needed to be filled, or the alternatives that may have been available. For example, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that go through the emergency permit process to fill a staffing need for a discretionary course would not be eligible for reimbursement.</p> <p>Moreover, the statement of need required by section 80026 of the regulations is an annual filing by a district that “<i>estimates</i>” the number of unprepared teachers the district might need for the year, with a promise from the district that it will first try to recruit fully credentialed teachers and interns. An estimate of need is not “certain” for purposes of practical compulsion, and does not amount to concrete evidence that an emergency in fact existed forcing the district to go through the process and hire an individual eligible for an emergency permit.</p> <p>Finally, section 80025 of the Title 5 regulations, which governs the emergency 30-day substitute teaching permit, does not mandate a new program or higher level of service, and, in fact, imposes fewer requirements on school districts than what was provided in prior law enacted in 1973.</p>
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<p>5. Credential Waivers (Ed. Code, §§ 44225(m), 44225.7)</p>	<p>Credential waivers are a last resort option that allows a school district, which is unable to fill a staffing need with a fully credentialed teacher, an intern, or an individual who is qualified for an emergency permit, to request a credential waiver for the best qualified applicant available. Applications for credential waivers must be filed with CTC and contain information similar to that for emergency permits.</p>	<p><i>Deny.</i> These statutes do not impose a state-mandated program on school districts. School districts are not legally compelled by state law to request a credential waiver. The plain language of the statutes and regulations that implement these statutes provide that a school district “may” request authorization for a credential waiver.</p> <p>The claimant argues that school districts are practically compelled to obtain credential waivers and bases its arguments on state reports and statistics regarding the number of credential waivers issued in fiscal year 2001-2002 (2,803 waivers issued that year). However, a finding of practical compulsion must be based on a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.</p> <p>Here, there are no apparent penalties in the law for not complying with the credential waiver process. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to comply with the credential waiver process. As evidenced in this claim, there are many options available to school districts to fill positions with persons</p>
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		<p>with valid certification documents.</p> <p>Nor is there concrete evidence in the record that an “emergency” existed during the relevant period of potential reimbursement, which left no reasonable alternative and, in fact, practically compelled a school district to resort to the credential waiver process in order to carry out the core mandatory function to provide required educational services to K-12 students. There is no information about the classes that needed to be filled, or the alternatives that may have been available from during the relevant period of reimbursement for this claim. School districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that go through the credential waiver process to fill a staffing need for a discretionary course would not be eligible for reimbursement.</p>
<p><b>E. <u>Penalties and Additional Options for Avoiding Penalties</u></b></p> <p>1. Penalty assessments for teachers lacking certification documents (Ed. Code, § 45037, as added in 2002.)</p>	<p>Since 1961, school districts have been subject to penalties imposed by the Education Code when the district hires a person without valid certification documents to render services as a teacher. In 2002, the Legislature enacted section 45037 to establish a single penalty to supersede three prior penalties. The claimant requests reimbursement for the amounts</p>	<p><i>Deny.</i> Although section 45037 may result in increased costs incurred by a school district, increased costs alone do not result in a reimbursement requirement under article XIII B, section 6 of the California Constitution. “Section 6 was not intended to entitle local entities to reimbursement for all increased costs resulting from legislative enactments, but only those costs mandated by a new program or an increased level of</p>

	paid by school districts and county offices of education.	service imposed upon them by the State.” <sup>4</sup> Section 45037 does not require school districts to perform any activities; it just assesses penalties for noncompliance. Moreover, school districts have many options for hiring persons who have valid certification documents. School districts also have several options for avoiding penalties when preliminary certification is set to expire, or when a person has completed all requirements and is simply awaiting CTC’s approval.
2. Option to request continuance or extension of service (Former Cal. Code Regs., tit. 5, § 80058.2)	Former section 80058.2 of the regulations allowed the employing school district to request a continuance until the end of a school year of any preliminary credentials and substitute teaching permits that lapsed or expired just before the end of the year. Section 80058.2 was repealed in 2004. The claimant requests reimbursement to seek a continuance of the credential or permit.	<i>Deny.</i> Section 80058.2 of the regulations does not impose a state-mandated program on school districts. The plain language of the regulation refers to the school district’s action as a request, which <i>may</i> be provided by the district. The decision to request a continuance is a local hiring decision that is not mandated by the state. In addition, there is no evidence that school districts were practically compelled to comply and was left with no alternative but to request a continuance. Although penalties imposed pursuant to Education Code section 45037 are a possibility, there is no evidence that penalties were in fact imposed or were certain to occur during the period of reimbursement. Nor is there evidence of alternatives available and considered by the district to avoid any penalties.
3. Option to request a temporary county certificate (Ed.	A temporary certificate may be issued by the employing county office of education that authorizes	<i>Deny.</i> Education Code section 44332 and section 80441 of the Title 5 regulations do not impose a state-

<sup>4</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1816; *Lucia Mar Unified School District v. State of California* (1988) 44 Cal.3d 830, 835; *Department of Finance v. Commission on State Mandates* (2004) (*Kern High School Dist.*) 30 Cal.4th 727, 735; *County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176, 1189-1190.

<p>Code, § 44332; Cal. Code Regs., § 80441)</p>	<p>employment or salary payment to employees whose credential applications are being processed by CTC.</p>	<p>mandated program on school districts or county offices of education.</p> <p>The requirement imposed on the employing school district to complete portions of the application for a temporary county certificate pursuant to section 80441(a) to identify the certificate and the expiration date of the certificate are not mandated by the state. The decision to hire a candidate whose credential has not been fully processed by CTC is a local, discretionary hiring decision that triggers these downstream requirements. Thus, these downstream activities are not mandated by the state.</p> <p>The activity performed by the county office of education to consider and issue a temporary county certificate is not a new activity. The county has had the authority to issue these certificates since 1970. Moreover, the decision to issue a temporary certificate is a local decision that is not mandated by the state. Thus, the downstream requirements imposed on the county to cancel a certificate upon notice from CTC that the applicant is not qualified or has a disqualifying criminal record and to provide CTC with a listing of all temporary certificates issued are not mandated by the state.</p>
<p>4. Option to request a validation of service (Cal. Code Regs., tit. 5, § 80601)</p>	<p>Since 1961, school districts have been authorized to submit validation of service requests to CTC pursuant to statute when certificated employees are eligible for the appropriate certification required for a position, but did not actually hold the needed credential or temporary county certificate during the period they performed the service. Under this authority,</p>	<p><i>Deny.</i> Section 80601 of the regulations does not impose a state-mandated program on school districts. The decision to request a validation of service is a local decision that is not mandated by the state. In addition, there is no evidence that school districts were practically compelled to comply or left with no alternative but to request a validation of service. Although</p>

	<p>CTC can retroactively validate the service of the person to avoid penalties that may be assessed pursuant to Education Code section 45037.</p> <p>In 1996, section 80601 was added to the regulations to clarify that the district “may” submit a request and the information that must be contained in the request.</p>	<p>penalties imposed pursuant to Education Code section 45037 are a possibility, there is no evidence that penalties were in fact imposed or were certain to occur during the period of reimbursement. Nor is there evidence of alternatives available and considered by the district to avoid any penalties.</p>
<p><b>F. <u>Professional Growth Program (Cal. Code Regs., tit. 5, §§ 80556, 80556.1)</u></b></p>	<p>The Legislature established the professional growth program in 1983 when the authority to issue life credentials was repealed and replaced with clear professional credentials that require renewal every five years. Effective January 1, 2007, the statutes that provide for this program were made optional.</p> <p>These regulations impose various professional growth requirements on school districts related to the renewal of single and multiple subject credentials and service and specialist credentials.</p>	<p><i>Partially approve.</i> Sections 80556 and 80556.1 mandate a new program or higher level of service on school districts from July 1, 2002 until December 31, 2006 for the following activities:</p> <p><u>Professional growth activities related to renewing clear single or multiple subject credentials:</u></p> <ul style="list-style-type: none"> <li>• If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.</li> <li>• The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.</li> <li>• The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.</li> <li>• The chief administrative officer of the employing school district, or</li> </ul>

		<p>his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.</p> <p><u>Professional growth activities related to renewing clear service or specialist credentials:</u></p> <ul style="list-style-type: none"> <li>• The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.</li> </ul> <p>All other activities are either discretionary or are not new.</p>
<p><b><u>G. Employment Issues Not Relating to Credentialing</u></b></p> <p>1. Procedures for failure to declare intent to remain employed (Ed. Code, § 44842(a))</p>	<p>Education Code section 44842 was initially enacted in 1973 as former section 13260, to outline a procedure for declining employment for permanent employees who fail to notify the school district of the employee's intent to remain in the district's employ if the district requests notice. In 1998, the statute was amended to also govern probationary employees and to add provisions authorizing districts to request notice from its employees regarding the intent to remain employed.</p>	<p><i>Deny.</i> Education Code section 44842 does not impose a state-mandated program on school districts. All of the activities are conditioned on the school district's request to give notice.</p>
<p>2. Probationary employees in two or more districts (Ed. Code § 44901)</p>	<p>This statute provides that school districts are required to notify a probationary employee by March 15 of a decision to reelect or not reelect for the next succeeding school year. In the event that the governing board does not give notice, the employee shall be deemed reelected for the next</p>	<p><i>Deny.</i> Education Code section 44901(b) does not impose a state-mandated program on school districts. The school districts that do not notify these employees in their second year must accept them as permanent employees. Districts that do not want to reelect the employee must provide notice to effect this</p>

	<p>succeeding year. The claimant requests reimbursement to provide this notice on reelection.</p>	<p>decision, but reelection is a discretionary decision of the district. There is no state requirement to reelect or terminate the employee.</p> <p>Because the decision to reelect or terminate an employee is a local decision, rather than made by the state, the ensuing notification is not mandated by the state.</p>
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**Staff Analysis**

As described in the analysis, the statutes and most of the regulations pled in this test claim do not impose a state-mandated program on school districts. Instead, they provide authority for several alternatives for certificating and employing teachers. The plain language of these provisions does not legally compel school districts to act. In addition, with respect to several statutes and regulations designed to remedy “emergency” staffing issues, the claimant has not made any showing of practical compulsion, with evidence in the record, that despite the discretionary nature of the language in the statute or regulation, a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statute or regulation, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.

Some of the activities required by the regulations governing the professional growth program and advisors for credentialed teachers, however, do impose a reimbursable state-mandated program on school districts.

**Conclusion**

Staff finds that California Code of Regulations, title 5, sections 80556(a)(c)(f)(j) and 80556.1(e), as added and amended in 1986 and 1994,<sup>5</sup> impose a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution on school districts from July 1, 2002 until December 31, 2006, for the following activities:

A. Professional growth activities related to renewing clear single or multiple subject credentials:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>6</sup>
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>7</sup>

<sup>5</sup> Register 86, No. 40; Register 94, No. 19.

<sup>6</sup> California Code of Regulations, title 5, section 80556(a).

<sup>7</sup> California Code of Regulations, title 5, section 80556(c).



- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>8</sup>
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>9</sup>

B. Professional growth activities related to renewing clear service or specialist credentials:

- The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.<sup>10</sup>

All other statutes, regulations, and activities pled in this test claim do not constitute reimbursable state-mandated programs subject to article XIII B, section 6 of the California Constitution and are, therefore, denied.

**Staff Recommendation**

Staff recommends that the Commission adopt the proposed statement of decision to partially approve this test claim.

<sup>8</sup> California Code of Regulations, title 5, section 80556(f).

<sup>9</sup> California Code of Regulations, title 5, section 80556(j).

<sup>10</sup> California Code of Regulations, title 5, section 80556.1(e).

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 44225, 44225.7, 44300, 44301, 44326, 44327, 44332, 44830, 44830.3, 44842, 44885.5, 44901, 45037

Statutes 1975, Chapter 228; Statutes 1981, Chapter 1136; Statutes 1982, Chapter 206; Statutes 1982, chapter 434; Statutes 1982, Chapter 471; Statutes 1982, Chapter 1388; Statutes 1983, Chapter 498; Statutes 1983, Chapter 536; Statutes 1983, Chapter 1038; Statutes 1983, Chapter 1302; Statutes 1984, Chapter 482; Statutes 1985, Chapter 747; Statutes 1986, Chapter 989; Statutes 1987, Chapter 1468; Statutes 1988, Chapter 1355; Statutes 1989, Chapter 375; Statutes 1991, Chapter 590; Statutes 1992, Chapter 1050; Statutes 1993, Chapter 378; Statutes 1994, Chapter 673; Statutes 1994, Chapter 922; Statutes 1996, Chapter 303; Statutes 1996, Chapter 948; Statutes 1997, Chapter 934; Statutes 1998, Chapter 533; Statutes 1998, Chapter 547; Statutes 1999, Chapter 281; Statutes 1999, Chapter 381; Statutes 2001, Chapter 585; Statutes 2002, Chapter 1069; and Statutes 2002, Chapter 1087

California Code of Regulations, Title 5, Sections 80005, 80016, 80020.4.1, 80023.1, 80023.2, 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6, 80027, 80035, 80035.5, 80036, 80036.1, 80036.3, 80037, 80037.5, 80038, 80040, 80043, 80045, 80047.2, 80047.4, 80048.2, 80048.3, 80048.3.1, 80048.4, 80054, 80055.1, 80055.2, 80058.2, 80070.2, 80070.3, 80070.4, 80070.6, 80071.4, 80413.3, 80435, 80441, 80466, 80556, 80556.1, 80601

Register 75, No. 16 (April 16, 1975); Register 75, No. 25 (June 20, 1975); Register 75, No. 27 (Aug. 2, 1975); Register 76, No. 5 (Feb. 27, 1976); Register 76, No. 21 (June 20, 1976); Register 76, No. 49 (Jan. 2, 1977); Register 77,

Case No.: 03-TC-09

*Teacher Credentialing*

STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7.

*(Proposed for Adoption: April 19, 2013)*

No. 21 (June 19, 1977); Register 77, No. 51 (Jan. 15, 1978); Register 78, No. 10 (April 7, 1978); Register 78, No. 22 (June 29, 1978); Register 78, No. 48 (Dec. 29, 1978); Register 79, No. 23 (July 5, 1979); Register 80, No. 6 (March 7, 1980); Register 80, No. 32 (Sept. 5, 1980); Register 81, No. 15 (May 6, 2001); Register 81, No. 23 (July 3, 1981); Register 82, No. 41 (Jan. 1, 1983); Register 82, No. 45 (Dec. 2, 1982); Register 82, No. 48 (Nov. 10, 1982); Register 83, No. 12 (March 15, 1983); Register 83, No. 23 (July 3, 1983); Register 83, No. 30 (Aug. 21, 1983); Register 83, No. 31 (Aug. 28, 1983); Register 83, No. 40 (Sept. 27, 1983); Register 84, No. 8 (Mar. 23, 1984); Register 84, No. 40 (Nov. 3, 1984); Register 86, No. 40 (Oct. 31, 1986); Register 86, No. 50 (Jan. 9, 1987); Register 86, No. 52 (Jan. 1, 1987); Register 86, No. 52 (Jan. 1, 1987); Register 89, No. 11 (April 9, 1989); Register 89, No. 12 (April 16, 1989); Register 89, No. 46 (Dec. 13, 1989); Register 90, No. 42 (Sept. 4, 1990); Register 92, No. 39 (Sept. 21, 1992); Register 93, No. 25 (July 15, 1993); Register 94, No. 16 (May 20, 1994); Register 94, No. 19 (June 9, 1994); Register 95, No. 9 (Mar. 3, 1995); Register 95, No. 15 (May 10, 1995); Register 95, No. 32 (Sept. 7, 1995); Register 96, No. 26 (July 27, 1996); Register 96, No. 41 (Nov. 10, 1996); Register 97, No. 39 (Oct. 26, 1997); Register 97, No. 51 (Dec. 16, 1997); Register 98, No. 3 (Jan. 13, 1998); Register 98, No. 12 (April 17, 1998); Register 98, No. 28 (July 6, 1998); Register 98, No. 32 (Sept. 5, 1998); Register 98, No. 49 (Dec. 2, 1998); Register 99, No. 11 (April 10, 1999); Register 99, No. 41 (Nov. 7, 1999); Register 99, No. 46 (Nov. 12, 1999); Register 99, No. 51 (Jan. 15, 2000); Register 2000, No. 15 (May 14, 2000); Register 2000, No. 16 (May 21, 2000); Register 2000, No. 22 (June 20, 2000); Register 2001, No. 17 (May 25, 2001); Register 2001, No. 24 (June 15, 2001); Register 2001, No. 47 (Oct. 9, 2001); Register 2002, No. 21 (June 20, 2002); Register 2002, No. 50 (Jan. 8, 2002); Register 2002, No. 52

(Jan. 22, 2003); Register 2003, No. 5 (Mar. 1, 2003).

Filed on September 25, 2003

By San Diego County Office of Education,  
Claimant.

### **PROPOSED STATEMENT OF DECISION**

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on April 19, 2013. [Witness list will be included in the final statement of decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the proposed statement of decision to [approve/deny] the test claim at the hearing by a vote of [vote count will be included in the final statement of decision].

#### **Summary of the Findings**

This test claim addresses the teacher credentialing process and employment of K-12 teachers. The claimant requests reimbursement for statutes and regulations enacted and amended from 1975 to 2002. This test claim addresses the following credential and employment topics:

- A. Basic skills assessments, including basic skills proficiency assessments, the special administration of CBEST, and administering a local assessment for applicants of vocational designated subject credentials.
- B. The following procedures for obtaining credentials and certificates:
  1. General procedures for applying for a credential;
  2. Single and multiple subject credential requirements for experienced out-of-state credentialed teachers;
  3. Certain special education credential requirements;
  4. Designated subject credentials, including those in vocational education, adult education, aviation flight/ground, basic military drill, ROTC, driver's education, and supervision and coordination;
  5. Administrative service credentials;
  6. Other credentials, which include an eminence credential, exchange certificated credential, and a sojourn credential; and
  7. Specialized certificates issued for providing services to limited English proficient students and resource specialist certificate for special education services.

- C. Authorized assignments of teachers. This includes regulations addressing the assignment of teachers to courses for which no single subject credential exists, and those governing the assignment of teachers to develop and direct reading programs.
- D. The following alternative certificates, permits, and credential waiver requests made when a “suitable, fully prepared teacher is not available to a school district”:  
  - 1. Legislation that establishes a priority in hiring persons not fully credentialed;
  - 2. District intern program;
  - 3. Request for limited assignment permits;
  - 4. Request for emergency permits for single or multiple subjects, and emergency permits for substitute teachers; and
  - 5. Request for credential waivers.
- E. Penalties and options for avoiding penalties, including a request for a continuance or extension of service, temporary county certificates, and validation of service requests.
- F. Professional growth programs that require professional growth advisors from the district to mentor and assist in the professional growth and renewal of single and multiple subject credentials, and service and specialist credentials.
- G. Other employment issues, including procedures for a teacher’s failure to declare his or her intent to remain employed in the district and procedures when a teacher is employed in more than one school district.

As described in the analysis below, the statutes and most of the regulations pled in this test claim do not impose a state-mandated program on school districts. Instead, they provide authority for several alternatives for certificating and employing teachers. The plain language of these provisions does not legally compel school districts to act. In addition, with respect to several statutes and regulations designed to remedy “emergency” staffing issues, the claimant has not made any showing of practical compulsion, with evidence in the record, that despite the discretionary nature of the language in the statute or regulation, a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statute or regulation, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.

Some of the activities required by the regulations governing the professional growth program and advisors for credentialed teachers, however, do impose a reimbursable state-mandated program on school districts. In this respect, the Commission finds that California Code of Regulations, title 5, sections 80556(a)(c)(f)(j) and 80556.1(e), as added and amended in 1986 and 1994,<sup>11</sup> impose a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution on school districts from July 1, 2002 until December 31, 2006, for the following activities:

<sup>11</sup> Register 86, No. 40; Register 94, No. 19.

Professional growth activities related to renewing clear single or multiple subject credentials:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>12</sup>
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>13</sup>
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>14</sup>
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>15</sup>

Professional growth activities related to renewing clear service or specialist credentials:

- The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.<sup>16</sup>

All other statutes, regulations, and activities pled in this test claim do not constitute reimbursable state-mandated programs subject to article XIII B, section 6 of the California Constitution and are, therefore, denied.

## COMMISSION FINDINGS

### I. Chronology

- |            |  |
|------------|--|
| 09/25/2003 | Claimant, San Diego County Office of Education, filed the test claim with the Commission on State Mandates (Commission). <sup>17</sup> |
| 10/31/2003 | The Department of Finance (Finance) filed a request for extension of time to file comments on the test claim.                          |
| 11/07/2003 | The Commission on Teacher Credentialing (CTC) filed comments on the test claim.  |

<sup>12</sup> California Code of Regulations, title 5, section 80556(a).

<sup>13</sup> California Code of Regulations, title 5, section 80556(c).

<sup>14</sup> California Code of Regulations, title 5, section 80556(f).

<sup>15</sup> California Code of Regulations, title 5, section 80556(j).

<sup>16</sup> California Code of Regulations, title 5, section 80556.1(e).

<sup>17</sup> Based on the filing date, the potential period of reimbursement begins on July 1, 2002, the start of the 2002-2003 fiscal year. (Gov. Code section 17557(e).)

03/26/2004	Finance filed a request for extension of time to file comments on the test claim.
04/16/2004	Finance filed a request for extension of time to file comments on the test claim.
09/14/2004	Finance filed a request for extension of time to file comments on the test claim.
12/24/2004	Finance filed a request for extension of time to file comments on the test claim.
03/14/2005	Finance filed a request for extension of time to file comments on the test claim.
09/26/2005	Finance submitted comments on the test claim.
03/18/2008	Claimant filed a supplement (history of regulations) to the test claim filing.
06/06/2008	Claimant filed a supplement (list of registers and section nos.) to the test claim filing.
06/25/2008	Claimant filed a request to postpone action until a new claimant representative could be appointed.
08/29/2012	Claimant filed notice of new claimant representative.

## **II. Background**

This test claim addresses the teacher credentialing process and employment of K-12 teachers. The claimant requests reimbursement for statutes and regulations enacted and amended from 1975 to 2002.

Generally, teachers must be certified by the California Commission on Teacher Credentialing (CTC) in order to be employed in a California public school district. California's credential structure is organized by subject matter and the classroom setting in which individuals teach rather than school setting or age group. Within this structure, the State has established certification tiers, starting with a preliminary credential that ensures candidates meet the requirements before advancing to the professional clear teaching credential. CTC issues 54 basic types of documents, including 32 types of teaching credentials/certificates/permits, eight different emergency permits, eight service credentials/permits, six child development permits, and waivers. Within each of these categories, CTC issues preliminary, professional, and renewal documents, as well as many different types of authorizations to teach a specific subject.<sup>18</sup>

There are four basic credentials that authorize individuals to teach in California K-12 schools. The credential for single subject instruction authorizes the practice of assigning teachers and students to specified subject matter courses, as is commonly practiced in high schools and junior high schools.<sup>19</sup> The single subject credentials issued by the state are listed in Education Code

<sup>18</sup> Office of the Legislative Analyst, "Modernizing the Functions of the Commission on Teacher Credentialing." (April 27, 2006) See < [http://www.lao.ca.gov/2006/ctc/ctc\\_042706.htm](http://www.lao.ca.gov/2006/ctc/ctc_042706.htm) > as of March 9, 2012.

<sup>19</sup> Education Code section 44256(a).

section 44257 and section 80005 of the Title 5 regulations. The single subject credential authorizes a school district to assign the holder of the credential to courses of study that relate to the credential. The credential for multiple subject instruction allows the “the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and in early childhood education.”<sup>20</sup> Specialist instruction is defined as any specialty requiring advanced preparation or special competence, including, but not limited to, specialists in reading, math, special education, and early childhood education.<sup>21</sup> The designated subjects credential authorizes the practice of assignment of teachers to designated technical, trade, or career technical courses that may be part of a program of trade, technical, or career technical education.<sup>22</sup> CTC also issues credentials for other educational occupations requiring state certification, including credentials for librarians and administrators.

All credential candidates must obtain a college degree through a regionally accredited college or university and demonstrate academic preparation in the subject matter in which they wish to teach. Candidates must also complete a CTC-approved teacher preparation program, pass a basic skills assessment (currently the California Basic Educational Skills Test or CBEST), and receive a formal recommendation from the college, university, or local educational agency where they completed the teacher preparation program. The State offers multiple routes into teaching including traditional one-year post-baccalaureate teacher preparation programs at institutions of higher education, district or university sponsored intern programs, and four to five year blended programs that allow for the concurrent completion of a baccalaureate degree and professional preparation.

The statutory and regulatory schemes provide many options for school districts to achieve desired staffing needs. Under certain circumstances, the Legislature has authorized CTC to provide a special administration of the basic assessment test, or CBEST, to fill staffing needs. In addition, CTC has the authority under limited circumstances to issue certificates, permits, and waivers authorizing persons who are not fully-credentialed to teach, or are not fully credentialed in a particular subject area, to teach and provide educational services to students in public schools. These alternative certifications include district intern certificates, limited assignment permits, emergency permits, and credential waivers.

Since 1961, school districts have been subject to penalties imposed by Education Code section 45036 when a school district hires a person, without valid certification documents, to render services as a teacher. The Legislature has provided options to avoid this penalty, however, which include requests for a continuance or extension of service, requests for temporary county certificates, and validation of service requests.

#### The Test Claim Statutes

This test claim addresses the following credential and employment topics:

- A. Basic skills assessments, including basic skills proficiency assessments, the special administration of CBEST, and administering a local assessment for applicants of vocational designated subject credentials.

<sup>20</sup> Education Code section 44256(b).

<sup>21</sup> Education Code section 44256(c).

<sup>22</sup> Education Code section 44256(d).



- B. The following procedures for obtaining credentials and certificates:
1. General procedures for applying for a credential;
  2. Single and multiple subject credential requirements for experienced out-of-state credentialed teachers;
  3. Certain special education credential requirements;
  4. Designated subject credentials, including those in vocational education, adult education, aviation flight/ground, basic military drill, ROTC, driver's education, and supervision and coordination;
  5. Administrative service credentials;
  6. Other credentials, which include an eminence credential, exchange certificated credential, and a sojourn credential; and
  7. Specialized certificates issued for providing services to limited English proficient students and resource specialist certificate for special education services.
- C. Authorized assignments of teachers. This includes regulations addressing the assignment of teachers to courses for which no single subject credential exists, and those governing the assignment of teachers to develop and direct reading programs.
- D. The following alternative certificates, permits, and credential waiver requests made when a "suitable, fully prepared teacher is not available to a school district":
1. Legislation that establishes a priority in hiring persons not fully credentialed;
  2. District intern program;
  3. Request for limited assignment permits;
  4. Request for emergency permits for single or multiple subjects, and emergency permits for substitute teachers; and
  5. Request for credential waivers.
- E. Penalties and options for avoiding penalties, including a request for a continuance or extension of service, temporary county certificates, and validation of service requests.
- F. Professional growth programs that require professional growth advisors from the district to mentor and assist in the professional growth of single and multiple subject credential holders, and service and specialist credential holders.
- G. Other employment issues, including procedures for a teacher's failure to declare his or her intent to remain employed in the district and procedures when a teacher is employed in more than one school district.

As described in the analysis below, the statutes and most of the regulations pled in this test claim do not impose a state-mandated program on school districts. Instead, they are part of several alternatives and options made available for certificating and employing teachers. The plain language of these provisions does not legally compel school districts to act. In addition, with respect to several statutes and regulations designed to remedy "emergency" staffing issues, the claimant has not made any showing of practical compulsion, with evidence in the record, that despite the discretionary nature of the language in the statute or regulation, a school district faces

certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statute or regulation, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.

Some of the activities required by the regulations governing the professional growth program and advisors for credentialed teachers, however, do impose a reimbursable state-mandated program on school districts.

### **III. Positions of the Parties and Interested Parties**

#### **A. Claimant's Position**

The claimant alleges that the test claim statutes and regulations impose a reimbursable state-mandated program under article XIII B, section 6 and Government Code section 17514 for school districts and county offices of education.

The test claim is supported by declarations from the San Diego County Office of Education and the Grossmont Union High School District, both of which allege over \$1000 in costs during fiscal year 2002-2003 to comply with the test claim statutes and regulations.

#### **B. State Agencies' Position**

CTC filed comments in November 2003, stating that most of the activities claimed are optional or triggered by local hiring decisions. CTC agrees that some of the activities required under the professional growth program (in sections 80556 and 80556.1 of the Title 5 regulations) to renew clear single and multiple subject credentials and service and specialist credentials, impose required activities on school districts.

Finance, in its September 2005 comments, points out that the requirement for school districts to employ only persons who possess qualifications prescribed by law has been required since 1973, and amendments changing credentialing requirements are essentially requirements on teachers themselves. For the most part, Finance asserts that the statutes and regulations either existed prior to 1975 or contain requirements that result from voluntary hiring decisions. Finance does agree that some of the activities under the professional growth program (sections 80556 and 80556.1 of the Title 5 regulations) are required to be performed by school districts. Finance notes that school districts receive base revenue limit funding to perform the basic function of providing public education, which includes staffing classes with teachers.

### **IV. Discussion**

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service.<sup>23</sup>

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that

<sup>23</sup> California Constitution, Article XIII B, Section 6 (Adopted Nov. 6, 1979).

articles XIII A and XIII B impose.”<sup>24</sup> Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”<sup>25</sup>

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.<sup>26</sup>
2. The mandated activity either:
  - a. Carries out the governmental function of providing a service to the public; or
  - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.<sup>27</sup>
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.<sup>28</sup>
4. The mandated activity results in the local agency or school district incurring increased costs. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.<sup>29</sup>

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.<sup>30</sup> The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.<sup>31</sup> In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>32</sup>

<sup>24</sup> *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

<sup>25</sup> *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

<sup>26</sup> *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

<sup>27</sup> *Id.* (reaffirming test set out in *County of Los Angeles, supra*, (1987) 43 Cal.3d 46, 56.)

<sup>28</sup> *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.

<sup>29</sup> *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1<sup>st</sup> Dist. 2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

<sup>30</sup> *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487; Government Code sections 17551; 17552.

<sup>31</sup> *County of San Diego, supra*, 15 Cal.4th 68, 109.

<sup>32</sup> *County of Sonoma, supra*, 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

## **Issue I: Do the Test Claim Statutes and Regulations Impose a State-Mandated New Program or Higher Level of Service?**

### **A. Basic Skills Assessments**

To teach in California, a person generally needs to complete a bachelor's degree from an accredited institution, must pass the basic skills assessment (CBEST), complete a teacher preparation program at a California college that has a CTC-approved credentialing program, and be recommended to CTC for a preliminary credential.<sup>33</sup> The five-year preliminary or level I teaching credential cannot be renewed or extended. To continue to teach in the public schools of California, the holder must complete all of the requirements for the professional clear or Level II credential before the expiration date of the preliminary credential.

The sections below address the various options for assessing a person's basic skills to teach.

#### **1. The Basic Skills Assessment, CBEST (Ed. Code, § 44830)<sup>34</sup>**

Generally, applicants for a credential, certificate, or permit that allows the applicant to work in the public schools of California (either on a permanent, temporary, or substitute basis) must verify basic skills proficiency before the credential, certificate, or permit will be issued. Education Code section 44252(b) states that "The commission shall not issue initially a credential, permit, certificate, or renewal of an emergency credential to a person to service in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills ...." This basic skills assessment is currently known as the California Basic Education Skills Test, or CBEST. An individual who passes the CBEST shall be considered proficient in the skills of reading, writing, and mathematics, and shall not be required to be retested for purposes of applying for the credential, for the issuance or renewal of the credential, or for employment with a school district.<sup>35, 36</sup>

<sup>33</sup> Education Code sections 44225(a)(1), 44259.

<sup>34</sup> Statutes 1981, chapter 1136; Statutes 1982, chapter 206; Statutes 1982, chapter 1388; Statutes 1983, chapter 536; Statutes 1983, chapter 1038; Statutes 1985, chapter 747; Statutes 1986, chapter 989; Statutes 1996, chapter 948; Statutes 1998, chapter 547.

<sup>35</sup> Education Code section 44252.5.

<sup>36</sup> The following persons are exempted from the CBEST requirement: those credentialed solely for the purposes of teaching adults in an apprenticeship program, those in adult education who teach non-academic subjects, those credentialed in another state who have passed a basic skills proficiency examination administered in the state where the person is credentialed, those credentialed in another state who have passed a basic skills proficiency exam that has been developed and administered by the school district offering that person employment, applicants for child care center permits or permits authorizing service in a development center for the handicapped if the permit holder is not required to have a baccalaureate degree, holders of a credential permit or certificate (other than an emergency permit) who seek an additional authorization to teach, an applicant for a credential to provide service in the health profession, an applicant who achieves scores on specified tests that are sufficient to waive the English placement test and the entry level mathematics exam administered by the California State University, and an applicant for an eminence credential. (Ed. Code, § 44252(b)(1) – (b)(9)).

With respect to the CBEST, the claimant has pled Education Code section 44830, as amended from 1981 to 1998. These provisions are discussed below.

- a) Requirement to employ persons who possess qualifications prescribed by law (Ed Code, § 44830(a)(b)).

Section 44830 governs the employment of certificated persons and generally requires school districts to employ for positions that require certification qualifications only those persons who possess the qualifications prescribed by law, and specifically prohibits school districts from hiring a certificated person unless that person has demonstrated basic skills proficiency by passing the CBEST as provided in section 44252.5 or is exempted from the requirement. As Education Code section 44830 was last amended in 1998, subdivision (a) stated the following:

The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

Subdivision (b), which was initially added to section 44830 in 1981, and as last provided in 1998, stated the following:

Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m).

Non-substantive amendments have been made to these subdivisions after 1998, but their provisions remain in current law.

The Commission finds that these provisions do not mandate a new program or higher level of service. The requirement in Education Code section 44830(a) to employ persons who possess the qualifications prescribed by law is not new. Former Education Code section 13251 (Stats. 1974, ch. 1009) stated: “Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law.” This was moved to section 44830 in the 1976 Education Code (Stats. 1976, ch. 1010) and remained continually in existence until the 1981 test claim statute. Article XIII B, section 6 of the California Constitution states that “[T]he Legislature may, but need not, provide a subvention of funds for the following mandates: . . . Legislative mandates enacted prior to January 1, 1975 . . .” Thus, Education Code section 44830(a) does not impose a state-mandated new program or higher level of service.

In addition, Education Code section 44830(b) prohibits a district from hiring a certificated person who has not passed the CBEST, but does not impose any state-mandated duties on school districts.

Thus, the Commission finds that Education Code section 44830(a) and (b) do not impose a state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

- b) Authority for school districts to administer the state basic skills test (Ed. Code, § 44830(b)(1)).

In 1982, Education Code section 44830 was amended to authorize school districts to administer the basic skills proficiency test as follows:

The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.<sup>37</sup>

This authority remains in current law.

The Commission finds that Education Code section 44830(b)(1) does not impose any state-mandated duties on school districts. The plain language of the statute provides that a district “may administer” the test with the “authorization of CTC. Pursuant to Education Code section 75, the word “may” in a section of the Education Code, shall be read as permissive. Because the plain language of section 44830(b)(1) authorizes, but does not require the district to administer the CBEST, the Commission finds that it does not impose a state-mandated activity on school districts.

- c) Alleged requirement to work with the state to implement the basic skills test and developing a pool of emergency substitute teachers by encouraging them to take the basic skills test (Ed. Code § 44830(b)(2)).

Education Code section 44830(b)(2) provides that “The Superintendent, in conjunction with the commission [CTC] and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision,” which addresses the employment of persons for positions requiring a credential who have demonstrated basic skills proficiency by taking the CBEST.

The Commission finds that this language imposes an express requirement on the Superintendent of Public Instruction (SPI) to implement the CBEST, but does not impose any additional state-mandated duties or requirements on school districts other than what is already required by statute or regulation. The phrase “in conjunction with [CTC] and local governing boards” refers to the existing requirement that school districts may employ for positions requiring certification qualifications, only those persons who have passed the CBEST, and to their authority to administer the test.

The second paragraph in section 44830(b)(2) was added by the Legislature in 1982 and describes the following Legislative intent:

It is the intent of the Legislature that in effectively implementing this subdivision, the governing boards of school districts shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. The governing board of a school district shall make special efforts to encourage individuals who are

<sup>37</sup> Statutes 1982, chapter 206.

known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.<sup>38</sup>

The claimant requests reimbursement for the activities described by the Legislature as follows: to prepare for emergencies by developing a pool of qualified emergency substitute teachers, including public notice of the test requirements and of the dates and locations of where the test will be administered; and to make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.<sup>39</sup>

The Commission finds that the second paragraph to section 44830(b)(2) does not impose any state-mandated duties on school districts. The paragraph is a declaration of legislative intent. The courts have generally held that statements of legislative intent do not give rise to a mandatory duty.<sup>40</sup> In addition, as shown throughout this analysis, that there are many staffing options available to school districts that may be exercised to prevent “emergencies.” Thus, this language does not legally compel school districts to act.

Moreover, there is nothing in the record to show that school districts are practically compelled by state law to develop a pool of substitute teachers, post notices of test requirements and dates, or to make efforts to encourage individuals to take the basic skills proficiency test at the earliest administration. The courts have found that practical compulsion requires a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statute, or that a school district is left with no reasonable alternative but to comply with the statute in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>41</sup> The law does not impose any penalties for not performing the activities identified in section 44830(b)(2), and there is no evidence in the record that school districts have no reasonable choice but to perform these activities.

Therefore, the Commission finds that Education Code section 44830(b)(2) does not impose a state-mandated program on school districts.

## **2. Special administration of CBEST (Cal. Code Regs., tit.2, § 80071.4)<sup>42</sup>**

According to CTC, the CBEST is normally offered throughout California as a paper-based test six times a year and nationally as a computer-based test twelve times a year. Since 2011, computer-based CBEST testing has been available by appointment, year-round, Monday through Saturday (excluding holidays), on a first-come, first-served basis at numerous test centers in California and over 225 test centers nationwide.

<sup>38</sup> Statutes 1982, chapter 206.

<sup>39</sup> Test Claim, Exhibit 1, page 5.

<sup>40</sup> *Shamsian v. Department of Conservation* (2006) 136 Cal.App.4th 621, 633-634.

<sup>41</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>42</sup> Register 82, No. 48; Register 83, No. 12; Register 84, No. 40; Register 86, No. 50; Register 89, No. 12; Register 98, No. 49; Register 2000, No. 16.

CTC, however, can arrange for a special administration of CBEST for a school district, a group of school districts, a county office of education, or a group of counties in the event of an emergency employment situation pursuant to section 80071.4 of the Title 5 regulations. That regulation was originally added in 1982 and provides in subdivisions (g) and (h) that:

- The Commission will arrange for a special administration of the test in the event than an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique recruitment problems with which a school district or group of districts is faced.
- The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.
- The minutes of the governing board meeting must show that the board accepts the following conditions:
  - An emergency as defined in subsection (g) exists and is unavoidable.
  - District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agents.
  - District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system.
  - The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.
  - The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.
- The superintendent of the district or county shall provide the following information as part of the written request:
  - A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration.
  - Documentation of the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county, or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes.
  - A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county.
  - A definitive statement about whether admission to the special administration will be limited to people who are potential employees of



the district or county requesting the special administration, or will be open to anyone who wishes to take the test.

- Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.

The Commission finds that the special administration of the CBEST pursuant to section 80071.4(g)(h) of the Title 5 regulations does not impose a state-mandated program on school districts. The plain language of the regulation states that CTC will administer the test upon the “written request” of a school district or group of school districts that are facing an “emergency” situation recruiting substitute or contract teachers. The regulation does not legally compel a district to request the special administration of the CBEST. The decision to file the request is made at the local level, and thus, is not mandated by the state.<sup>43</sup> Since the activities required by the regulation follow, and are triggered by the school districts’ decision to file a request, those requirements are also not mandated by the state.<sup>44</sup>

Nor is there any evidence in the record that school districts, during the period of reimbursement for this claim, are or have been practically compelled to file a request for the special administration of the CBEST under section 80071.4. The courts have found that practical compulsion requires a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying with the test claim statute, or that a school district is left with no reasonable alternative but to comply with the statute in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>45</sup> The law does not impose any penalties for not performing the activities identified in section 80071.4, and there is no evidence in the record that school districts have no reasonable choice but to request the special administration of the CBEST and to perform activities under section 80071.4.

Accordingly, the Commission finds that section 80071.4(g)(h) of the Title 5 regulations do not impose a state-mandated program on local school districts.

### **3. Administering a local assessment for applicants of a vocational designated subject credential (Ed. Code, § 44830(h), (i) and (j))<sup>46</sup>**

Until 2007, CTC issued the vocational designated subject credential, which authorized holders to teach subjects named on the credential in grades K-12, and in classes organized primarily for adults, in technical, trade, or vocational education, and authorized substitute teaching in

<sup>43</sup> See, *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 880, where the California Supreme Court recognized that conditions under which local government, rather than the state, has made a decision requiring a school district to incur costs is not a state mandate.

<sup>44</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731.

<sup>45</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>46</sup> Statutes 1983, chapter 1038; Statutes 1985, chapter 747; Statutes 1986, chapter 989; Statutes 1996, chapter 948; Statutes 1998, chapter 547.

vocational classes for up to 30 days for any one teacher during the school year.<sup>47</sup> CTC stopped issuing new vocational credentials on November 1, 2007, although it continues to renew them.<sup>48</sup> Vocational credentials have been replaced with a Designated Subjects Career Technical Education Teaching credential and the requirements for obtaining that credential have not been pled in this claim.

The 1983 test claim statute added subdivisions (h), (i) and (j) to section 44830. These subdivisions exempted vocational credential holders from passing the CBEST as a condition of employment. However, the statute required local school districts, which employ these individuals, to establish their own basic skills proficiency assessment that is at least equivalent to the district test for graduation from high school. The statute further provides fee authority to the school district to cover the costs of the test, including developing, administering, and grading the test. Subdivision (j) provided the following:

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.<sup>49</sup>

Subdivision (h) provided that “If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.”

Subdivision (i) then stated that “[i]f the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.”

The Commission finds that former section 48300(h), (i), and (j) does not impose state-mandated duties on school districts. Under the Education Code, career technical

<sup>47</sup> CTC, “Designated Subjects Vocational Education Teaching Credential.” <<http://www.ctc.ca.gov/credentials/CREDS/adult-voc-ed.html>> as of July 1, 2012.

<sup>48</sup> *Ibid.*

<sup>49</sup> Statutes 1983, chapter 1038 placed an identical provision into Education Code section 44252(d).

education is defined the same as vocational education, and courses in career technical education are courses of study required to be offered by school districts for grades 7 to 12.<sup>50</sup> However, school districts are not required by law to employ persons that hold a vocational credential to comply with the requirement to offer career technical education courses. Section 80004(c) of the Title 5 regulations adopted by CTC clarifies that holders of single subject teaching credentials in specific single subject areas (agriculture, business, home economics, industrial arts, and industrial and technology education) are authorized to teach trade, technical, and vocational classes that comply with the required course of study in the Education Code. Single subject credential holders are not subject to the district assessment in Education Code section 48300(h), but are generally required by law to pass the state's CBEST test before being hired.

Thus, school districts have a choice whether to hire a vocational credential holder or a single subject credential holder for career technical education courses and, thus, are not legally compelled by state law to comply with the requirements of Education Code section 48300(h), (i), or (j).

Nor has the claimant demonstrated that it has been practically compelled to hire vocational credential holders, forcing the claimant to comply section 48300(h), (i), and (j). Practical compulsion requires a concrete showing of a "certain and severe" penalty or other adverse consequence, which forces the district to hire a vocational credential holder and comply with section 48300 as "the only reasonable means to carry out their core mandatory functions."<sup>51</sup>

Moreover, as discussed throughout this analysis, state law does not require school districts to credential or pay for credentialing those teachers. Rather, the obligation to get credentialed is on the individual seeking the teaching position.

Finally, school districts have fee authority under subdivision (j) sufficient to fund the costs of developing, administering, and grading the assessment test, and thus, pursuant to Government Code section 17556(d), does not incur any costs mandated by the state for these activities.

Accordingly, the Commission finds that former Education Code section 48300(h), (i), and (j), as added in 1983 does not impose a state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

## **B. Procedures for Obtaining Credentials and Certificates**

As indicated in the Background section of the analysis, there are four basic types of teaching credentials issued by the state: single subject instruction, multiple subject instruction, specialist instruction, and designated subjects.

The claimant requests reimbursement for activities related to issuing credentials for the single subject instruction, specialist instruction, and designated subject instruction.

<sup>50</sup> Education Code sections 51220, 51221.5, and 51224.

<sup>51</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

## 1. General Procedures for Applying for a Credential

Sections 80400 et seq. of the Title 5 regulations lay out the general procedures for applying for a credential or certificate. The claimant requests reimbursement for two provisions - sections 80435 and 80466.

- a) Official Transcript Filed with Application for Credential, Certificate, or Permit (Cal. Code Regs., tit. 5, § 80435)<sup>52</sup>

Generally, to obtain a basic teaching credential, the applicant must complete a professional preparation program that includes student teaching, in addition to possessing a baccalaureate degree and passing the basic skills test. If the applicant completes the requirements and obtains the basic teaching credential, that credential meets the prerequisite teaching credential requirements for any other teaching, specialist, or service credential CTC is authorized to issue.<sup>53</sup>

The Legislature has provided several options for developing and offering professional preparation programs. Programs that meet the requirements of professional preparation include integrated programs of subject matter preparation pursuant to Education Code section 44259.1(a), post-baccalaureate programs of professional preparation pursuant to section 44259.1(b), or internship programs of professional preparation developed by or with local school districts and county offices of education pursuant to sections 44321 et seq., 44380 et seq., or 44450 et seq.<sup>54</sup> The program of professional preparation must be accredited on the basis of standards of program quality and effectiveness that have been adopted by CTC.<sup>55</sup>

Once the applicant completes the professional preparation program and the other requirements of the specific credential, the applicant may secure the credential either by obtaining the

<sup>52</sup> Register 83, No. 30 (eff. August 22, 1983).

<sup>53</sup> Education Code sections 44203, 44259.

<sup>54</sup> Education Code section 44321 is a student internship program. Student internship programs are joint projects of school districts and teacher preparation institutions that are submitted to CTC for approval and periodic review.

Education Code sections 44380 et seq. address alternative certification programs that are designed to lead to a permanent credential for people with work experience and others who already have a bachelor's degree. Section 44381 defines the alternative certification program as "a program operated by a school district, county office of education, college or university, or other public education entity, individually or in collaboration with other public education entities in the region to be served, and designed to provide a concentrated program leading to a permanent teaching credential."

Education Code 44450 et seq. governs the Teacher Education Internship Act of 1967, which was enacted to increase the effectiveness of teachers and school service personnel by placing theory and practice as closely together as possible. Under the Act, "any school district may, in cooperation with an approved college or university, establish a teacher education internship program as provided in Section 44321, and meeting the provisions of the statutes and of the regulations of the Commission on Teacher Credentialing." The Title 5 regulations governing the approval of the professional preparation programs begin at section 80632.

<sup>55</sup> Education Code section 44259(b)(3).

recommendation of the institution approved by CTC to offer the professional preparation program, or upon direct application to CTC.<sup>56</sup> Under these options, the applicant's official transcripts verifying completion of the academic requirements must be provided to CTC before the credential can be issued.

Section 80435 of the Title 5 regulations, adopted in 1983, governs the submittal of an official transcript to CTC. It provides:

- (a) For purposes of authenticity and legibility, official transcripts or verification-of-true-copy will be required with each application for a credential, certificate or permit submitted on and after September 1, 1983;
- (b) California colleges with approved programs, school districts, county offices, and other state agencies shall meet this requirement either by submitting official transcripts with the application or by verification of the copy as a true-copy of the official transcripts by one of the following means:
  - (1) A recommendation by the college for the credential;
  - (2) A statement submitted to the Commission, on a one-time basis, by the college, school district, county office or other state agency describing their internal procedure or policy verifying the authenticity of the transcript;
  - (3) A statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript;
- (c) Applicants applying directly to the Commission, for a credential, certificate, or permit shall be required to submit official transcripts with the credential application;
- (d) Applications submitted with illegible transcripts, or submitted by colleges, school districts, county offices or other state agencies who have not met the requirements specified in subsection (b) shall be returned to the sender for proper verification or for official transcripts;
- (e) An official transcript is defined as one that bears the signature in ink of the registrar and/or the impressed seal of the institution.

The regulation was adopted to avoid the possibility of an applicant seeking a credential, certificate, or permit on the basis of information taken from an altered or fraudulent transcript. The regulation was also intended to assure the public of the strict standards and verification of those standards, by means of official transcripts, to be accurate.<sup>57</sup>

<sup>56</sup> California Code of Regulations, title 5, sections 80406 and 80472.

<sup>57</sup> CTC Memorandum 82-8314, dated December 29, 1982.

Claimant requests reimbursement pursuant to subdivision (b) for the costs of submitting the official transcript, or by verifying a copy of the official transcript by providing:

- A recommendation by the college for the credential;
- A statement submitted to the Commission, on a one-time basis, by the college, school district, county office or other state agency describing their internal procedure or policy verifying the authenticity of the transcript; or
- A statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript.

The Commission finds that section 80435 of the Title 5 regulations does not impose a state-mandated program on school districts. These bulleted activities are performed by a school district only when a school district develops and provides an approved internship program of professional preparation. There is no requirement in state law for school districts to provide a program of professional preparation and comply with the downstream options of providing an official transcript or copy of the transcript and recommendation to support the credential.

The Education Code, beginning with sections 44321, 44380, and 44450, describe authorized professional programs of teacher preparation provided by school districts and county offices of education. Education Code section 44321 is a student internship program. Student internship programs are joint projects of school districts and teacher preparation institutions that are submitted to CTC for approval and periodic review. These programs are voluntary.<sup>58</sup> Education Code sections 44380 et seq. address alternative certification programs that are designed to lead to a permanent credential for people with work experience and others who already have a bachelor's degree. Section 44381 defines the alternative certification program as "a program operated by a school district, county office of education, college or university, or other public education entity, individually or in collaboration with other public education entities in the region to be served, and designed to provide a concentrated program leading to a permanent teaching credential." And Education Code 44450 et seq. governs the Teacher Education Internship Act of 1967, which was enacted to increase the effectiveness of teachers and school service personnel by placing theory and practice as closely together as possible. Under the Act, "any school district may, in cooperation with an approved college or university, establish a teacher education internship program as provided in Section 44321, and meeting the provisions of the statutes and of the regulations of the Commission on Teacher Credentialing."<sup>59</sup>

State requirements that are triggered by local discretionary decisions are not mandated by the state.<sup>60</sup>

<sup>58</sup> See Education Code section 44320, which encourages postsecondary institutions to offer programs of professional preparation to collaborate with school districts and county offices of education.

<sup>59</sup> The Title 5 regulations governing the approval of the professional preparation programs begin at section 80632.

<sup>60</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731.

Accordingly, the Commission finds that section 80435 of the Title 5 regulations does not impose a state-mandated program on school districts.

b) Teaching Experience in Lieu of Professional Preparation (Cal.Code Regs., tit. 5, §80466)

Section 80466 of the Title 5 regulations describes how an applicant “who has not completed a program of professional preparation in accordance with sections 80472<sup>61</sup> or 80056<sup>62</sup> may offer three years of successful full-time teaching experience, all of which has been completed within ten years prior to the date of application.” The regulation requires the teaching experience to be “verified by appropriate administrative officials in the school district or districts where the experience was acquired.” Further, the teaching experience “shall have been accomplished on a full professional certificate based upon a baccalaureate or higher degree of the state in which the experience was acquired.” The regulation was adopted to implement 2000 legislation that required CTC to review standards from other states and determine if they are equivalent to the ones established by CTC. If an individual completes a program in a state that has been determined to be equivalent, CTC accepts that program even if student teaching was met through experience. The regulation was repealed in 2004 because CTC now relies solely on the credentialing requirements from other states, rather than verifying if three years of teaching experience in another state is equal to student teaching in California.<sup>63</sup>

Claimant requests reimbursement to verify three years of successful full-time teaching experience, completed within ten years prior to the date of application.

The Commission finds that section 80466 of the Title 5 regulations does not impose a state-mandated program on California school districts. The regulation provides an option to credential applicants who have full-time teaching experience in an out-of-state school district. If the applicant seeks to exercise this option in obtaining a credential, the applicant must submit verification from the out-of-state school district showing three years of full-time teaching experience. Therefore, this regulation does not impose any requirements on California school districts.

Accordingly, the Commission finds that section 80466 does not impose a state-mandated program on school districts.

<sup>61</sup> Section 80472, cited in section 80466, requires an applicant for a credential to do one of the following (1) obtain certification of completion of an approved program from a California college or university that offers a CTC-approved program of professional preparation, or (2) complete a program in a state with which California has a reciprocity agreement signed pursuant to Section 12509 of the Education Code.

<sup>62</sup> Section 80056, cited in section 80466, was renumbered to section 80406 in 1979 (Register 79, No. 2, Feb. 10, 1979). Section 80406 authorizes a qualified applicant to secure a credential by either (a) the recommendation of a California teacher education institution approved by CTC, or upon direct application to CTC.

<sup>63</sup> CTC Memorandum 04-0004, dated June 16, 2004, which describes the rationale for repealing this and other regulations. Section 80466 was repealed effective July 1, 2004 (Register 2004, No. 23).

## **2. Single and Multiple Subject Credential Requirements for Experienced Out-of-State Credentialed Teachers (Cal.Code Regs., tit. 5, §§ 80413.3)<sup>64</sup>**

Section 80413.3 of the Title 5 regulations lists the requirements and other information pertaining to Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for out-of-state credentialed teachers. Adopted in 2000, section 80413.3 was intended to implement AB 1620 (Stats. 1998, ch. 547), which in turn was intended to ease the transition for experienced out-of-state teachers who wished to teach in California schools. This regulation originally listed the requirements for individuals who have five years (in § 80413.3(a)) or three years (in § 80413.3(b)) of appropriate teaching experience outside of California.<sup>65</sup>

At the time the test claim was filed, section 80413.3(a)(2)(B) required, for individuals with five or more years of appropriate out-of-state teaching experience, the completion of 150 clock hours of activities addressing one or more of six specified standards.<sup>66</sup> A specified school district representative (an individual at the central office of a California school district or county office of education, or at a California school site who is responsible for curriculum and instruction in the authorization of the teacher's credential) is required to sign a written justification stating how each of the activities claimed by an applicant relates to the specified six standards.<sup>67</sup>

Similarly, section 80413.3(b) lists the requirements for individuals with three years of appropriate out-of-state teaching experience. The requirements include an offer of employment from a California school district that has one of the approved programs listed in (b)(2)(B) of the regulation (a program of beginning teacher support and assessment; or an alternative program of beginning induction that CTC determines, in collaboration with the SPI, meets the state standards for teacher induction) and a statement by the employer verifying intention to enroll the individual into the program.

The Commission finds that section 80413.3 of the Title 5 regulations does not impose a state-mandated program on school districts. The plain language of the regulation imposes requirements on out-of-state teachers who wish to become credentialed and teach in California. State law does not require school districts to hire out-of-state credentialed teachers. The hiring decision is a voluntary decision made at the local level. Thus, activities of the employing school district to sign a written justification and verification of the district's intention to enroll the out-of-state applicant into an approved program of teacher support are not mandated by the state.

The courts have determined that a reimbursable state-mandate does not exist when a local entity incurs costs for activities required by the state as part of a program that the local entity

<sup>64</sup> Register 99, No. 51, operative January 15, 2000.

<sup>65</sup> Section 80413.3 (as amended in 2010, Register 2010, No. 52) lists the requirement for out-of-state teachers who have two years of teaching experience (in § 80413.3(a)) or less than two years of experience (in § 80413.3(b)).

<sup>66</sup> The six standards are 1) Engaging and supporting all students in learning, 2) creating and maintaining effective environments for student learning, 3) understanding and organizing subject matter for student learning, 4) planning instruction and designing learning experiences for all students, 5) assessing student learning, and 6) developing as a professional educator.

<sup>67</sup> This provision was moved to subdivision (c)(4) in 2010 (Register 2010, No. 52, January 1, 2011).



“voluntarily” participates in, if the participation is without legal compulsion and there is no evidence that the entity is practically compelled to participate in the program.<sup>68</sup>

Accordingly, the Commission finds that section 80413.3 of the Title 5 regulations does not impose a state-mandated program on school districts.

**3. Special Education Credentials (Cal. Code Regs., tit. 5, §§ 80047.2, 80047.4, 80048.2, 80048.3, 80048.3.1, 80048.4)**

Federal law, through the federal Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), requires states to guarantee to disabled pupils the right to receive a free and appropriate public education that emphasizes special education and related services designed to meet the pupil’s unique educational needs and prepare them for employment and independent living.<sup>69</sup> The mechanism for providing special education services under federal law is the individualized education program, or IEP. An IEP is a written statement developed after an evaluation of the pupil in all areas of suspected disability and provides for the pupil’s educational needs and other related services.<sup>70</sup>

IDEA, as reauthorized in 2004, requires that all public elementary and secondary teachers providing services to special education pupils be “highly qualified” as special education teachers. The definition of “highly qualified special education teachers” in the IDEA is aligned with No Child Left Behind’s highly qualified requirements under the Elementary and Secondary Education Act (ESEA). IDEA defines highly qualified special education teachers **in general** at section 300.18(b)(1), as one who has full *state* certification as a special education teacher; does not possess an emergency, temporary, or provisional certificate to teach; and has a baccalaureate degree.

To teach a core academic subject, the special education teacher must demonstrate subject matter competency in each subject taught. The claimant requests reimbursement related to two credentials that deal with specific disabilities; serious emotional disturbance and autism.

The remaining special education regulations pled outline the specific requirements to obtain preliminary and professional clear credentials in special education, the preliminary level I special education credential, California credentials for out-of-state special education teachers, and the professional clear level II special education credential.

- a) Authorization for Special Education Class with Primary Disability: Serious Emotional Disturbance and Autism (Cal. Code Regs., tit. 5, §§ 80047.2, 80047.4)<sup>71</sup>

Sections 80047.2 and 80047.4 became effective in 1987 and were enacted to “clarify the authorizations of all special education credentials and make it easier for employers to make

<sup>68</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>69</sup> See federal Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).

<sup>70</sup> Title 20 United States Code sections 1400 et seq.

<sup>71</sup> Register 86, No. 5; Register 89, No. 46; Register 95, No. 9; Register 97, No. 39.

staffing decisions for special education classes.”<sup>72</sup> The regulations were adopted based on a finding by CTC and the CDE that a “majority of individuals in a given special class will, in most cases, be students with the same primary disability” as defined in federal regulations under IDEA. Thus, sections 80047 through 80047.9 describe the credentials that authorize the holder to provide services to the nine different primary disabilities defined in federal law.<sup>73</sup> The claimant requests reimbursement based on two of those regulations relating to students with serious emotional disturbance and autism.

Section 80047.2 of the title 5 regulations, as last amended in 1997, authorizes the following credential holders to teach special education pupils with serious emotional disturbances:

(a) Holders of the listed credentials, certificates, and authorizations are authorized to teach students with disabilities in which the primary disability is “emotional disturbance” as defined in subsection 300.7(b)(9) of Title 34 Code of Federal Regulations, Subpart A.

(1) Education Specialist Instruction Credential: Mild/Moderate Disabilities

(2) Education Specialist Instruction Credential: Moderate/Severe Disabilities

(3) Special Education Specialist Instruction Credential for the Severely Handicapped

(4) The special education credentials, certificates, and authorizations, other than the credentials, certificates, and authorization in (1), (2), and (3) above, listed in Sections 80047 and 80047.1, provided the following conditions have been met:

(A) The holder of the special education credential has taught full-time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was emotional disturbance, and

(B) *Has received a favorable evaluation or recommendation to teach a special day class with the primary disability of emotional disturbance by the local employing agency.*<sup>74</sup>

Subdivision (b) of the regulation provides alternative authority for those holders that do not meet the requirements of subdivision (a) to teach pupils with serious emotional disturbance if the holder completes a CTC-approved program for children identified with serious emotional disturbance.

Similarly, section 80047.4 authorizes the following credential holders to teach pupils with autism:

(a) Holders of the listed credentials, certificates, and authorizations are authorized to teach students with disabilities in which the primary disability is “autism” as

<sup>72</sup> CTC Memorandum 86-8710, dated January 30, 1987; CTC Memorandum 97-9703, dated February 14, 1997.

<sup>73</sup> *Ibid.*

<sup>74</sup> Section 80047.2 was amended in 2011 (Register 2011, No. 31), which is not included in this test claim.

defined in subsection 300.8(b)(1) (autistic) of Title 34 Code of Federal Regulations, Subpart A.

- (1) Education Specialist Instruction Credential: Moderate/Severe Disabilities
- (2) Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, with Special Class Authorization
- (3) Special Education Specialist Instruction Credential for the Severely Handicapped
- (4) Special Education Specialist Instruction Credential for the Communication Handicapped provided the following conditions have been met:
  - (A) The holder has taught full-time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was autism, *and has received a favorable evaluation or recommendation to teach a special day class with the primary disability of autism by the local employing agency.*<sup>75</sup>

Under both regulations, teachers that obtained a special education credential before 1991 and had experience teaching full-time for at least one year in a special day class in which the primary disability was either autism or serious emotional disturbance, could continue to be assigned to those classes provided they show the receipt of a favorable evaluation or recommendation from the employing school district.

Based on these regulations, claimant requests reimbursement to provide a favorable evaluation or recommendation to teach a special day class with the primary disability of serious emotional disturbance and autism.

The Commission finds that sections 80047.2 and 80047.4 of the Title 5 regulations do not impose a state-mandated program on school districts. The plain language of these regulations provides authority to *the holder* of the credential to teach certain special education pupils. Any requirements imposed by the statute to obtain authority to teach these students are imposed on the holder of the credential and not on a school district. The decision to provide a favorable evaluation, like other employment decisions, is one left to the discretion of the employing school district and is not mandated by the state.

Moreover, both regulations provide several options to school districts in the assignment of teachers for pupils with autism and serious emotional disturbance. School districts are not required by law to employ teachers who obtained a special education credential before 1991 in these positions. The authority to teach these pupils is provided to holders of four different types of credentials, only one of which requires the holder to show that he or she has received a favorable evaluation or recommendation to teach by the employing agency.

Accordingly, the Commission finds that sections 80047.2 and 80047.4 do not impose a state-mandated program on school districts.

<sup>75</sup> In 2010, section 80047.4 was amended to add subdivisions (a)(4)(B)-(a)(7). (Register 2010, No. 22.) In 2011, subdivision (a) and (a)(5) were amended. In addition, (a)(8) was added by Register 2011, No. 31. These amendments have not been pled in this test claim.

b) Specific Requirements to obtain the *Former Preliminary and Professional Clear Specialist Instruction Credential in Special Education* (Cal.Code Regs., tit. 5, § 80048.2)<sup>76</sup>

Former section 80048.2 of the title 5 regulations was adopted in 1990, repealed June 26, 2010, and replaced with a new special education credential.<sup>77</sup> The regulation outlined the minimum requirements for the preliminary and professional clear specialist instruction credential in special education. These credentials authorized the holder to “teach in the special education specialist category named on the credential and as specified in sections 80046.5 and 80047 through 80047.9.”<sup>78</sup> As described above, sections 80047 through 80047.9 detail the nine primary disability categories identified in federal law.

Former section 80048.2(a) identifies the minimum requirements for the *preliminary* Specialist Instruction Credential in Special Education. To obtain a preliminary credential, the applicant must have at least a baccalaureate degree from a regionally accredited institution of higher education; complete a professional preparation program in special education specialist category comparable to a CTC approved program; pass the CBEST; and file written acknowledgement from the applicant and the employing school district that the applicant is responsible for completing the requirements for the multiple or single subject teaching credential, including the student teaching requirement, during the five-year term of the preliminary credential.

The claimant requests reimbursement to provide written acknowledgment that an applicant is responsible for completing the requirements for the multiple or single subject teaching credential, including the student teaching requirement, during the five-year term of the preliminary credential, pursuant to section 80048.2(a)(4).

The Commission finds that former section 80048.2(a)(4) does not impose any state-mandated requirements on school districts. Section 80048.2(c)(2) states that “the preliminary specialist instruction credentials in special education shall not be initially issued after June 30, 1998.” CTC, in comments filed on this test claim, confirms that CTC stopped issuing these documents on that date. Since the period of reimbursement for this claim begins July 1, 2002, any requirements imposed by former section 80048.2(a) on school districts were performed before the period of reimbursement. Thus, section 80048.2(a) does not impose any state-mandated duties on school districts in the period of potential reimbursement.

The claimant also requests reimbursement based on former section 80048.2(f). Former section 80048.2(f) provided an alternative to applicants completing the requirements for the *professional clear* specialist instruction credential.<sup>79</sup> Instead of completing the requirements for the professional clear credential, holders of a preliminary credential had the option of choosing to

<sup>76</sup> Register 90, No. 42; Register 92, No. 39; Register 97, No. 39.

<sup>77</sup> Register 2010, No. 22. Replaced with Level I and II Education Specialist Credential pursuant to 80048.3 and 80048.4.

<sup>78</sup> Former California Code of Regulations, title 5, section 80048.2 (e).

<sup>79</sup> Professional clear credentials under former section 80048.2 were last issued by CTC in June 2003, two years after the start of the period of reimbursement. (Former Cal. Code Regs., tit. 5, §80048.2(d)(3).)

pursue completion of the requirements for the five-year preliminary level I education specialist instruction credential instead.<sup>80</sup> These requirements included the completion of the following:

- Subject-matter competence requirement by examination or by completion of a subject matter program as specified in law;
- A minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;
- A minimum of one semester unit of supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non-special education students verified by the employing agency;
- A minimum of three semester units of coursework covering the study of alternative methods of developing English language skills, including the study of reading as described by law;
- Knowledge of the U.S. Constitution; and
- Verification of employment in a position requiring the education specialist instruction credential by the employing agency.<sup>81</sup>

At the time subdivision (f) was adopted, CTC stated its purpose as follows:

This proposal establishes an option for current preliminary credential holders to transition to the new structure [e.g., Preliminary Level I Education Specialist in §80048.3] Credential if they wish. The new structure includes regular education pedagogy and experience since the Multiple/Single Subject Credential will no longer be required. Out of state candidates who choose to transition to the new Level I Education Specialist Credential under (f) may apply directly to the CTC.<sup>82</sup>

The claimant requests reimbursement to verify the supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non-special education students. The claimant also requests reimbursement to verify the employment of the holder in a position requiring the education specialist instruction credential pursuant to former section 80048.2(f)(6).

The Commission finds that former section 80048.2(f) does not impose any state-mandated activities on school districts. The plain language of former section 80048.2(f) provides an option for *holders* of a preliminary specialist instruction credential in special education to complete his or her credential and identifies the requirements of the option exercised by the holder. The regulation does not impose any mandated requirements on the school district. Decisions regarding who to hire for special education services (a credential holder that works towards pursuing a professional clear credential under this regulation, or one who chooses the alternative preliminary level I education specialist instruction credential) are left to the employing school

<sup>80</sup> See, CTC Memorandum 97-9703, page 17.

<sup>81</sup> CTC, “Verification of Employment as an Education Specialist” Form, (CL-777.1 4/06).

<sup>82</sup> CTC Memorandum 97-9703, page 17.

district and are not mandated by the state. Thus, any downstream requirements imposed that are triggered by a school district's hiring decision are also not mandated by the state.<sup>83</sup>

Accordingly, the Commission finds that former section 80048.2 of the Title 5 regulations does not impose a state-mandated program on school districts.

- c) Specific Requirements to Obtain a Preliminary Level I and Professional Level II Education Specialist Instruction Credential (Cal.Code Regs., tit. 5, §§ 80048.3, 80048.3.1, 80048.4)<sup>84</sup>

Sections 80048.3 and 80048.4 of the Title 5 regulations were adopted in 1997 and address the new structure for obtaining a preliminary Level I and professional clear Level II education specialist instruction credential.<sup>85</sup> Section 80048.3.1 of the regulations was adopted in 1999 and addresses the requirements to obtain a Level I and Level II education specialist instruction credential for applicants who are experienced out-of-state credentialed teachers seeking employment in California.

- i. Requirements for applicants of a preliminary credential who complete a professional preparation program in California, and for preliminary credential holders to obtain the professional Level II credential (§§ 80048.3(a), 80048.4.)

To obtain a preliminary Level I education specialist instruction credential that authorizes the applicant to teach special education students, the applicant, who completes a professional preparation program in California, must satisfy the requirements listed in section 80048.3(a). One of the requirements is to obtain verification of an offer of employment in a California school district. If the applicant does not have an offer of employment, the applicant may apply for a certificate of eligibility for employment if the other requirements are satisfied. The relevant regulatory language states the following:

- (a) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (8):

[¶]

- (8) *[V]erification of an offer of employment.* The employment requirement may be met in one of the following ways:
  - (A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or
  - (B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:

<sup>83</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 742-743.

<sup>84</sup> Register 97, No. 39; Register 99, No. 41; Register 99, No. 51.

<sup>85</sup> According to CTC, "the new structure includes regular education pedagogy and experience since the Multiple/Single Subject Credential will no longer be required." (CTC Memorandum 97-9703, pg. 17.)

1. possession of a non-special education credential that authorizes employment in the position;
2. the duties of the position are equivalent in nature to special education duties. *A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;*
3. the Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is enrolled must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and
4. the [CTC] staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including position such as curriculum consultant or administrator.

(9) An individual who has completed requirements (1) through (7) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.<sup>86, 87</sup>

The preliminary credential is valid for five years, during which time the credential holder works toward obtaining the professional clear Level II education specialist instruction credential required by section 80048.4 to continue providing services to special education students. The minimum requirements to obtain the professional clear Level II credential, for all holders of a preliminary Level I education specialist instruction credential, include the completion of course work, field work, and the following:

- A minimum of ¼ of a unit credit for each candidate's individual preparation program plan "may" consist of electives related to the areas of special education or general education selected from one or more of the following: coursework, fieldwork, or "alternative training that provides knowledge and related skills *presented by agencies approved jointly by the candidate's employing agency and the institution of higher education accredited for this program.*

<sup>86</sup> California Code of Regulations, title 5, sections 80048.3(a)(8-9).

<sup>87</sup> After the test claim filing, section 80048.3 was amended to repeal subdivisions (b)-(d)(1) in 2005 (Register 2005, No. 5, operative March 2, 2005). The remaining regulation was amended again in 2010 (Register 2010, No. 22, operative June 26, 2010), and currently lists only the minimum requirements for the Level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California.

- A minimum of two years of successful experience in a full-time position in a public school or private school of equivalent status, while holding the preliminary level I Education Specialist Instruction Credential and *verified by the employing agency*.

The claimant requests reimbursement to:

- Verify the offer of employment, or continued employment for applicants seeking the preliminary Level I and professional Level II credentials, and
- Verify and approve alternative training for applicants seeking the professional Level II credential.

The Commission finds that school districts are not mandated by the state to comply with these activities. The plain language of sections 80048.3 and 80048.4 imposes requirements on the applicant seeking the credential. Section 80048.3(a) starts by declaring “the minimum requirements for the preliminary level I Education Specialist Instruction Credential *for applicants* who complete a professional preparation program in California shall include. . . .” (Emphasis added.) Section 80048.4(a) similarly begins by stating “the minimum requirements for the professional clear level II . . .Credential shall include all of the following . . . .” Thus, in order for the applicant or holder of the credential to continue employment as a special education teacher, the applicant or holder must satisfy these requirements.

Moreover, school districts are not legally compelled by state law to verify an offer of employment or continued employment, or to approve alternative training for a professional credential candidate. These activities are triggered by the school district’s local and discretionary hiring decision to employ a new teacher or applicant seeking a preliminary and professional specialist instruction credential, rather than employ a fully credentialed, experienced teacher. Thus, any downstream activities that are triggered by a school district’s hiring decision are not mandated by the state.<sup>88</sup> While school districts are required by state and federal law to provide special education and related services designed to meet a pupil’s unique educational needs, there is no evidence in the record that the claimant or any other school district has been forced, as a practical matter, to employ only new teachers or applicants seeking a preliminary and professional specialist instruction credential.<sup>89</sup>

Accordingly, the Commission finds that sections 80048.3 as it relates to applicants who complete a professional preparation program in California, and section 80048.4 do not impose a state-mandated program on school districts.

- ii. Requirements for applicants of a preliminary credential who complete a professional preparation program outside of California (§ 80048.3(b))

Section 80048.3(b) identifies the minimum requirements for applicants seeking a preliminary Level I education specialist instruction credential who complete a professional preparation program outside of California. These requirements include the following relevant provisions:

<sup>88</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 742-743.

<sup>89</sup> *Department of Finance (POBRA), supra*, 170 Cal.App.4th 1355, 1362-1368.



- A minimum of one semester unit of supervised field experience in general education verified by transcript or 45 clock hours with non-special education students *verified by the employing agency*.
- *Verification of an offer of employment*. The employment requirement may be met in one of the following ways:
  - (A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or
  - (B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:
    1. Possession of a non-special education credential that authorizes employment in that position;
    2. The duties of the position are equivalent in nature to special education duties. A letter from the employing district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;
    3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is seeking enrollment must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and
    4. The [CTC] staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.

The claimant seeks reimbursement to verify field experience and employment as described above.

The Commission finds that school districts are not mandated by the state to comply with these activities. The plain language of sections 80048.3(b) imposes requirements on the applicant seeking the credential, and not on the school district. Subdivision (b) starts by stating that “the minimum requirements for the preliminary level I Education Specialist Instruction Credential *for applicants* who complete a professional preparation program outside of California shall include . . .”

Moreover, school districts are not legally compelled by state law to verify field experience or an offer of employment to applicants of this preliminary credential. These activities are triggered by the school district’s local and discretionary hiring decision to employ an applicant that completed a professional preparation program outside of California. Thus, any downstream activities that are triggered by a school district’s hiring decision are not mandated by the state.<sup>90</sup>

<sup>90</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 742-743.

While school districts are required by state and federal law to provide special education and related services designed to meet a pupil's unique educational needs, there is no evidence in the record that the claimant or any other school district has been forced, as a practical matter, to employ applicants seeking a preliminary education specialist instruction credential or those who have completed the professional preparation program for this credential outside of California.<sup>91</sup>

Accordingly, the Commission finds that sections 80048.3(b) does not impose a state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

iii. Out-of-state credentialed special education teachers (80048.3(c) and 80048.3.1)

Section 80048.3

Section 80048.3(c) of the Title 5 regulations became effective on November 7, 1999, and was repealed in 2005.<sup>92</sup> Section 80048.3(c) lays out the requirements for the preliminary Level 1 education specialist instruction credential to applicants who hold valid equivalent credentials from out of state pursuant to the "Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997." The "Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997" added Education Code section 44205 (later renumbered to 44275.3) in order to "provide flexibility to enable school districts to recruit credentialed out-of-state elementary, secondary, and special education teachers to relocate to California."<sup>93</sup> The statute, which became effective on January 1, 1998, provided that any teacher from a state other than California "may be employed" by a school district if the teacher holds a valid, equivalent credential and meets the following relevant conditions:<sup>94</sup>

- The teacher has an offer of employment from a California school district. At this point, CTC can issue a five-year preliminary credential to the teacher to provide services in California.
- At or before the completion of one school year of teaching, the teacher passes the state basic skills proficiency test (CBEST) in order to be eligible to continue teaching.
- At or before the completion of four school years of teaching, the teacher shall, to the satisfaction of CTC, meet specified requirements for subject matter competence.
- If the teacher fails to meet any of the requirements, CTC shall inactivate the preliminary credential granted until the requirement is met. If a credential is inactivated, the teacher, by law, can no longer provide services.
- CTC shall issue a professional credential if all requirements are satisfied after five years.

Thus, under the Act, out-of-state teachers holding an equivalent special education credential could seek immediate employment without first passing the CBEST and completing other educational requirements.

<sup>91</sup> *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>92</sup> Register 2005, No. 5, effective March 2, 2005.

<sup>93</sup> CTC Memorandum 99-9927, dated November 9, 1999.

<sup>94</sup> The Act became effective on January 1, 1998 and was repealed in 2006 (Stats. 2006, ch. 517).

Section 80048.3(c) of the Title 5 regulations implements this legislation and restates the requirement to have an offer of employment from a California school district. Furthermore, the regulation provides that service on the preliminary credential is restricted to the employing agency listed on the document. If the holder of the preliminary credential changes employing agencies during the five-year period of the preliminary credential, the holder and the new employing agency are required to request a change of restrictions on the document from CTC.

The regulation also requires the holder, on or before the end of the first year following the issuance date of the preliminary credential, to pass the CBEST. If the holder does not have a passing score on file with CTC within one month prior to the year-one deadline, CTC will send a credential inactivation notice to both the employing school district and the credential holder specifying the date on which the document will become inactive. The employing school district is then required to “remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date.” If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with the official CBEST verification transcript as proof of passage of the examination. The employing school district is then required to submit a copy of the CBEST verification transcript to CTC and the county office of education within ten working days of returning the holder to the teaching position.

On or before the end of the fourth year following the issuance date of the preliminary credential, the holder must submit verification that he or she has completed the requirements for continuation of employment to CTC. Those requirements include the option of either completing one semester unit of supervised field experience in general education verified by official transcript or “45 clock hours with non-special education students verified by the employing agency.”

If the holder of the preliminary credential does not verify completion of the year-four requirements to CTC at least three months before the four-year deadline, CTC will send a credential inactivation notice to the employer and the credential holder specifying the date on which the document will become inactive. The employing school district is required to remove the holder from the teaching position no later than the inactivation date specified in the notice, unless the holder provides the employer with verification that all year-four requirements have been completed by the inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as the holder provides the employing school district with official verification that the requirements have been completed. The employing school district is then required to submit verification of completion of the requirements to CTC and the county office of education within ten working days of returning the holder to the teaching position. CTC will send the employing school district and the credential holder a letter indicating the document has been reactivated once verification has been entered into the CTC computer system.

The claimant requests reimbursement for all of the activities required by section 80048.3(c).

Although the regulation imposes some requirements on employing school districts, the Commission finds that the requirements imposed by section 80048.3(c) of the Title 5 regulations do not impose a state-mandated new program or higher level of service on school districts. The regulation does not legally compel school districts to employ out-of-state teachers, but simply

provides school districts the flexibility, in accordance with the 1997 Act, to recruit out-of-state teachers with equivalent credentials for immediate employment, without first requiring the teacher to pass the CBEST and complete the other educational requirements. The decision to hire an out-of-state credentialed teacher remains a local discretionary decision and is not mandated by state law. Thus, the downstream requirements imposed by section 80048(c) of the regulations following the discretionary local decision to hire are not mandated by the state.<sup>95</sup> Moreover, the procedural requirements imposed by the regulation do not provide a higher level of service to the public above that already required by Education Code section 44205 of the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997. Education Code section 44205 became effective on January 1, 1998, a year and a half before the regulation, and has not been pled in this test claim. Accordingly, the Commission finds that section 80048(c) of the Title 5 regulations does not mandate a new program or higher level of service.

### Section 80048.3.1

Section 80048.3.1 of the Title 5 regulations became effective on January 15, 2000, and was adopted to implement former Education Code section 44274.2. Former Education Code section 44274.2 was enacted in 1998, and was repealed and replaced in 2006, to also allow experienced, out-of-state trained teachers to qualify for California certification without completing many of the statutory requirements needed by individuals prepared in California or those inexperienced teachers from outside of California.<sup>96</sup> Individuals qualifying for the five-year Education Specialist Instruction Credential based on Education Code section 44274.2 were exempt from the following requirements: provisions and principles of the U.S. Constitution, subject matter competence, non-special education pedagogy, supervised field experience in general education, and methods of developing English language skills including reading. A five-year preliminary specialist credential authorizing instruction for pupils with disabilities was required to be issued by CTC to an applicant who fulfilled the following requirements:

- A minimum of five years of full-time teaching experience in the subject of the credential sought;
- A valid corresponding special education credential from another state;
- Completion of a professional preparation program in the requested education specialist category;
- A baccalaureate or higher degree from a regionally accredited institution of higher education;
- Submission of evidence of rigorous performance evaluations on which the applicant received ratings of satisfactory or better; and
- Passage of the state basic skills proficiency test.

Former Education Code section 44272.2 also required CTC to issue a professional clear instruction credential to any applicant who fulfilled the requirements for the professional clear

<sup>95</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 742-743.

<sup>96</sup> Added by Statutes 1998, chapter 547, repealed and replaced by Statutes 2006, chapter 517. See also, CTC memorandum 00-0002, dated January 10, 2000.

Level II Education Specialist Instruction Credential, as established by CTC (in section 80048.4 of the Title 5 regulations).

Section 80048.3.1 of the Title 5 regulations restates the minimum requirements for the education specialist instruction credential identified in former Education Code section 44274.2 in subdivision (a) and defines the terms used in the statute for “full-time teaching experience” and “rigorous performance evaluation” in subdivision (c). To show “full-time teaching experience,” pursuant to section 80048.3.1(c)(1), the out-of-state applicant must show that all experience is gained in public schools in states other than California while serving on that state’s valid teaching credential that is comparable to the authorization sought in California. In addition, this experience must be verified on the official letterhead of the district or districts by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed.

To show evidence of “rigorous performance evaluations,” section 80048.3.1(c)(2) requires the applicant to submit evaluation letters, with ratings of satisfactory or better, verified in writing by a personnel officer in the district in which the evaluation took place, that show the applicant of the credential:

- Used teaching strategies that motivated all students to engage in the learning process;
- Had the ability to establish and maintain high standards for student behavior;
- Demonstrated deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding; and
- Had the ability to plan and implement a sequence of appropriate instructional activities.

The claimant requests reimbursement pursuant to section 80048.3.1(a) to provide “a letter on district letterhead, signed by the individual’s principal or personnel officer, verifying five years of full-time teaching experience in the disability area of the credential sought in a state other than California and rigorous performance evaluations. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.”

Section 80048.3.1(a), however, does not impose any state-mandated activities on California school districts. The verification of five-years of teaching experience and rigorous performance evaluations comes from the applicant’s school district employers in states *other than California*. Subdivision (a)(1) plainly states that the five years of full-time teaching experience in the disability area of the credential sought is from “a state other than California.” Subdivision (c)(2)(B) further states that the evaluations of the teacher’s performance is from a state other than California.

The claimant has not specifically requested in the narrative of the test claim, reimbursement for any activities in subdivision (e). Section 80048.3.1(e) is relevant to out-of-state individuals having previously been issued a California preliminary Specialist Instruction Credential in Special Education. Subdivision (e) states that the applicant is eligible for a credential issued under this section provided that (1) and (2) are met.

- (1) Verification of all provisions of subdivision (a), and
- (2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.

Section 80048.3.1(e), however, imposes requirements on applicants of the credential and does not impose a state-mandated program on school districts. Moreover, the procedural requirements imposed on the applicant to verify five years of experience and the receipt rigorous performance evaluations are not new, but were previously required by Education Code section 44274.2 – a statute that has not been pled in this test claim.

Accordingly, the Commission finds that section 80048.3.1 does not impose a state-mandated new program or higher level of service on school districts.

**4. Designated Subjects Credentials (Cal. Code Regs., tit. 5, §§ 80035 & 80035.5, 80036, 80036.1, 80036.3, 80037, 80037.5, 80038, 80040)<sup>97</sup>**

A designated subject credential allows the holder to teach “designated technical, trade, or career technical courses which courses may be part of a program of trade, technical, or career technical education.”<sup>98</sup> The claimant requests reimbursement for activities related to the following designated subjects credentials: vocation education; adult education; special subject teaching credentials in aviation, ROTC, and driver’s education; and supervision and coordination of these courses. The claimant also requests reimbursement for the costs of seeking CTC approval to offer a program for personalized preparation to develop the skills and specific needs of the applicant seeking a designated subject credential.

a) General Requirements for Programs of Personalized Preparation for Designated Subject Credentials (Cal. Code Regs., tit. 5, § 80040)<sup>99</sup>

As more fully described in the sections below, an applicant seeking one of the designated subject credentials listed in this section is required to first participate in a CTC-approved program of personalized preparation for the designated credential and submit certain verifications to CTC from the local education agency (LEA) that offered the approved program. In order to be credentialed, the candidate must provide to CTC:

1. A verification from the LEA showing that the applicant has been informed of all the requirements for obtaining a professional clear credential in the designated subject, and that the applicant has completed the requirements of the personalized program; and
2. A recommendation from the CTC-approved LEA that provided the program that the applicant receive the credential.

A “program of personalized preparation” for a designated credential is defined in section 80034 of the regulations to mean “a program submitted by a LEA approved by the Commission on Teacher Credentialing for the purpose of developing pedagogical or andragogical skills and

<sup>97</sup> Register 84, No. 8; Register 89, No. 11; Register 95, No. 15; Register 98, No. 12.

<sup>98</sup> Education Code section 44256(d).

<sup>99</sup> Register 84, No. 8; Register 95, No. 15.

understandings specific to the needs of designated subjects credential holders.” Section 80040.1(a) further states that the “purpose of the program of personalized preparation is to ensure that holders of designated subjects credentials possess competencies, skills and knowledge in accordance with Commission-approved standards of program quality and effectiveness.” Section 80040.1(b) states that the planning for the program of personalized preparation shall include the applicant, the employing school district, and the LEA, and that great care shall be taken to include those program components that are specific to the background and present assignment needs of the applicant.

Section 80034 of the regulations defines “Local Education Agency (LEA)” as that phrase applies to the designated subjects credentials, to mean the following:

. . . any of the following categories of agencies which are authorized to develop, submit and implement a CTC approved program of personalized preparation, as listed in Sections 80040.2, 80040.2.5, and 80042:

- (1) a California public school district or consortium of school districts;
- (2) a California county superintendent of schools;
- (3) a California regional occupation program or center;
- (4) a California state agency;
- (5) a Commission-approved teacher preparation institution.

Section 80040 et seq. of the regulations then identifies the general requirements for an LEA that wishes to offer designated subjects programs of personalized preparation. Section 80040 states the following:

- (a) A LEA desiring to offer a program of personalized preparation for the designated subjects teaching credential or for the designated subjects supervision and coordination credential shall file with the Commission on Teacher Credentialing an application for approval, signed by the Chief Administrative Officer of the agency or agencies constituting the LEA. This application shall include a complete description of how the program will meet each standard of program quality and effectiveness with a particular focus upon how the LEA proposes to assure that candidates will acquire the competencies, skills and knowledge required.
- (b) The Commission will approve programs after the review of the application, when such application reflects that the program submitted by the LEA meets the requirements. Programs will be monitored by the Commission to determine if the requirements are being met.

The claimant requests reimbursement pursuant to section 80040(a) to file with CTC an application for approval to offer a program of personalized preparation for the designated subjects teaching credentials.

The Commission finds that section 80040 of the Title 5 regulations does not impose a state-mandated program on school districts. The plain language of the regulation states that “a LEA *desiring* to offer a program of personalized preparation” shows that the activity of filing an application with CTC is voluntary and not mandated by the state. Moreover, as more fully

described in the sections below, most of the courses that are authorized to be taught by a holder of a designated subjects credential are courses that are provided at the option of the district and are not mandated by the state. To the extent a school district feels it necessary to hire a teacher with a designated subjects credential, there are numerous programs of personalized preparation approved and offered by other entities and universities where the applicant can obtain the required skills for the designated credential.<sup>100</sup>

Accordingly, the Commission finds that section 80040 of the Title 5 regulations does not impose a state-mandated program on school districts.

b) Vocational Education Teaching Credentials (Cal. Code Regs., tit. 5, §§ 80035, 80035.5)<sup>101</sup>

Sections 80035 and 80035.5 of the Title 5 regulations govern the specific requirements for obtaining a designated subjects preliminary and professional clear full-time credential in vocational education.

The Legislature established these credentials to authorize the holders of the credential to teach subjects named on the credential in grades K-12, and in classes organized primarily for adults, in technical, trade, or vocational education, and to authorize substitute teaching in vocational classes for up to 30 days for any one teacher during the school year.<sup>102</sup> CTC stopped issuing new vocational credentials on November 1, 2007, although it continues to renew them.<sup>103</sup>

Section 80035 of the Title 5 regulations was adopted in 1984 and details the requirements for obtaining preliminary and clear full-time credentials in vocational education. Section 80035(a) requires the applicant, when seeking an initial preliminary full-time vocational credential, to submit the following verifications and recommendations:

- Verification, signed by the CTC-approved LEA that provided the program of personalized preparation, or by an employing school district authorized to do so by a Commission-approved LEA, that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including Level I and Level II requirements of the program of personalized preparation.
- A recommendation, signed by a Commission-approved LEA or the employing school district on a form approved by CTC.

Section 80035.5 of the regulations states that “LEAs and or ESDs [employing school districts] shall recommend applicants for designated subjects vocational education teaching credentials in

<sup>100</sup> CTC document “Professional Preparation Program Matrix” dated January 2, 2012.

<sup>101</sup> Register 84, No. 8 (Mar. 23, 1984), Register 89, No. 11 (April 9, 1989), Register 95, No. 15 (May 10, 1995).

<sup>102</sup> CTC, “Designated Subjects Vocational Education Teaching Credential.” <<http://www.ctc.ca.gov/credentials/CREDS/adult-voc-ed.html>> as of July 1, 2012. See Education Code sections 44260 and 44260.1, as added by Statutes 1982, chapter 1361.

<sup>103</sup> CTC, “Designated Subjects Vocational Education Teaching Credential.” <<http://www.ctc.ca.gov/credentials/CREDS/adult-voc-ed.html>> as of July 1, 2012.



one of the following subjects,” and then details a long list of vocational subjects from accounting to welding.

To obtain a continuance of a preliminary full-time vocational education teaching credential, section 80035(b) requires the holder of the preliminary credential to submit verification, by the CTC-approved LEA that is providing the program of personalized preparation to the employing school district, that the holder has successfully completed all Level I requirements of a CTC-approved program of personalized preparation. In the event that the employing school district is not known to the CTC-approved LEA, the “verification shall be provided directly to the candidate.”

Section 80035(c) requires the credential holder, when seeking a one-time reissuance of a preliminary full-time vocational education teaching credential, to submit verification by the CTC-approved LEA that the holder of the preliminary credential has completed all Level I and Level II requirements of the CTC-approved program of personalized preparation and a recommendation signed by a CTC-approved LEA and/or the employing school district on a form approved by CTC.

And, finally, to obtain a professional clear full-time vocational education teaching credential, section 80035(d) requires the holder to submit verification of two years of full-time successful teaching in the subject(s) and grade level(s) authorized by the preliminary vocational education teaching credential, and verification of completion of all Level I and Level II requirements of a CTC-approved program of personalized preparation.

The claimant requests reimbursement for CTC-approved LEAs and employing school districts to prepare the verifications listed in section 80035 above, and to recommend applicants for vocational education teaching credentials pursuant to section 80035.5.

The Commission finds, however, that sections 80035 and 80035.5 of the Title 5 regulations do not impose a state-mandated program on school districts. Section 80035 of the regulations identifies the requirements imposed *on the applicant* for a vocational credential. Although the regulation requires the applicant to submit verifications by the CTC-approved LEA or by the employing school district showing that the applicant has the requisite knowledge and meets the requirements, school districts are not required by state law to become a CTC-approved LEA program sponsor for purposes of a designated subjects vocational credential, or to employ persons who do not already have a professional clear vocational credential. As indicated in the section above, school districts are authorized to submit an application to CTC to offer a program of personalized preparation for designated subjects credential candidates.

For the same reasons, school districts are not mandated by section 80035.5 to recommend applicants for vocational credentials. The decision to become a CTC-approved LEA, or to hire an individual in the process of seeking a professional clear vocational credential is made at the local school district level. It is these local discretionary decisions that trigger the requirement to recommend an applicant for one of the vocational credentials.<sup>104</sup>

Moreover, these credentials are intended for courses organized primarily for adults. School districts have the authority to establish vocational classes for adults, but are not required by state

<sup>104</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 742-743.

law to do so.<sup>105</sup> Thus, to the extent these activities are performed for purposes of hiring a vocational teacher for an adult course, they are not mandated by the state.

Therefore, the activities of preparing verifications and recommending applicants for vocational credentials are not mandated by the state. The Commission finds that sections 80035 and 80035.5 of the Title 5 regulations do not impose a state-mandated program on school districts.

c) Adult Education Credentials (Cal. Code Regs., tit. 5, §§ 80036, 80036.1, 80036.3)<sup>106</sup>

Sections 80036, 80036.1, and 80036.3 of the regulations govern the requirements for obtaining designated subject, full-time and part-time credentials in adult education. Adult education credentials authorize the holder to teach the subjects named on the credential in courses organized primarily for adults. The subjects are listed in section 80036.3 and include academic subjects for English as a second language, elementary and secondary basic skills (which includes citizenship), and other individual subjects. Non-academic subjects that may be listed on an adult education credential include courses for adults with disabilities and older adults, and courses relating to health and safety, home economics, parent education, and vocational education.

Like the regulations for vocational credentials, section 80036.3 of the regulations governing the credentials for adult education provides that the LEA approved by CTC to develop and implement a program of personalized preparation or an employing school district shall recommend an applicant for the designated subjects adult education teaching credential. Sections 80036 and 80036.1 then lay out the requirements imposed on the applicant seeking a full-time or part-time initial and clear credential in adult education. Those regulations require the applicant to submit the following verification and recommendation from the CTC-approved LEA that is providing the program to obtain the preliminary credential for both full-time and part-time credentials:

- Verification showing that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the Level I and II programs of personalized preparation; and
- Recommendation that the applicant receive the credential.<sup>107</sup>

If the holder of the preliminary credential seeks a continuance of the preliminary credential, the CTC-approved LEA for the credential holder must verify to the employing school district that the holder has completed all Level I requirements of the approved personalized preparation program. If the employing school district is not known to the program sponsor, the verification is required to be provided directly to the preliminary credential holder.<sup>108</sup> The same verification requirements are imposed for those holders seeking a one-time reissuance of the preliminary credential, except that the verification from the CTC-approved LEA for the holder of a full-time

<sup>105</sup> Education Code sections 52501 and 52502.

<sup>106</sup> Register 84, No. 8 (Mar. 22, 1984), Register 95, No. 15 (May 10, 1995).

<sup>107</sup> California Code of Regulations, title 5, sections 80036(a)(5)(6), 80036.1(a)(4)(5), 80036.3(a); CTC document entitled “Designated Subjects Adult Education Teaching Credentials (Full-Time/Part-Time).”

<sup>108</sup> California Code of Regulations, title 5, sections 80036(b)(2), 80036.1(b)(2).

preliminary credential must show that the holder has completed all of Level I and Level II requirements of the personalized program.<sup>109</sup>

To obtain the professional clear credential in adult education, the holder must submit the following recommendations and verifications from the holder's CTC-approved LEA and the employing school district:

- Verification from the employing school district of two years successfully teaching adult learners in the subject(s) authorized by the preliminary adult credential.
- Verification from the CTC-approved LEA of completion of all Level I and II requirements of the personalized preparation program.
- A recommendation signed by the CTC-approved LEA and/or the employing school district on a form approved by CTC.<sup>110</sup>

The claimant requests reimbursement for CTC-approved LEAs and employing school districts to prepare the verifications listed above, and to recommend applicants for adult education teaching credentials.

The Commission finds that sections 80036, 80036.1, and 80036.3 do not impose a state-mandated program on school districts. Sections 80036 and 80036.1 of the regulations identify the requirements imposed *on the applicant* for an adult education credential. Although the regulation requires the applicant to submit verifications by CTC-approved LEAs or by employing school districts showing that the applicant has the requisite knowledge and meets the requirements, school districts are not required by state law to become a CTC-approved LEA or to employ persons who do not already have a professional clear adult education credential.

For the same reasons, school districts are not mandated by section 80036.3 to recommend applicants for adult education credentials. The decision to become a CTC-approved LEA or to hire an individual in the process of seeking a professional clear adult education credential is made at the local level. It is these local discretionary decisions that trigger the requirement to recommend an applicant for one of the vocational credentials. Thus, the activity to recommend an applicant for a vocational credential is not mandated by the state.<sup>111</sup>

Moreover, in most circumstances, school districts are not required by state law to provide classes for adults and, thus, school districts are not mandated by state law to ensure their teachers are qualified for these classes. Education Code sections 52501 and 52502 *authorize* school districts to establish and maintain classes for adults for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical, and general education. The local decision to establish and provide these courses triggers the district responsibility to hire a qualified teacher.

The only exceptions to this broad authority to provide adult classes are in Education Code sections 52540 and 52552. Section 52540 states that "upon application of 20 or more persons above the age of 18 years residing in a high school district who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the

<sup>109</sup> California Code of Regulations, title 5, sections 80036(c)(2), 80036.1(c)(2).

<sup>110</sup> California Code of Regulations, title 5, sections 80036(d), 80036.1(d).

<sup>111</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 742-743.

eighth grade of the elementary schools, the governing board of the high school district shall establish classes in English.” Section 52552 requires the governing board of a high school district to establish classes in citizenship upon application of 25 persons who reside in the district requesting the training. The course of study in training for citizenship is described in Education Code section 52555 and shall consist of the teaching of U.S. history; state and community civics; the U.S. Constitution, with special reference to those sections in the Constitution that relate directly to the duties, privileges, and rights of the individual; and classes in English for foreigners that will properly prepare the student to understand and assume the responsibilities of citizenship.

However, a school district that is required by sections 52540 and 52552 to provide courses in citizenship and English as a second language may satisfy those requirements by hiring a teacher with a valid single subject or multiple subject credential pursuant to Education Code section 44865. Education Code section 44865 states in relevant part that “a valid teaching credential issued by the State Board or the Commission on Teacher Credentialing, based on a bachelor’s degree, student teaching, and special fitness as a teacher in [classes organized primarily for adults], shall be deemed qualifying for assignment as a teacher [of] the assignment, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher. . . .” Thus, there is no mandate for a school district to hire an employee with an adult education credential, or to ensure that teachers of courses in citizenship and English as a second language meet the standards identified in sections 80036, 80036.1 and 80036.3 of the Title 5 regulations.

Accordingly, the Commission finds that sections 80036, 80036.1 and 80036.3 of the Title 5 regulations do not impose a state-mandated program on school districts.

d) Aviation Flight/Ground, Basic Military Drill, ROTC, and Driver’s Education  
(Cal Code Regs. tit. 5 §§ 80037 & 80037.5)<sup>112</sup>

Sections 80037 and 80037.5 of the regulations identify the requirements to obtain designated subject, preliminary and clear credentials in aviation flight/ground, basic military drill, Reserve Officers’ Training Corp (ROTC), driver education and training, and limited driver training in grades 12 and below, and in classes authorized primarily for adults.

To obtain a preliminary credential in these subjects, the applicant is required to obtain verification, from either the employing school district or a CTC-approved LEA, that the applicant is aware of the requirements for a clear credential. In addition, to obtain a preliminary credential in driver education and training, the applicant is required to receive verification by a CTC-approved LEA that the applicant has completed specified units or clock hours in the personalized program of subject matter preparation in driver education and training. Those seeking a preliminary credential in limited driver training are additionally required to submit a written statement from the employing school district attesting to the applicant’s ability to actually perform behind the wheel driver instruction and assuring that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization. Applicants for these designated subject credentials are also required to

<sup>112</sup> Register 84, No. 8; Register 98, No. 12.

submit a recommendation from a CTC-approved LEA or the employing school district for the credential.<sup>113</sup>

To obtain a clear credential in these subjects, the applicant must obtain the following verifications:

- Verification from the employing school district of two years of successful teaching experience.
- Verification by a CTC-approved LEA that the applicant has completed the requirements of the program of personalized preparation.<sup>114</sup>

Section 80037.5 identifies additional requirements for CTC-approved LEAs that seek the approval to provide preparation programs for driver education and training.

The Commission finds that sections 80037 and 80037.5 of the Title 5 regulations do not impose a state-mandated program on school districts. The plain language of section 80037 imposes requirements on the applicant seeking the designated subjects credential, but not on the school district, and section 80037.5 identifies requirements for those school districts seeking approval to offer personalized programs of training for the driver education credential. These regulations do not require school districts to perform any mandated duties.

Moreover, state law does not require school districts to offer these courses to K-12 students or adults. The Education Code authorizes or encourages, but does not require, school districts to offer courses for K-12 students in driver education and training,<sup>115</sup> aviation education,<sup>116</sup> and military science/ROTC.<sup>117</sup> And, as indicated above, school districts are authorized, but generally not required, to offer courses in adult education.<sup>118</sup> Any school district that employs personnel with credentials to teach these subjects, therefore, is doing so voluntarily.

Therefore, the Commission finds that sections 80037 and 80037.5 of the Title 5 regulations do not impose a state-mandated program on school districts.

e) Supervision and Coordination Credential (Cal. Code Regs., tit. 5, § 80038)<sup>119</sup>

Section 80038 of the Title 5 regulations governs the designated subjects credential in supervision and coordination. The credential authorizes the holder to supervise and coordinate subjects and classes in all types of designated subjects programs.<sup>120</sup>

<sup>113</sup> California Code of Regulations, title 5, section 80037(a)(2)(E) and (a)(6)(7).

<sup>114</sup> California Code of Regulations, title 5, section 80037(b).

<sup>115</sup> Education Code section 51850.

<sup>116</sup> Education Code section 51791.

<sup>117</sup> Education Code section 51750.

<sup>118</sup> Education Code sections 52501 and 52502.

<sup>119</sup> Register 84, No. 8.

<sup>120</sup> California Code of Regulations, title 5, section 80038(b).

Section 80038 lists the requirements for the designated subjects supervision and coordination credential, to include:

- Verification by the employing school district of three years of full-time teaching experience in the subject named on the designated subjects credential;
- Verification by an LEA of completion of six semester units, or 90 clock hours, in a CTC-approved personalized pre-service program in supervision and coordination as described in Section 80040.3. The program is required to include knowledge of the purposes, characteristics, and activities of vocational and non-vocational designated subjects programs; and planning, organization, and management of designated subjects programs.
- Submission of a completed application form signed by a CTC-approved LEA.

The Commission finds that section 80038 of the Title 5 regulations does not impose a state-mandated program on school districts. The requirements to obtain the credential are imposed on the applicant seeking to supervise and coordinate designated subjects programs. There is no requirement in state law for a school district to hire an employee with a supervision and coordination credential. The claimant acknowledges this fact on its website page for the “Designated Subjects Credential Program, Supervision & Coordination” by stating the following:

It is important to remember that the Supervision & Coordination credential is not utilized in all districts.

All employment decisions (including but not limited to, hiring, the employment process, and salary schedules) are made locally by individual school districts.<sup>121</sup>

Accordingly, the Commission finds that section 80038 of the Title 5 regulations does not impose a state-mandated program on school districts.

##### **5. Administrative Service Credential (Cal.Code Regs., tit. 5, §80054)<sup>122</sup>**

The administrative service credential authorizes the holder to provide the following school services in grades 12 and below, including preschool, and in classes organized primarily for adults:

- Develop, coordinate, and assess instructional programs;
- Evaluate certificated and classified personnel;
- Provide students' discipline;
- Provide certificated and classified employees discipline;
- Supervise certificated and classified personnel;
- Manage school site, district, or county level fiscal services;

<sup>121</sup> Exhibit \_\_, San Diego County Office of Education, “Designated Subjects Credential Program, Supervision & Coordination.”

<sup>122</sup> Register 80, No. 6; Register 2000, No. 15; Register 2002, No. 50.

- Recruit, employ, and assign certificated and classified personnel; and
- Develop, coordinate, and supervise student support services.<sup>123</sup>

The administrative services credential is a two-tiered system that provides initial general preparation for entry into the first administrative position. After that, an individualized plan for targeted professional development that addresses the responsibilities of the educational leadership position that the new administrator is assigned. Generally, the first tier of initial preparation is completed before the applicant assumes full administrative responsibilities. The second tier, or targeted professional development, is completed at the same time as the first few years of administrative experience.<sup>124</sup>

Section 80054(a) lists the requirements for the first tier, preliminary administrative services, which is valid for five years. To obtain the preliminary administrative services credential, the applicant must comply with many requirements, including submitting verification of one of the following:

- Three years of successful, full-time teaching experience in the public schools, including, but not limited to, service in-state or county-operated schools, or in private schools of equivalent status; or
- Three years of successful, full-time experience in the fields of pupil personnel, health, library media teacher, or clinical or rehabilitative services in the public schools, including, but not limited to, service in state or county-operated schools, or in private schools of equivalent status.

CTC clarifies that that the three years of successful, full-time experience may be from teaching, pupil personnel work, librarianship, health services, or clinical or rehabilitative services.<sup>125</sup>

Section 80054(d) lists the minimum requirements to obtain the professional clear administrative services credential. One of the requirements is to submit verification of two years of successful experience in a full-time administrative position in a California public school or California private school of equivalent status, while holding the preliminary administrative services credential. CTC states that these verifications of experience must be on the district or employing agency letterhead and signed by the superintendent, assistant superintendent, director of personnel, or director of human resources. School or district personnel other than the applicant must verify all experience.<sup>126</sup> The claimant requests reimbursement to verify the successful experience of its employees who are seeking the administrative services credential.

The Commission finds that section 80054 of the Title 5 regulations does not impose a state-mandated new program or higher level of service on school districts. The plain language of the regulation imposes requirements on the applicant of the credential. Although the applicant's

<sup>123</sup> California Code of Regulations, title 5, section 80054.5.

<sup>124</sup> Administrative Services Manual, CTC, pages 8 and 9.

<sup>125</sup> CTC memorandum, "Administrative Services Credential for Administrators Prepared in California."

<sup>126</sup> CTC memorandum, "Administrative Services Credential for Administrators Prepared in California," page 4.

former and current employers are required to verify successful experience in the employment for the applicant to obtain the credential, this verification is triggered by the district's local hiring decision. There is no mandate imposed on the school district to verify the successful employment of its employees.

Accordingly, the Commission finds that section 80054 of the Title 5 regulations does not impose a state-mandated program on school districts.

## **6. Other Credentialed Employees**

### a) Eminence Credentials (Cal.Code Regs., tit. 5, § 80043 & 80045)<sup>127</sup>

Sections 80043 and 80045 implement Education Code section 44262, which governs eminence credentials for teaching or service. CTC is authorized by Education Code section 44262 to grant an eminence credential to an individual who is eminent in a specific endeavor and is recognized as such beyond the boundaries of his or her community. Eminence credentials are only available at the recommendation of the employing agency. The employing agency must demonstrate how the individual will enrich the educational quality of the employing agency. Education Code section 44262 states the following:

Upon the recommendation of the governing board of a school district, the commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California. This credential shall authorize teaching or the performance of services in the public schools in the subject or subject area or service and at the level or levels approved by the commission as designated on the credential.

Each credential so issued shall be issued initially for a two-year period and may be renewed for a three-year period by the commission upon the request of the governing board of the school district. Upon completion of the three-year renewal period, the holder of an eminence credential shall be eligible upon application for a professional clear teaching credential.<sup>128</sup>

Section 80043(a) of the regulations defines an eminent individual as follows:

The eminent individual is recognized as such beyond the boundaries of his or her community, has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor. The employing school district shall demonstrate how the eminent individual will enrich the educational quality of the school district and not how he or she will fill an employment need.

If a school district recommends a person for an eminence credential, the following items must be submitted by the school district pursuant to section 80043(b):

<sup>127</sup> Register 82, No. 45; Register 96, No. 41; Register 99, No. 11; Register 2003, No. 5.

<sup>128</sup> Statutes 1976, chapter 1010; amended by Statutes 1996, chapter 1067. The 1996 amendment changed increased the time the credential was valid, and allowed the holder of the credential to seek a professional credential, rather than a life credential, upon completion of the last renewed credential.



- Recommendation from the governing board of the employing agency, verified on a form provided by CTC.
- A letter from the employing school district demonstrating how the eminent individual will enrich the educational quality of the school district and how he or she will fill an employment need.
- A statement of employment in the district, which includes the proposed assignment and a certification of the intention of the district to employ the applicant if granted an eminence credential.
- Verification of the applicant’s eminence qualifications, which shall include (1) recommendations from professional associations, former employers, professional colleagues, and other individuals or groups whose evaluations would support eminence; and (2) documentation of achievement, including advanced degrees earned, distinguished employment, evidence of related study or experience, publications, professional achievement, and recognition attained for contributions to his or her field of endeavor.<sup>129</sup>

CTC may assign certification staff to review the application and determine if the individual meets the definition of eminence pursuant to Education Code section 44262. If CTC staff denies an application for eminence, the employing school district may request that CTC staff reconsider the determination upon submission of new evidentiary material relevant to the reason of denial that was not available at the time the application was submitted to CTC.<sup>130</sup>

Section 80045 lists the requirements for renewing an Eminence Credential as follows:

Applying for renewal of an Eminence Credential with a written statement of support from the governing board of the school district adopted in a public meeting and submission of the fee(s) established in Section 80487.

When requesting issuance of a Professional Clear Eminence Teaching Credential with a written statement of support from the governing board of the school district adopted in a public meeting, and submission of an application and the fee established in Section 80487.

The claimant requests reimbursement to comply with sections 80043 and 80045 of the Title 5 regulations, and argues that the requirements imposed by these regulations are mandated by the state on the ground that school districts are required to “strive for the best educational environment possible.”<sup>131</sup>

The Commission finds that sections 80043 and 80045 of the Title 5 regulations do not impose a state-mandated program on school districts. These regulations implement Education Code section 44262, which by the plain language of the statute, authorizes school districts to recommend an individual for an eminence credential. The decision to hire and recommend a person for an eminence credential is a local hiring decision, and is not mandated by the state. This local decision triggers the downstream procedural requirements imposed by sections 80043

<sup>129</sup> See also, CTC memorandum entitled “Eminence Credential.”

<sup>130</sup> California Code of Regulations, title 5, section 80043(c)(2)(A).

<sup>131</sup> Exhibit \_\_\_\_, Claimant’s reply comments dated December 9, 2003, page 9.

and 80045. Pursuant to the court’s interpretation of a state-mandated program in *Kern High School District*, these downstream requirements are not mandated by the state.<sup>132</sup>

Accordingly, sections 80043 and 80045 of the Title 5 regulations do not impose a state-mandated program on school districts.

b) Exchange Certificated Credential (Cal.Code Regs. tit. 5, §§ 80055.1)<sup>133</sup>

Section 80055.1 of the Title 5 regulations implements Education Code section 44853 and governs the issuance of an exchange certificated employee credential. Education Code section 44853, which originated in the 1959 Education Code, authorizes school districts to enter into agreements with authorities of any foreign country, or any state, territory or possession of the United States or other district within California for the exchange and employment of regularly credentialed employees and other employees of public schools. Certificated persons employed are known as “exchange certificated employees” and require the consent of the employee to be exchanged. The statute authorizes CTC to establish minimum standards for the credential. The following parameters are identified in the statute:

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level of that the service be exactly the same as the employee for whom exchanged.

Although exchange agreements cannot exceed three years, the exchange may be made permanent at the end of the assignment period with the consent of all the parties.

The credential requirements for an exchange certificated credential are listed in section 80055.1 of the title 5 regulations, including the following requirements imposed on school districts:

- Inform an applicant for an exchange position that an exchange certificated employee credential may be secured by submitting an application, on the form prescribed by CTC, and personal identification cards.
- Submit a statement to CTC verifying the following information:
  - The position in which the governing board proposes to employ the applicant;
  - The dates of proposed employment;
  - Facts showing that the applicant is an employee of a public school as required by Education Code Section 44853;
  - The district has given due consideration to the general qualifications and professional status of the proposed exchange employee as compared to the

<sup>132</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 742-743.

<sup>133</sup> Register 78, No. 10; Register 82, No. 45; Register 97, No. 31.

general qualifications and professional status of the employee to be exchanged;

- The district has official verification from the proper authorities mentioned in Education Code Section 44853 that the applicant is fit to perform the services required in the position;
- Submit to CTC verification of passage of the CBEST, as specified in Education Code Section 44252(b).<sup>134</sup>

The claimant requests reimbursement for these activities.

The Commission finds that section 80055.1 does not mandate a new program or higher level of service on school districts. School districts are not mandated by state law to participate in the exchange certificated employee program. Section 80055.1 implements Education Code section 44853. Section 44853 begins with the plain language that the “governing board of any school district, subject to the rules and regulations prescribed by the state board, *may enter into an agreement* with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees. . . .” (Emphasis added.) Thus, the decision to participate in the program offered by section 44853 is voluntary and triggers the downstream procedural requirements imposed by section 80055.1 of the regulations. Pursuant to the court’s interpretation of a state-mandated program in *Kern High School District*, these downstream requirements are not mandated by the state.<sup>135</sup>

Moreover, the requirements identified in section 80055.1 are not new and have been in existence since before 1975. Former section 6670 of the title 5 regulations (Register 70, No. 27, July 4, 1970) outlines all the same requirements with respect to school districts for the exchange certificated employee credential except for the applicant’s passage of the CBEST, which was added later. Former section 6670 was renumbered in 1978 (Register 78, No.10), which was filed in this claim. Thus, section 80055.1 of the Title 5 regulations does not impose a new program or higher level of service.

Accordingly, the Commission finds that section 80055.1 of the Title 5 regulations does not impose a state-mandated new program or higher level of service on school districts.

c) Sojourn Certificated Employee Credentials (Cal.Code Regs. tit. 5, § 80055.2)<sup>136</sup>

Section 80055.2 of the Title 5 regulations implements Education Code section 44856, which originated in the 1959 Education Code, and authorizes school districts to conclude arrangements with authorities in foreign countries, or of states, territories or possessions of the United States, to hire bilingual teachers employed in public or private schools of a foreign country, state, territory or possession, for the purpose of providing bilingual or foreign language instruction, or cultural enrichment. The person is required to hold the necessary valid CTC credential or credentials. Education Code section 44856, as it provided in 1977 and before 2009 clarifying amendments, stated the following:

<sup>134</sup> See also, CTC memorandum entitled “Exchange Certificated Employee Credential.”

<sup>135</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 742-743.

<sup>136</sup> Register 78, No. 22; Register 97, No. 51.

The governing board of a school district *may*, for the purposes of providing bilingual instruction, foreign language instruction, or cultural enrichment, in the schools of the district, subject to the rules and regulations of the State Board of Education conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of any foreign country, state, territory, or possession. To be eligible for employment the teacher must speak English fluently. Any persons so employed pursuant to this section shall be known as a “sojourn certificated employee.”

No person may be hired as a sojourn certificate employee by a school district unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years, except that thereafter such period of employment may be extended from year to year for a total period of not more than five years upon verification by the employing district that termination of such employment would adversely affect an existing bilingual or foreign language program or program of cultural enrichment and that attempts to secure the employment of a certificated California teacher qualified to fill such position have been unsuccessful. The commission shall establish minimum standards for the credentials for sojourn certificated employees.

To obtain a sojourn certificated employee credential, section 80055.2(a) of the regulations requires the school district to submit a completed application to CTC, which includes the following information:

- All information required by the application form provided by CTC, including two personal identification cards with legible fingerprints and the required application fee.
- Transcripts, certificates, or other reasonable evidence of all education above United States high school level or equivalent, and showing at least 90 semester units of collegiate level study or equivalent, and all teaching experience.
- Certification by the governing board that an applicant is a bilingual-biliterate teacher fluent both in English and in the target language and employed as required by Education Code Section 44856 during the calendar year immediately preceding the date of application.
- Certification by the governing board that the applicant will be employed by the school district in a teaching assignment authorized by a sojourn certificated employee credential and that the applicant has been informed in writing of his or her employment status and renewal requirements.
- A statement in writing and signed by the applicant verifying knowledge of the general requirements for a regular credential and agreeing to diligently pursue completion of the said requirements.
- Verification of the passage of the CBEST.

The sojourn credential may be renewed by the sojourn certificated employee. The renewal requires verification by the employing district of the continued need for the services of the employee.<sup>137</sup>

The claimant requests reimbursement for these activities.

The Commission finds that section 80055.2 does not mandate a new program or higher level of service on school districts.

Section 80055.2 implements the authority granted in Education Code section 44856, which by the plain language of the statute is discretionary. School districts are not required by state law to employ a sojourn certificated employee and, thus, are not mandated by the state to comply with the requirements identified in the regulation to obtain a credential for the individual.

Moreover, many of the activities required by section 80055.2 of the regulations are not new. Sojourn credentials have been in existence since before 1975 pursuant to former section 6671 (Register 70, No. 27, July 4, 1970) of the Title 5 regulations. That section also required verification that the applicant is employed by the district and that the applicant is bilingual. Former section 6671 was renumbered to section 80055.2 in 1978 (Register 78, No. 22). Thus, these activities are not new.

Accordingly, the Commission finds that section 80055.2 of the Title 5 regulations does not impose a state-mandated new program or higher level of service on school districts.

## **7. Specialized Certificates Available to Credentialed Teachers**

- a) Certificate of Completion of Staff Development to Teach English-Language Development or Specifically Designated Academic Instruction Delivered in English to Limited-English-Proficient Students (Cal. Code Regs. tit. 5 § 80016)<sup>138</sup>

In 1994, the Legislature enacted Education Code section 44253.10 to authorize the assignment of teachers with a basic teaching credential to provide specially designed content instruction delivered in English to limited-English proficient pupils under specified conditions.<sup>139</sup> The statute requires CTC to issue a certificate based on the completion of staff development that authorizes the holder to teach English language development and specially designed academic instruction delivered in English to LEP students. In 1996, school districts and county offices of education were authorized to charge the teacher a fee to “cover the actual costs of the agency in issuing, forwarding a copy of the Commission, and paying any fee charged by the commission for receiving and servicing, the certificate or certificates of completion.”<sup>140</sup>

In 2001, CTC adopted section 80016 of the Title 5 regulations to clarify the requirements and authorizations for the certificate of completion of staff development pursuant to Education Code

<sup>137</sup> California Code of Regulations, title 5, section 80055.2(d).

<sup>138</sup> Register 2001, No. 17.

<sup>139</sup> Statutes 1994, chapter 1178.

<sup>140</sup> Education Code section 44253.10(f)(5).

section 44253.10, and to establish the application fee for the certificate.<sup>141</sup> Among several requirements, applicants for the certificate of completion are required by section 80016(a)(3) to complete a staff development program in methods of specially designed content instruction delivered in English or English language development, or both, and to submit verification from the school district, county office of education, college or university, or other approved agency, whose program has been approved by CTC, on a form provided by CTC. To meet the requirement, the program must be determined by CTC to meet the guidelines and standards established by Education Code section 44253.10. The claimant requests reimbursement for the following activity:

Pursuant to Title 5, California Code of Regulations, Section 80016, subdivision (a)(3), verifying completion of necessary staff development programs for persons applying for a Certificate of Completion of Staff Development to teach English language development and/or specially designated academic instruction delivered in English to limited-English-proficient students.

The Commission finds that section 80016(a)(3) does not impose a state-mandated program on school districts. The plain language of the regulation imposes requirements on “the applicant” for the certificate of completion. The verification required to be submitted by the applicant is submitted by “the school district, county office of education, college or university, or other approved agency, whose program has been *approved* by the Commission.” (Emphasis added.) This language implements the provisions of, and is consistent with Education Code section 44253.10. Section 44253.10(a) states that the teacher seeking the certificate of completion is required to complete a staff development program. CTC, in consultation with the SPI, was required to establish guidelines for the provision of staff development pursuant to section 44253.10(b). Subdivision (c) then states that “staff development *may be sponsored* by any school district, county office of education, or regionally accredited college or university that meets the standards included in the guidelines established pursuant to this subdivision or any organization that meets those standards and is approved by the commission.” (Emphasis added.) Thus, the plain language of the regulation and the statute it implements do not mandate school districts to sponsor a staff development program, or verify an applicant’s completion of a program it is authorized to sponsor.

Moreover, Education Code section 44253.10 and section 80016 of the regulations were enacted as an alternative to certificate requirements for teaching LEP students that were enacted in 1992 (Stats. 1992, ch. 1050, Ed. Code, §§ 44253.1-44253.6). The existing statutes required credentialed teachers to hold a cross-cultural language and academic development certificate (CLAD) or bilingual-CLAD certificate to teach LEP students. Generally, these certificates require the applicant to complete 12 upper division units of college coursework. The purpose of the bill that enacted section 44253.10 was “to make it possible for teachers to acquire the methodology necessary to teach students who are currently becoming English proficient, without having to return to the university and take 12 units of coursework.”<sup>142</sup> Thus, school districts

<sup>141</sup> Notice of Public Hearing and Statement of Reasons for section 80016 (00-0020), issued by CTC on July 21, 2000.

<sup>142</sup> Bill analysis on SB 1969, Senate Third Reading (August 22, 1994); Bill analysis on SB 1969, Ways and Means Committee Analysis (August 8, 1994).

have the option of hiring a teacher for LEP students that completes the additional college coursework and obtains a CLAD or bilingual-CLAD, or one who complies with Education Code section 44253.10 and section 80016 of the regulations. Those hiring decisions are local decisions and are not mandated by the state.

Accordingly, the Commission finds that section 80016 of the Title 5 regulations does not impose a state-mandated program on school districts.

- b) Resource Specialist Certificate (Cal.Code Regs., tit. 5, §§ 80070.2, 80070.3, 80070.4 and 80070.6)<sup>143</sup>

The Legislature enacted the resource specialist program in 1980 by enacting Education Code sections 56362 et seq. Pursuant to those statutes, the resource specialist certificate of competence could be issued by CTC to teachers that hold a valid special education credential.<sup>144</sup> The resource specialist:

- Provides instruction and services to pupils with an individualized education plan (IEP) who are assigned to regular classroom teachers for a majority of a school day;
- Provides information and assistance to individuals with exceptional needs and their parents;
- Consults and provides resource information, and materials regarding individuals with exceptional needs to their parents and to regular staff members;
- Coordinates special education services with the regular school programs for each individual with exceptional needs;
- Monitors pupil progress, participates in the review and revision of IEPs, and refers pupils who do not demonstrate appropriate progress to the IEP team; and
- Emphasizes academic achievement, career and vocational development, and preparation for adult life at the secondary level of education.<sup>145</sup>

Education Code section 56362.5, which was enacted in 1980, directs CTC to adopt rules and regulations for a resource specialist certificate of competence. The regulations are required to contain a provision for a system of direct application to CTC for a certificate of competence for each teacher who holds a valid special education credential and satisfies the following requirements:

- Provided instruction and services as specified in “subdivision (a) of Section 80070.1 of Title 5 of the California Administrative Code as it read immediately prior to July 28, 1980, for two years prior to September 1, 1981.”
- Provided instruction and services as specified in “subdivision (b) of Section 80070.2 of Title 5 of the California Administrative Code as it read immediately prior to July 28, 1980, for two years prior to June 30, 1983.

<sup>143</sup> Register 81, No. 23.

<sup>144</sup> Education Code section 56362.5.

<sup>145</sup> Education Code section 56362 (a).

The statute also directed that the regulations establish a system for verification of competencies from CTC-approved institutions of higher education that offer a resource specialist certificate program and approved assessment panels for resource specialist certification.

Sections 80070.2 and 80070.3 govern the resource specialist certificate of competence on direct application to CTC for the preliminary and clear certificate. To obtain the preliminary certificate, section 80070.3 requires the teacher to provide verification of three or more years of teaching experience by the appropriate administrative official of the district, special education services region, or county office of education at which the experience took place.<sup>146</sup> The teacher is also required to submit a written statement of employment as follows:

The written statement of employment shall be completed and signed by the appropriate administrative official of the employing district, special education services region, or county office operating “local plans” pursuant to Education Code section 56200, and shall include a statement indicating that the candidate shall engage in a course of study at an institution of higher education approved by the Commission, or in an approved program of in-service, as described in the local district’s, special education service region’s, or county office’s approved comprehensive plan, designed to provide the skills/knowledge/experience required to qualify for the clear Certificate of Competence as described in Section 80070.8.<sup>147</sup>

To obtain a clear resource specialist certificate, section 80070.2 requires the teacher to comply with the instruction and services requirements of Education Code section 56362.5, and to submit verification of that experience, on forms provided by CTC, by the appropriate administrative official of the district, special education services region, or county office of education.

Section 80070.4 of the regulations governs the clear resource specialist certificate of competence issued on the recommendation of an institution of higher education that has an approved program of study. A teacher seeking to obtain the resource specialist certificate in this manner must also submit verification of three or more years of teaching experience, including both regular and special education teaching experience, as defined in the regulations. “The experience shall be verified by the appropriate official of the district, special education services region, or county office in which the experience took place.”

And finally, section 80070.6 of the regulations governs the clear resource specialist certificate of competence issued on the recommendation of a CTC-approved school district, county office of

<sup>146</sup> “Three or more years of teaching experience, including both regular and special education teaching experience” is defined in section 80070.1 as full-time experience in one or more of the combinations specified in the regulation. The combinations include experience in both the regular classroom and the special education classroom.

<sup>147</sup> Section 80070.8 of the regulations requires the candidate for the resource specialist certificate to demonstrate the skills, knowledge and performance for each of the following functions: services to consult teachers, students, parents; coordination services to assist the IEP team in the planning and implementation of the student’s plan; services to implement the laws, regulations, and other compliance requirements as specified; services to provide staff development and in-service education; providing parent education and counseling.



education, or special education service region with a comprehensive local plan. To obtain the certificate using this option, the teacher must submit the following verifications:

- Verification of three or more years of teaching experience, including both regular and special education experience.
- Verification by the director of the school district, county office, or special education service region with a CTC-approved comprehensive “local plan” that assesses and recommends the applicant for the resource specialist certificate of competence.
- Verification that the applicant has successfully demonstrated all competencies described in section 80070.8.

The claimant requests reimbursement to complete the verifications required by sections 80070.2, 80070.3, 80070.4, and 80070.6.

The Commission finds that sections 80070.2, 80070.3, 80070.4, and 80070.6 of the Title 5 regulations do not impose a state-mandated program on school districts. The plain language of these regulations imposes requirements on the applicant seeking the resource specialist certificates, and provides various options to obtain those certificates. The experience and employment verifications required by these regulations are triggered by the local hiring decisions of the school district. State law does not require school districts to hire a teacher who does not already have a clear resource specialist certificate.

Accordingly, the Commission finds that sections 80070.2, 80070.3, 80070.4 and 80070.6 of the Title 5 regulations do not impose a state-mandated program on school districts.

### **C. Authorized Assignments of Teachers**

Under existing law, teacher assignments made by school districts are annually monitored and reviewed by the county superintendent of schools to ensure that the rate of misassignments remains low.<sup>148</sup>

The claimant requests reimbursement for activities allegedly imposed by two regulations governing the assignment of credentialed teachers to areas of study for which no single subject credential exists, and the assignment of certain teachers to direct and develop reading programs. These are discussed below.

#### **1. Assignment of Teachers to Courses for Which No Single Subject Credential Exists (Cal.Code Regs, tit.5, § 80005)<sup>149</sup>**

Section 80005 of the regulations was enacted in June 2000. Section 80005(a) provides that the holder of a single subject teaching credential may be assigned by a school district to teach courses that fall within broad subject areas listed in this subdivision and on their credential. For example, a single subject teaching credential holder in art may teach art appreciation, art history, arts and crafts, art theory, calligraphy, cartooning, ceramics, commercial art, costume design, crafts, design, drawing, humanities, illustration, interior decoration, jewelry, leathermaking, painting, photography, sculpture, stagecraft, and yearbook.<sup>150</sup> The holder of a single subject

<sup>148</sup> Education Code Section 44258.9.

<sup>149</sup> Register 2000, No. 22.

<sup>150</sup> California Code of Regulations, title 5, section 80005(a)(2).

teaching credential in English may teach composition, creative writing, debate, drama, forensics, grammar, humanities, journalism, language arts, language structure, literature, poetry, public speaking, speech, theater arts, and yearbook.<sup>151</sup> Some of the subjects are listed under more than one category. For example, photography is listed under art, but also under Industrial and Technology Education. And yearbook is listed under art, but also under English.

Subdivision (b) states that the holder of a teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, may be assigned, with his or her consent, to teach subject-matter classes that do not fall within or are not directly related to the broad subject areas listed in subdivision (a), if the employing agency has determined the teacher has the requisite knowledge and skills. These courses may include, but are not limited to, life skills, conflict management, study skills, leadership, teen skills, and study hall. If the assignment of a teacher is made for one of these courses that do not fall within the subject areas listed in subdivision (a), verification of the decision must be kept on file in the office of the employing agency for purposes of the county superintendent's monitoring of certificated assignments and potential misassignments of teachers pursuant to Education Code section 44258.9(b).

The claimant requests reimbursement for “determining if a teacher has the requisite knowledge and skills to teach subject-matter classes and keep verification of this decision on file” pursuant to section 80005(b) of the Title 5 regulations.<sup>152</sup>

The Commission finds that section 80005(b) does not impose a state-mandated program on school districts.

The example of courses identified in subdivision (b) (life skills, conflict management, study skills, leadership, teen skills, and study hall), are courses that are not directly related to the subject areas identified in section 80005(a) and listed on a single subject teaching credential issued by the state. Thus, the state cannot verify if a teacher assigned to the courses for which no single subject credential exists, is qualified to teach that particular course of study or is properly assigned. And, in those circumstances, section 80005(b) authorizes a school district to assign a teacher to those courses on the condition that the district determines if the teacher has the requisite knowledge and skills. The plain language of section 80005(b), states that the holder of a teaching credential “may” be assigned to teach subject-matter classes that do not fall within or are not directly related to the broad subject areas listed in (a). The use of the word “may” in the regulation makes the activity “permissive,” and not mandated by the state.<sup>153</sup> The California Supreme Court stated in the *Kern High School Dist.* case:

[A]ctivities undertaken at the option or discretion of a local government entity ... do not trigger a state mandate and hence do not require reimbursement of funds—even if the local entity is obliged to incur costs as a result of its discretionary decision to participate in a particular program or practice.<sup>154</sup>

<sup>151</sup> California Code of Regulations, title 5, section 80005(a)(4).

<sup>152</sup> Exhibit A, Declaration of Brian Smith, page 10.

<sup>153</sup> Education Code section 75.

<sup>154</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 742.

In addition, state law does not require school districts to offer courses in conflict management, study skills, leadership, and study hall; the example of courses listed in section 80005(b). Nor are school districts required to comply with section 80005(b) when offering the course of study required by law. Education Code section 51220.5, for example, requires school districts to offer a course of study in parenting skills for grades 7 and 8 to the extent funding is provided. The content for the course shall be designed to develop knowledge of child growth and development, parental responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintaining healthy relationships, teen parenting issues, and self-esteem.<sup>155</sup> Although these topics may fall within the areas of study identified in section 80005(b) (i.e., life skills, teen skills, and conflict management), state law does not require school districts to offer these areas of study as independent separate courses, as allowed by section 80005(b) of the regulations. Instead, school districts have the choice to meet the course of study requirement of Education Code section 51220.5 within existing single subject courses of study, such as consumer and home economics.<sup>156</sup> Consumer and home economics are areas of study that fall within the single subject credential of home economics and, thus, the qualifications of the holder of that credential is verified by the state.<sup>157</sup>

Therefore, decisions to assign teachers to classes offered by the school district that fall outside the single subject area credentials issued by the state, to verify the qualifications of the teacher for those courses, and to maintain that verification on file pursuant to section 80005(b), are decisions of a local school district and are not mandated by the state.

Accordingly, the Commission finds that California Code of Regulations, title 5, section 80005(b) does not impose a state-mandated program on school districts.

## **2. Assignment of Teachers to Develop, Direct, Implement, or Coordinate Reading Programs (Cal.Code Regs., tit. 5, § 80020.4.1)<sup>158</sup>**

Section 80020.4.1 of the title 5 regulations generally authorizes those holding a multiple or single subject teaching credential, or a designated subjects adult teaching or vocational credential, to develop, direct, implement, or coordinate programs designed to improve instruction and enhance student learning in the subject areas of the credential.

Section 80020.4.1(d) provides, however, that only those persons holding a reading and language arts specialist credential or an administrative services credential may develop, direct, implement, and coordinate school district or county reading programs. And, effective July 1, 2004, only those that hold a reading and language arts specialist credential, a restricted reading specialist credential, a reading certificate, or an administrative services credential, may develop, direct, implement, or coordinate school site reading programs.

Section 80020.4.1(e) is a grandparent clause authorizing school districts to maintain the service of a teacher as a school site reading program coordinator that does not have a specialist or

<sup>155</sup> Education Code section 51220.5.

<sup>156</sup> Education Code section 51220.5(e); California Code of Regulations, title 5, section 80005(a)(6).

<sup>157</sup> California Code of Regulations, title 5, section 80005(a)(6).

<sup>158</sup> Register 2000, No. 15.

administrative services credential, or a reading certificate, for the program if the individual has completed three years of reading coordinator experience *before* July 1, 2004, and holds a teaching credential based on a bachelor's degree and a teaching preparation program, including student teaching or the equivalent. Employing agencies are required to keep verification of the person's teaching experience on file. Section 80020.4.1(e) of the title 5 regulations states the following:

An individual who has developed, directed, implemented or coordinated reading programs for a minimum of three years prior to July 1, 2004, on the basis of a California teaching credential based on a baccalaureate degree and a teacher preparation program, including student teaching or the equivalent, shall be *authorized* to continue in such assignment. Verification of this teaching experience must be kept on file in the office of the employing agency for purposes of the monitoring of certificated assignments pursuant to Education Code Section 44258.9(b). (Emphasis added.)

Claimant requests reimbursement for keeping on file verification of the teaching experience for an individual who has developed, directed, implemented or coordinated reading programs for a minimum of three years prior to July 1, 2004.

The Commission finds that section 80020.4.1 does not impose a state-mandated activity on school districts. Keeping assigned teachers without the specified credentials or reading certificate as a program coordinator is expressly "authorized" and not required by the regulation. Thus, the downstream requirement to maintain a verification of the teaching assignment is also voluntary and not mandated by the state.<sup>159</sup>

Therefore, the Commission finds that section 80020.4.1 of the title 5 regulations does not impose a state-mandated program on school districts.

#### **D. Alternative Certificates, Permits, and Waivers**

Generally, teachers must be fully credentialed in order to be employed in a California public school or school district.<sup>160</sup> Under limited circumstances, however, the Legislature has authorized CTC or the county office of education to issue certificates, permits, and waivers authorizing persons who are not fully-credentialed to teach in public schools. These alternative certifications include district intern certificates, limited assignment permits, emergency permits, and credential waivers.

These alternative programs allow a school district to hire non-credentialed individuals to temporarily fill vacancies of teacher positions. In the "Annual Report on California Teacher Preparation Programs: 2001-02" prepared by CTC,<sup>161</sup> CTC describes the "teacher shortage" for that time period and the use of these alternative programs as follows:

<sup>159</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 742.

<sup>160</sup> Education Code section 44830.

<sup>161</sup> This report stems from the Higher Education Reauthorization Act, passed by Congress in 1998. Title II of the Act included federal grant programs that advance efforts to improve the recruitment, preparation, and support of new teachers. Title II also established reporting requirements for state agencies that certify new teachers for service in public schools. States are

During the 2001-02 academic year, there were over 300,000 full-time teachers teaching in California's public schools. [Footnotes omitted.] Census 2000 revealed what most Californians already knew – that the state's population had grown dramatically over the past decade. That rapid growth was accompanied by similar growth in enrollment in the state's public school system, such that California public schools now educate approximately 6.1 million school children. Both the rapidity of the growth and the size of the school age population, coupled with natural attrition in the profession, contributed to a teacher shortage in the state. Although California instituted several important initiatives and programs to recruit, prepare and retain qualified teachers, California's teacher shortage created a need for many schools and school districts to meet staffing needs through the employment of individuals who do not hold a teaching credential.<sup>162</sup>

As more fully described below, these programs provide options for school districts to fill vacancies and are not legally mandated by the state to be used. The decision to use these employment options is up to the school district, under specific conditions and, in most cases, with the approval of CTC. The claimant, citing to the CTC report described above, contends however that school districts are practically compelled by state law to comply with these programs and the downstream requirements involved. Although the CTC report may be considered by the Commission,<sup>163</sup> the report provides evidence for only the 2001-2002 year, and only on a statewide level. There is no concrete evidence in the record from school districts showing that a school district faced certain and severe penalties or other “draconian” consequences for not participating in these programs during the eligible period of reimbursement for this test claim (which would begin on July 1, 2002), or that a school district was at any time left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students. Thus, the Commission finds that these programs are not mandated by the state.

A description of the program requirements and the mandate findings are below.

**1. Prioritizing the Hiring of Persons with Alternative Certificates, Permits, or Credential Waivers (Ed. Code, § 44225.7)<sup>164</sup>**

Education Code section 44225.7(a) was enacted in 1999 to prioritize the hiring of persons who are not fully credentialed. The statute was intended to reduce the number of emergency credentials and credential waivers issued and used in the state. Although this statute must be read with the provisions governing the alternative options available to school districts, which are

required to collect information and submit annual reports each October to the U.S. Department of Education that include information about teacher certification requirements, accountability and performance information about preparation programs, and a description of efforts to improve teacher quality. (“Annual Report on California Teacher Preparation Programs: 2001-02”, p. 1.)

<sup>162</sup> *Id.* at page 34.

<sup>163</sup> The Commission may take official notice of this state agency publication. (Cal. Code Regs., tit. 2, § 1187.5(c).)

<sup>164</sup> Statutes 1999, chapter 381.

discussed more fully below, the statute does contain some general provisions that are analyzed here.

Education Code section 44225.7 provides generally that, if a suitable fully prepared teacher is not available to a school district, the district under all circumstances shall make reasonable efforts to recruit an individual for the assignment, in the following order: (1) a candidate who is qualified to participate and enrolls in an approved internship program in the region of the school district; (2) a candidate who is scheduled to complete preliminary credential requirements in six months. A “fully prepared teacher” is defined in subdivision (e) to mean the following:

...a “fully prepared teacher” means an individual who has completed a teacher preparation program. For purposes of this subdivision, a “teacher preparation program” means either a set of courses, including supervised field experience, or an equivalent alternative program, that provides a curriculum of systematic preparation for serving as an educator in California public schools.

Section 44225.7(b) then provides that “if a suitable individual who meets the priorities listed in [subdivision] (a) 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.” (Emphasis added.) The options available to districts who are not able to fill a position with a fully-credentialed teacher, an intern, or a candidate who is scheduled to complete the credential requirements in six months, include the options of obtaining limited assignment permits, emergency permits, and credential waivers.

The claimant requests reimbursement to make reasonable efforts to recruit an individual for the assignment based on the priority in the statute.

The Commission finds that Education Code section 44225.7 does not impose a state-mandated new program or higher level of service on school districts. School districts are not mandated by state law to request the approval from CTC for the assignment of persons who are not fully prepared teachers. The plain language of the statute provides that the district “may” request approval for those assignments. Moreover, school districts were required to recruit and employ qualified individuals before the enactment of section 44225.7.<sup>165</sup> The statute simply prioritizes the hiring under specified situations, and does not mandate a higher level of service.

Furthermore, the analysis in the following sections show that many of the alternative permits and waivers discussed in this statute existed before section 44225.7 was enacted, and school districts were also required under prior law to hire fully credentialed teachers first. Accordingly, the Commission finds the establishment of a priority for hiring by section 44225.7 does not impose a state-mandated new program or higher level of service on school districts.

<sup>165</sup> Education Code section 44830(a) as amended in 1996 and as it still exists in current law.

## 2. District Intern Program (Ed. Code, §§ 44326, 44327, 44830.3, 44885.5)<sup>166</sup>

In 1983, the Legislature established the district intern program (Stats. 1983, ch. 498) as an alternative route into teaching. A district internship is a fully paid position in a public school where the intern serves as teacher of record for pupils in grades 1 to 12, classes in bilingual education, or for pupils in special education classes while simultaneously participating in a teacher preparation program. Each district intern is required to teach with the assistance and guidance of employees that possess a valid certification at the same level or the same type of credential as the district intern. The purpose of the program is to expand the pool of qualified teachers by attracting persons into teaching who might not otherwise enter the classroom, and to enable school districts to fill staffing needs while providing professional preparation for interns.<sup>167</sup>

Education Code section 44830.3(a) provides the authority for a school district to offer a district intern program and employ district interns to teach pupils in grades 1 to 12, bilingual education, or special education as follows:

The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, classes in bilingual education, or special education programs for pupils with mild and moderate disabilities, *may*, in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation, employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee selected through a competitive process adopted by the governing board . . . .  
(Emphasis added.)

District intern certificates, issued by CTC, are valid for two years (or longer for special education credentials) and may be renewed for an additional year. They require an applicant to earn a baccalaureate degree, pass the CBEST, and pass a subject matter examination administered by CTC.<sup>168</sup> When the district intern has successfully completed the professional development plan and has received the experience required for the credential, the governing board of the school district employer can recommend the district intern for the appropriate credential issued by CTC.

Pursuant to Education Code section 44225.7, a district intern may only be hired if a “suitable fully prepared teacher is not available to a school district . . . .” If a school district employs district interns, the following requirements must be met:

<sup>166</sup> Education Code sections 44326 (Stats. 1983, ch. 498, Stats. 1987, ch. 1468, Stats. 1994, ch. 673, Stats. 2002, ch. 1087), 44327 (Stats. 1983, ch. 498, Stats. 1984, ch. 482, Stats. 1987, ch. 1468, Stats. 1994, ch. 673, Stats. 1994, ch. 922), 44830.3 (Stats. 1983, ch. 498, Stats. 1984, ch. 482, Stats. 1987, ch. 1468, Stats. 1994, ch. 673, Stats. 1996, ch. 303, Stats. 1996, ch. 948, Stats. 2002, ch. 1087), and 44885.5 (Stats. 1983, ch. 498, Stats. 1983, ch. 1302, Stats. 1987, ch. 1468)

<sup>167</sup> CTC 2008-2009 report, “Alternative Pathway to Certification,” November 2009, page 1.

<sup>168</sup> Education Code section 44325(b) & (c).

- District interns are required “to teach with the assistance and guidance of certificated employees through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers.”<sup>169</sup>
- CTC, in consultation with school districts that participate in the district intern program, is required to revise existing standards, and adopt additional standards related to the quality of the training, support, evaluation, and performance of district interns by July 1, 1995.<sup>170</sup>
- School districts that offer a district intern program are required to maintain program records “so that the credit earned by each district intern is transferrable to his or her academic record in the same manner as if the intern had participated in a college or university program.”<sup>171</sup>
- Participating school districts are required to develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education to include provisions for an annual evaluation, a description of courses to be completed, pre-service training, and specified instruction if the intern will be providing service for bilingual, special education, or pupils in grades 1 through 6. The statute further provides for district intern and teacher-supervisor compensation, and authorizes the district to recommend to the CTC that the district intern be credentialed upon completion of the program.<sup>172</sup>
- School districts are required to classify district interns as probationary employees. Once the intern has completed service as a district intern, the school district may reelect and employ the teacher as a permanent employee.<sup>173</sup>

The claimant requests reimbursement for these activities.

The Commission finds that school districts are not mandated by the state to participate in the district intern program or to hire a district intern to fill a staffing need and, thereby, comply with these requirements. The plain language of Education Code section 44830.3 states that school districts “may” employ persons authorized by CTC “to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher.” The statutory scheme also requires a school district to first hire a fully prepared teacher before even considering the employment of a district intern. Thus, the options provided by these statutes are based on local hiring decisions and are not legally compelled by state law.

Moreover, there is no evidence in the record that school districts are practically compelled by state law to participate in the district intern program or hire a district intern. The courts have found that practical compulsion requires a concrete showing, with evidence in the record, that a

<sup>169</sup> Education Code sections 44326 and 44830.3, as last amended in 2002 (Stats. 2002, ch. 1087).

<sup>170</sup> Education Code section 44327 (as last amended by Stats. 1994, ch. 673)

<sup>171</sup> *Ibid.*

<sup>172</sup> Education Code section 44830.3 (as last amended by Stats. 2002, ch. 1087).

<sup>173</sup> Education Code section 44885.5.



school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>174</sup>

Here, there are no apparent penalties in the law for not participating in the district intern program. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to participate in the district intern program.<sup>175</sup> As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.

Nor is there evidence in the record for the relevant period of potential reimbursement that a school district was left with no reasonable alternative but to participate in a district intern program. In addition, there is no information in the record regarding the types of courses where pupils were served or will be served by district interns. For example, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that participate in the district intern program and fill a discretionary course with a district intern would not be eligible for reimbursement, even if they had no true alternative to fill those positions, since offering the course is itself discretionary. The California Supreme Court has instructed the Commission, when analyzing whether a statute imposes state-mandated activities, to determine if the claimant's participation in the underlying program is voluntary or compelled as follows:

[W]e reject claimants' assertion that they have been legally compelled to incur notice and agenda costs, and hence are entitled to reimbursement from the state, based merely upon the circumstance that notice and agenda provisions are mandatory elements of education-related programs in which claimants have participated, *without regard to whether claimant's participation in the underlying program is voluntary or compelled.*<sup>176</sup>

Accordingly, the Commission finds that Education Code sections 44326, 44327, 44830.3, and 44885.5 do not impose a state-mandated program on school districts.

### **3. Limited Assignment Permits (Cal.Code Regs. tit. 5, §§ 80026, 80027)**

A limited assignment permit is a permit issued at the request of an employing school district to allow fully credential teachers to teach outside their authorized subject areas for a one-year period, while the teacher completes the requirements to earn the additional authorization for that assignment. School districts have had the authority to temporarily assign a teacher outside the

<sup>174</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA), supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>175</sup> Education Code section 45037.

<sup>176</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731. (Emphasis added.)

authorized subject area since 1976, when former section 5920.4 was added to the Title 5 regulations. Former section 5920.4 allowed for limited assignment “emergency” teaching credentials to be issued, following the prior approval of the assignment from the local governing board, as follows:

An emergency credential authorizing limited teaching service may be granted to teachers currently employed by the district who hold valid clear, partial, or preliminary single or multiple subject teaching credentials or standard elementary or secondary teaching credentials in accordance with the following procedures:

- (a) The application is accompanied by a statement signed by the teacher and an appropriate school district official verifying consent of both parties; describing briefly the whole assignment which the emergency credential authorizes; and, verifying prior approval of the assignment by the local governing board.
- (b) The emergency credential issued for this purpose will be valid for one year and may be reissued only twice and each time in accordance with the initial issuance requirements. No emergency credential will be issued for more than a total of three years. The assignment outside the regular credential authorization beyond three years may continue only if the teacher has added the authorization either (1) or (2):
  1. Completing the appropriate subject matter program having waiver status, or
  2. Passing the appropriate examination adopted by the Commission
- (c) The fee for issuance for each emergency credential for this limited teaching service shall be set at twenty dollars.

This regulation was renumbered in 1977 to section 80027, without substantive change.<sup>177</sup> In 2001, CTC amended the regulations to make a number of changes. The CTC memorandum 01-0009, dated June 20, 2001, describes the changes as follows:

First, the term “emergency” was dropped from the title because this permit is an assignment option for a credentialed teacher rather than an emergency with a non-fully prepared teacher. Second, an employing agency must submit a Declaration of Need for Fully Qualified Educators by estimating the number of teachers the agency reasonably expects to employ during the school year on a limited assignment permit. Prior to the emergency regulations, an employing agency needed to request governing board approval for each limited assignment permit. Third, the amended regulations have eliminated the need for the applicant to attain permanent status. However, the employing district must now assign an experienced educator in the subject area of the limited assignment permit. The experienced educator must have completed three years of full-time classroom experience in the subject area of the permit.

<sup>177</sup> Register 77, No. 51.

Fourth, agencies requesting Single Subject Limited Assignment Permits will be restricted to the 13 statutory subjects found in Education Code Section 44257. Those subjects are agriculture, art, business, English, foreign language, health science, home economics, industrial and technology education, mathematics, music, physical education, science . . . and social science. In the past an employing agency could request any subject to be listed on the permit.

Fifth, the consent of the teacher is still required, however the written statement verifying consent of the teacher is now maintained with the employing agency rather than filing it with the [CTC].

These regulations were approved to reduce the number of emergency permits and credential waivers. The [CTC] strongly suggests that employing agencies utilize the limited assignment permit rather than the emergency permit whenever possible. Employing agencies that request credential waivers for individuals that qualify for the limited assignment permit will be asked to resubmit the application and apply for the permit.<sup>178</sup>

Thus, beginning in 2001 and during the period of reimbursement for this claim, the state “strongly” encouraged school districts to utilize limited assignment permits, instead of hiring persons with emergency permits or credential waivers, to fill staffing needs in the following subjects: agriculture, art, business, English, foreign language, health science, home economics, industrial and technology education, mathematics, music, physical education, science, and social science.

To obtain an initial limited assignment permit, the applicant must hold a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent, and the applicant must submit the application to CTC.<sup>179</sup> In addition, school districts seeking to exercise the limited assignment option are required to perform the following activities before CTC will approve the issuance of a limited assignment permit:

- Submit to CTC an annual declaration of need for fully qualified educators that satisfies the provisions of section 80026 of the Title 5 regulations. The declaration of need is an annual form (CL-500)<sup>180</sup> submitted to CTC from employing agencies, where the governing board of a school district or a superintendent of a county office of education certifies that there is an insufficient number of certificated persons who meet the districts’ “specified employment criteria” for certain positions in the year covered by the declaration and that the district estimates it will need to employ persons with limited assignment permits. The declaration of need includes the following information with respect to limited assignment permits:
  1. The district’s estimate of the limited assignment permits for each subject needed in the year covered by the declaration. The estimate shall be based on the

<sup>178</sup> Exhibit \_\_\_\_.

<sup>179</sup> California Code of Regulations, title 5, section 80027(a)(7).

<sup>180</sup> Exhibit \_\_\_\_.

previous year actual needs and projections of enrollment. The declaration of need shall be revised when the number of limited assignment permits needed exceeds the estimate by ten percent.

2. A brief description of the efforts taken to locate and recruit individuals who hold the needed credentials. The description may include dated copies of written announcements of vacancies that were mailed to college or university placement centers.
3. A description of the district's efforts to establish alternative training options, including pre-internship and internship programs.<sup>181</sup>
4. A certification that there is an insufficient number of certificated persons who meet the employing agency's specified employment criteria to fill necessary positions.
5. The declaration shall be adopted by the governing board of the school district at a regularly scheduled meeting and shall not be placed on consent. A declaration of need filed by the county office of education shall be adopted by the county superintendent following a public announcement of the intent to adopt a declaration of need.<sup>182</sup>

<sup>181</sup> The information required to be completed on the Declaration of Need Form CL-500 is consistent with the priorities for hiring identified in Education Code section 44225.7. Form CL-500 states in this respect the following:

“By submitting this annual declaration, the district is certifying the following: A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made

If a suitable fully prepared teacher is not available to the school district, the district will make reasonable effort to recruit based on the priority stated below.”

The form further states the following:

**“EFFORTS TO RECRUIT CERTIFIED PERSONNEL**

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant, . . . participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

1. A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district;
2. An individual who is scheduled to complete initial preparation requirements within six months.”

<sup>182</sup> California Code of Regulations, title 5, section 80027(a).

- When applying for the initial issuance of a limited assignment multiple or single subject teaching permit, show that the applicant is employed by the school district or county office of education requesting such assignment and that he or she is assigned an experienced educator by the district or county office of education in each subject area of the limited assignment if the applicant has not obtained permanent status;<sup>183</sup>
- Keep on file a written statement verifying consent of the teacher to serve on the limited assignment multiple or single subject teaching permit.<sup>184</sup>

The limited assignment permit can be reissued in any one subject area twice if the holder completes the renewal requirements, including a professional development program in the areas of the limited assignment permit, and the employing agency requests the permit. When submitting an application for renewal of a limited assignment multiple or single subject teaching permit, school districts are required to:

- Include a declaration of need for fully qualified educators that satisfies the provisions of section 80026, and
- When necessary, submit a validation of professional development statement that includes a brief description of:
  - The content of the teacher’s professional development program;
  - The means by which the employing agency validated the quality and appropriateness of the teacher’s professional development program; and
  - The manner in which the results of the teacher’ professional development program were evaluated.
- Keep on file a written statement verifying consent of the teacher to serve on the limited assignment multiple or single subject teaching permit.<sup>185</sup>

The claimant requests reimbursement for these activities.

The Commission finds, however, that school districts are not mandated by state law to request a limited assignment permit and comply with these activities. The limited assignment permit is an option available to employing school districts to fill staffing vacancies. In 2001, section 80027 was amended to clarify that a limited assignment multiple or single subject permit is not an “emergency” option for non-fully prepared teachers, but an assignment option for credentialed teachers.<sup>186</sup> In 2009, CTC amended section 80027 again to clarify that the activities imposed on the school district to obtain a limited assignment multiple or single subject teaching permit is required only if the “employing agency elects to request” the permit.<sup>187</sup> Although the state encourages school districts to use this option before seeking an emergency permit or credential waiver, there is no state-mandated duty imposed on school districts to exercise this option.

<sup>183</sup> California Code of Regulations, title 5, section 80027(a).

<sup>184</sup> California Code of Regulations, title 5, section 80027(a).

<sup>185</sup> California Code of Regulations, title 5, section 80027(b).

<sup>186</sup> CTC memorandum 01-0009, dated June 20, 2001.

<sup>187</sup> Register 2009, No. 27; CTC Coded Correspondence 09-15, dated July 23, 2009.

Moreover, the filing of a declaration of need with CTC seeking the issuance of limited assignment permits for the year when the district finds there is no suitable fully prepared teacher available is itself, a discretionary act. In *California Teachers Association v. Commission on Teacher Credentialing*, the court interpreted the filing of a statement of need pursuant to section 80026 for obtaining and hiring persons with emergency credentials.<sup>188</sup> Under the law, a statement of need under section 80026 must be filed and approved by CTC for both limited assignment permits and emergency permits and, thus, this case is instructive for this issue. In the case, fully-credentialed teachers, who unsuccessfully applied for teaching jobs, challenged the actions of a school district and CTC for filling those positions with persons holding emergency credentials. The fully-credentialed teachers argued that by virtue of their regular credentials alone, they were “qualified” for the position, that the districts had a ministerial duty to hire credentialed candidates, and that the districts had no discretion to hire persons with emergency credentials when fully-credentialed teachers exist. The court determined that “nothing in title 5, California Code of Regulations, section 80026 [governing the statement of need] provides any limitation on a district’s discretion. Rather the phrase “‘deemed qualified by the district’ expressly provides districts discretion . . . .”<sup>189</sup> At the time the court issued its decision in 1992, section 80026 of the regulations required a school district filing a statement of need to “state either that a credentialed person is not available, *or that one or more credentialed persons are available, but are not deemed qualified by the district . . . to hold the position.*” (Emphasis added.) That language in section 80026 has been amended to require school districts filing a statement of need for limited assignment permits to certify that “there is an insufficient number of certificated persons who meet the *employing agency’s specified employment criteria* to fill necessary positions.” The new phrase that there is “an insufficient number of certified persons who meet the employing agency’s specified employment criteria,” still provides school districts discretion in the hiring process. The school district’s employment criteria are based on local hiring policies, and are not governed by state law. Thus, school districts are not legally compelled by state law to comply with the limited assignment permit process.

Nor is there any evidence of practical compulsion. The courts have found that practical compulsion requires a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>190</sup>

Here, there are no apparent penalties in the law for not complying with the limited assignment process. While there is a monetary penalty imposed on a school district when it hires a person to render services as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a

<sup>188</sup> *California Teachers Association v. Commission on Teacher Credentialing* (1992) 7 Cal.App.4th 1469.

<sup>189</sup> *Id.* at page 1475.

<sup>190</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

school district choosing not to comply with the limited assignment process.<sup>191</sup> As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.

Nor is there evidence in the record that a school district was left with no reasonable alternative and, in fact, was practically compelled during the relevant period of reimbursement to resort to the limited assignment process in order to carry out the core mandatory function to provide required educational services to K-12 students. Even if there was evidence that a district filed a statement of need for approval of hiring a person eligible to teach under a limited assignment permit, that evidence would not be relevant by itself to prove practical compulsion. The statement of need required by section 80026 of the regulations to obtain a limited assignment permit is an annual filing by a district that “*estimates*” the number of unprepared teachers the district might need for the year, with a promise from the district that it will first try to recruit fully credentialed teachers and interns. An estimate of need is not “certain” for purposes of practical compulsion, and does not amount to concrete evidence that an emergency in fact existed, or a certain and severe consequence would occur, forcing the district to go through the process and hire an individual eligible for a limited assignment permit for a teaching position.

Moreover, there is no evidence in the record that school districts were practically compelled to use the limited assignment permit process to teach courses required by the state to be offered to K-12 students. For example, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) Even if school districts could show they were practically compelled to go through the limited assignment permit process, to the extent they did so to fill a staffing need for a discretionary course, they would not be eligible for reimbursement.

Accordingly, the Commission finds that sections 80026 and 80027, with respect to limited assignment permits, do not impose a state-mandated program on school districts.

**4. Emergency Permits (Ed. Code, §§ 44300, 44301 & 44225.7(a), Cal. Code Regs., tit. 5, §§ 80023.1, 80023.2, 80025, 80025.1, 80025.5, 80026, 80026.1, 80026.5, 80026.6)<sup>192</sup>**

Emergency permits or credentials have long been authorized by the Legislature to address the shortage of qualified teachers, and since 1943, the law has evolved to now offer over 17 types of emergency permits.<sup>193, 194</sup>

<sup>191</sup> Education Code section 45037.

<sup>192</sup> Statutes 1988, chapter 1355; Statutes 1993, chapter 378; Statutes 1997, chapter 344; Statutes 1997, chapter 934; Statutes 2001, chapter 585; Register 76, No. 21; Register 77, No. 51; Register 81, No. 15; Register 83, No. 31; Register 93, No. 25; Register 94, No. 16; Register 95, No. 15; Register 95, No. 32; Register 98, No. 3; Register 99, No. 46.

<sup>193</sup> See, *California Teachers Association v. Governing Board of the Golden Valley Unified School District* (2002) 98 Cal.App.4th 369, 379-381; *California Teachers Association v. Commission on Teacher Credentialing* (1992) 7 Cal.App.4th 1469, 1472-1474.

<sup>194</sup> California Code of Regulations, title 5, section 80023.

Here, the claimant seeks reimbursement to comply with the process of obtaining an emergency multiple or single subject teaching permit and the following three emergency substitute teaching permits: (1) an emergency 30-day substitute teaching permit;<sup>195</sup> (2) an emergency career substitute teaching permit;<sup>196</sup> and (3) an emergency designated subjects vocational educational permit for 30-day substitute teaching service.<sup>197</sup> As more fully described below, the Commission finds that school districts are not mandated by state law to comply with the provisions governing the issuance of emergency permits.

a) Emergency single subject or multiple subject teaching permit

Section 80023.1 of the Title 5 regulations provides that school districts and county offices of education “may” submit emergency permit applications for multiple or single subject permits. The emergency permit is generally valid for one year and may be extended as specified. The teaching or service authorized by the emergency permit is restricted to schools operated by the employing agency that “requested” the permit. To obtain a single or multiple subject emergency permit, the following requirements and procedures are established:

- School districts are required to submit a justification for the emergency permit to CTC, which shall include,
  1. Annual documentation that the district has implemented in policy and practices a process for conducting a diligent search for a sufficient number of certificated teachers, including teacher candidates pursuing full-certification through internship, district internship, or other alternative routes established by CTC. (Ed. Code, §§ 44300(a)(3) and 44225.7(a); Cal. Code Regs., tit. 5, § 80026.)<sup>198</sup>
  2. An annual declaration of need for fully qualified educators based on the information in (1) above, and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting. (Ed. Code, § 44300(a); Cal. Code Regs., tit. 5, §§ 80023.2, 80026.) This is the same annual declaration of need used for obtaining a limited assignment permit.
- The exclusive representative of certificated employees may submit a written statement to CTC agreeing or disagreeing with the justification submitted by the school district. (Ed. Code, § 44300(c).)
- The employing agency shall inform each applicant for an emergency permit that the employing agency will provide the orientation, guidance, and assistance required by section 80026.5 of the regulations; the name of the person providing the guidance; and

<sup>195</sup> California Code of Regulations, title 5, section 80025.

<sup>196</sup> California Code of Regulations, title 5, section 80025.1.

<sup>197</sup> California Code of Regulations, title 5, section 80025.5.

<sup>198</sup> Education Code section 44225.7(a) phrases the requirement as follows: “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.” (Emphasis added.)



that in order to reissue an emergency permit, the applicant must complete a minimum of six semester units, or nine quarter units, of approved coursework for the related credential – or, for the first reissuance, be participating in a professional development program, and complete the equivalent as described in the employing agency’s “plan to develop fully qualified educators,” unless exceptions for reissuance are listed under the specific requirements for the type of emergency permit being issued. (Cal. Code Regs., tit. 5, § 80026.1.)

- The employing agency shall provide, and the person holding an emergency teaching permit shall attend, an orientation to the curriculum and to techniques of instruction and classroom management. (Ed. Code, § 44300(f); Cal. Code Regs., tit. 5, § 80026.5.)
- The emergency permit holder shall 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. (Ed. Code, § 44300(f); Cal. Code Regs., tit. 5, § 80026.5.)
- A person holding an emergency teaching permit shall participate in ongoing training, coursework, or seminars designed to prepare the individual to become a fully credentialed teacher in the subject are assigned. The employing agency shall verify that employees applying to renew their emergency permit are meeting these ongoing training requirements. (Ed. Code, § 44300(g); Cal. Code Regs., tit. 5, § 80026.6.)

Education Code sections 44300(a)(3) and (b) and 44225.7(a)(b) authorize CTC to approve the justification for the emergency permits submitted by the school district if the district has certified by an annual resolution of the governing board that it has made reasonable efforts through policy and practice to recruit fully prepared teachers. If a suitable fully prepared teacher is not available to the district, the district under all circumstances has made “reasonable efforts” to first recruit a candidate who is qualified to participate and enrolls in an approved internship program, or one who is scheduled to complete the preliminary credential requirements within six months. If a suitable individual who meets these priorities is not available, the district as a “last resort” may request approval for the emergency assignment.

In addition, Education Code section 44301 requires any person who does not hold a valid California teaching credential to pass the appropriate subject matter competency examination before he or she may be initially issued an emergency multiple or single subject teaching permit. The statute authorizes CTC to issue the emergency permit to an applicant who has not taken the appropriate subject matter competency test, provided the employing school district certifies that the applicant has not had the opportunity to take the test, and that the applicant shall take the appropriate test at the next regularly scheduled administration. The employing school district is required to discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing school district evidence of having passed the test on that date.

Emergency credentials have been authorized since 1943 and, thus, many of these provisions are not new.<sup>199</sup> For example, immediately before the enactment of Education Code section 44300 (which authorizes CTC to issue emergency multiple or single subject permits), the process was

<sup>199</sup> Statutes 1943, chapter 815.

governed by former Education Code sections 44254, a statute that derives from pre-1975 statutes.<sup>200</sup> Former section 44254, which has not been pled in this claim, provided for the issuance of emergency credentials, which could only be issued when insufficient certified teachers are available. Former section 44254 further stated the following:

In the event that a school district or a county office of education, after having solicited and reviewed applications for teaching positions, finds that there is an insufficient number of candidates for emergency credentials who hold baccalaureate degrees, the governing board of the district or the county board of education may, until January 1, 1987, make a declaration of insufficiency. The declaration shall be made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board of the district or the county board of education and shall be entered into the minutes of the meeting.

Former sections 5020.1 and 5920.3 of the Title 5 regulations were initially adopted in 1973 and required that a statement of need be submitted and approved before an emergency teaching credential could be issued. The statement of need had to contain the following information: (1) the efforts made to obtain a qualified, credentialed person for the position; (2) state either that a credentialed person is not available, or that one or more credentialed persons are available but are not deemed qualified by the district or county superintendent of schools; and (3) that the applicant, if granted the emergency credential, will be employed in a specified position.<sup>201</sup>

These are the same requirements imposed by Education Code section 44300(a) and sections 80023.2 and 80026 of the Title 5 regulations and, thus, these activities are not new.

Moreover, prior law also required the applicant to pass a subject matter competency test. Beginning on July 1, 1987, emergency multiple or single subject credential candidates were required by former Education Code section 44254.5 to pass the appropriate subject matter competency examination before the emergency multiple or single subject permit may be initially issued. This statute also authorized CTC to issue the emergency credential to an applicant who had not taken the competency test, provided that the employing school district certifies that the applicant did not have an opportunity to take the test, that the applicant will take the test at the next regularly scheduled administration, and that the employing school district would discontinue employment of the person eight weeks after the date on which the test is administered if he or she does not give the employing school district evidence of having passed the competency test by that date. Education Code section 44254.5 has not been pled in this test

<sup>200</sup> Education Code section 44254 was added in 1976, and was derived by former School Code section 5.127.1 (1943), and former Education Code sections 12060, 12008.1, 12042.1, 13117, and 13126 (added in 1970 and amended in 1971). Education Code section 44254.5 was added in 1986 (Stats. 1986, ch. 989.)

<sup>201</sup> Register 73, No. 26. See also, *Jones v. Oxnard School District* (1969) 270 Cal.App.2d 587, which describes the process for requesting an emergency credential in 1969. The court described former Administrative Code section 611, which required the submission of a statement of need signed by the school district to indicate that “no qualified, regularly certificated applicant of the type needed is available.” *Id.* at p. 838.

claim, but does impose the same requirements as Education Code section 44301 and, thus, section 44301 does not mandate a new program or higher level of service.

The remaining provisions, including the training and guidance required when filling a position with a person holding an emergency permit, are new provisions in the law. In addition, the annual declaration of need for fully qualified educators, which must be filed before CTC is authorized to issue emergency multiple or single subject permits, has been expanded to require additional information from school districts.

These activities, however, are no longer required as of July 1, 2006. CTC, at its December 2003 hearing, voted to phase emergency multiple and single subject permits out, and replace the permit, beginning on July 1, 2006, with a short-term staff permit and provisional internship permit for multiple and single subjects, both of which have not been pled in this test claim.<sup>202</sup> CTC continued to issue initial emergency multiple and single subject permits for the 2004 and 2005 school years, but those permits expired on June 30, 2006. Thus, school districts did not perform any of the new activities associated with the emergency multiple or single subject permits pursuant to the test claim statutes and regulations after June 30, 2006.

The Commission finds that school districts are not legally compelled by state law to comply with these new activities. When analyzing the meaning of “state mandate” within article XIII B, section 6, the California Supreme Court has instructed the Commission to determine if the claimant’s participation in the underlying program is voluntary or compelled as follows:

[W]e reject claimants’ assertion that they have been legally compelled to incur notice and agenda costs, and hence are entitled to reimbursement from the state, based merely upon the circumstance that notice and agenda provisions are mandatory elements of education-related programs in which claimants have participated, *without regard to whether claimant’s participation in the underlying program is voluntary or compelled.*<sup>203</sup>

Here, school districts are not legally compelled by state law to participate in the underlying program to request emergency permits for multiple or single subjects. Section 80023.1 of the Title 5 regulations plainly states that school districts and county offices of education “may” submit emergency permit applications for multiple or single subject permits. A local decision requiring a school district to incur costs does not constitute a state-mandated program.<sup>204</sup>

This conclusion is further supported by the court’s decision in *California Teachers Association v. Commission on Teacher Credentialing*.<sup>205</sup> In that case, fully-credentialed teachers unsuccessfully applied for teaching jobs in Imperial County school districts. In place of the fully credentialed teachers, the districts hired individuals who had received emergency credentials

<sup>202</sup> Minutes of the December 3-4, 2003 meeting of CTC; CTC staff proposed addition of sections 80021 and 80021.1 of the Title 5 regulations; California Code of Regulations, title 5, sections 80021 and 80021.1 (Register 2005, No. 18).

<sup>203</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731.

<sup>204</sup> *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 880.

<sup>205</sup> *California Teachers Association v. Commission on Teacher Credentialing* (1992) 7 Cal.App.4th 1469.

from CTC following the submittal of a statement of need from the school districts. The regularly credentialed teachers argued that by virtue of their regular credentials alone, they were “qualified” for the position, that the districts had a ministerial duty to hire credentialed candidates, and that the districts had no discretion to hire persons with emergency credentials when fully-credentialed teachers exist. The court held that the statute and regulation does not prevent CTC from issuing emergency credentials, or prevent a school district from exercising discretion to hire individuals who have received emergency credentials, when a fully-credentialed teacher applies for the position.<sup>206</sup> The court analyzed the governing statutes (former section 44254 and section 44300) as follows:

Here the statutes, former section 44254 and section 44300, are themselves silent with respect to the discretion districts have in determining the qualifications of credentialed applicants. Unlike the petitioners, we do not believe the term “insufficient certified teachers” in former section 44254 and the phrase “unable to recruit . . . a sufficient number of certified teachers” in section 44300 require districts to hire unqualified credentialed teachers before submitting a Statement of Need. Indeed the reference in section 44300 to the ability of districts to “recruit” sufficient numbers suggests the Legislature understood that the hiring process is not simply a matter of filling vacant positions with credentialed applicants but requires consideration of qualifications beyond possession of the appropriate credentials.<sup>207</sup>

The court further determined that “nothing in title 5, California Code of Regulations, section 80026 [governing the statement of need] provides any limitation on a district’s discretion. Rather the phrase “deemed qualified by the district” expressly provides districts discretion . . .”<sup>208</sup> At the time the court issued its decision in 1992, section 80026 of the regulations required a school district filing a statement of need to “state either that a credentialed person is not available, *or that one or more credentialed persons are available, but are not deemed qualified by the district . . . to hold the position.*” (Emphasis added.) That language was amended in 1994 to require the school district filing a statement of need to certify that “there is an insufficient number of certificated persons who meet the *employing agency’s specified employment criteria* to fill necessary positions.”<sup>209</sup> The new phrase that there is “an insufficient number of certified persons who meet the employing agency’s specified employment criteria,” still provides school districts discretion in the hiring process.

The court also determined that the requirement in Education Code section 44300 that the governing board of a school district approve a declaration of insufficiency at a regularly scheduled meeting that allows the exclusive agent of certificated employees to object to the approval of the declaration, supports the conclusion that filing a statement of need and seeking the issuance of an emergency permit is discretionary. The court stated the following:

<sup>206</sup> *Id.* at pages 1471, 1475-1476.

<sup>207</sup> *Id.* at page 1476.

<sup>208</sup> *Id.* at page 1475.

<sup>209</sup> Register 94, No. 16.

On the other hand, if, in determining the applicant pool is insufficient, discretion must be exercised as to the qualifications of the credentialed applicants, it makes a great deal of sense to subject such a decision to review by the governing board with an opportunity for employee representatives to object. Such a process affords the board an opportunity to review both the qualifications being required by district administrators and the administrator's determination those qualifications cannot be met by current applicants.<sup>210</sup>

The Second District Court of Appeal, in *Jones v. Oxnard School District*, made a similar finding on the emergency credential process that existed in 1969 that also required a school district to file a statement of need that no qualified, regularly certificated applicant of the type needed was available before obtaining an emergency credential, stating the following:

There is no contention that respondents failed to exercise a discretion which the law required of them. Rather, it is appellant's theory that being certificated she was per se "qualified" so that the district was duty bound not to determine to the contrary or to file the statement of need. If such were the case, mandate of prohibition conceivably might lie. [Footnote omitted.] But so to read section 611 [the former Administrative Code section on point] reduced the word "qualified" in that section to surplusage. The fair meaning of the section as written empowers the appropriate management personnel acting for the district to determine whether a certificated applicant is otherwise qualified for employment. That being the case, the district cannot be mandated to exercise the power in a particular fashion.<sup>211</sup>

Both of these cases were issued before Education Code section 44225.7 was enacted in 1999 to establish a priority for hiring, and to authorize school districts to request approval for an emergency permit "as a last resort." Section 44225.7(b) still recognizes the local decision-making in that situation, however, by stating a school district "may request approval for the assignment of a person who does not meet that criteria." Under the Education Code, the Legislature has clearly defined the word "may" as discretionary.<sup>212</sup>

Thus, the Commission finds that school districts are not legally compelled by state law to comply with the underlying program to obtain an emergency multiple or single subject permit, or to hire a person eligible for such a permit and, thus, there is no legal compulsion to comply with the new requirements that flow from this local discretionary decision.

Claimant argues, however, that school districts are practically compelled to comply with these statutes and regulations to fill positions with emergency credentials and, thus, are entitled to reimbursement pursuant to article XIII B, section 6 of the California Constitution. To support its position, the claimant submits three CTC published reports:

- "The Annual Report on California Teacher preparation Programs for the Academic Year 2001-2002:"

<sup>210</sup> *Id.* at pages 1476-1477.

<sup>211</sup> *Jones v. Oxnard School District* (1969) 270 Cal.App.2d 587, 591-592.

<sup>212</sup> Education Code section 75, defining "may" as permissive.

- “2001-2002 Annual Report, Emergency Permits and Credential Waivers;” and
- “Teacher Supply in California: A Report to the Legislature: Fifth Annual Report: 2001-02.”

These reports point to enrollment growth fueling a shortage of fully qualified teachers in California classrooms, thereby requiring school districts or county offices of education to rely on emergency permits or waivers in the 2001-2002 school year. Claimant points to the following facts in these published materials:

- During the 2001-2002 school year, CDE reported that enrollment has grown by more than 25% during the last decade, contributing to a shortage of fully qualified teachers in California classrooms. (CTC Annual Report, p. 3.)
- Both the rapidity of the growth and size of the school age population, coupled with natural attrition in the profession, contributed to a teacher shortage in the state. Although California instituted several important initiatives and programs to recruit, prepare and retain qualified teachers, California’s teacher shortage created a need for many schools and school districts to meet staffing needs through the employment of individuals who do not hold a teaching credential. (CTC Annual Report, p. 34)
- Before qualifying for an emergency permit, CTC must first approve a Declaration of Need. Employers who find the need to request an emergency permit in order to hire an individual to fill a short-term staffing need must secure local board approval prior to applying for the permit. (CTC Annual Report, p. 35. Emphasis in original.)
- Various statistics show (1) the number of emergency permits issued between 1997-2002; (2) the number of school districts (41) that had more than 20 percent of their staff on emergency permits and waivers in 2001-2002; (3) and the small number of school districts (5) that had no teachers with emergency permits. Claimant states if the employment of these individuals is not really necessary, it would no longer be necessary to employ 30,899 teachers in California [who were not fully certified as of 10/1/02] “in a market which already suffers from an extreme shortage of teachers.”

Teacher shortages have occurred over time in the state of California, and those shortages have been documented.<sup>213</sup> Thus, it is possible that there may have been occasions in the relevant period of potential reimbursement (July 1, 2002 through June 30, 2006) when a school district felt compelled to comply with the emergency permit process. However, there is no concrete evidence in the record that a district was practically completed.

It has been made clear by the courts that instincts are insufficient to support a legal conclusion on the issue of practical compulsion.<sup>214</sup> Rather, the courts have found that practical compulsion requires a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative

<sup>213</sup> See also, a CTC press release issued in May 2007 reporting that since 2001-2002, emergency permits issued declined 76% since 2001-2002, and credential waivers issued had decreased 84% during that period. (“Teacher Supply Dips” Press Release, May 3, 2007.)

<sup>214</sup> *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th at p. 1369, concurring opinion.

but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>215</sup>

Here, there are no apparent penalties in the law for not complying with the emergency permit process for multiple or single subjects. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to comply with the emergency permit process.<sup>216</sup> As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.

Nor is there concrete evidence in the record that an “emergency” existed which left no reasonable alternative and, in fact, practically compelled a school district to resort to the emergency permit process in order to carry out the core mandatory function to provide required educational services to K-12 students. The claimant’s evidence of state reports and statistics alone, which show that districts statewide filed statements of need and CTC issued emergency permits during the 2001-2002 school year, is not sufficient to support a finding of practical compulsion. As stated above, there is discretion in those local hiring decisions, and no evidence has been filed showing the type of emergency, the classes that needed to be filled, or the alternatives that may have been available from July 1, 2002, through June 30, 2006. Moreover, school districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) Even if school districts could show practical compulsion, to the extent that they went through the emergency permit process to fill a staffing need for a discretionary course, they would not be eligible for reimbursement since offering the course is a discretionary decision.

Moreover, the statement of need required by section 80026 of the regulations is an annual filing by a district that “*estimates*” the number of unprepared teachers the district might need for the year, with a promise from the district that it will first try to recruit fully credentialed teachers and interns. An estimate of need is not “certain” for purposes of practical compulsion, and does not amount to concrete evidence that an emergency in fact existed forcing the district to go through the process and hire an individual eligible for an emergency permit.

Accordingly, the Commission finds that Education Code sections 44257.5, 44300, and 443301, and sections 80026, 80026.1, 80026.5, and 80026.6 of the Title 5 regulations with respect to emergency multiple or single subject permits do not impose a state-mandated program on school districts.

<sup>215</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA), supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>216</sup> Education Code section 45037.

b) Emergency substitute permits

Separate processes are provided for emergency substitute permits.<sup>217</sup> Here, claimant has requested reimbursement to obtain an emergency 30-day substitute teaching permit, an emergency career substitute teaching permit, and an emergency designated subjects vocational educational permit for 30-day substitute teaching service.

i. Emergency 30-day substitute teaching permit (Cal. Code Regs., tit. 5, § 80025)

Section 80025 of the Title 5 regulations governs the emergency 30-day substitute teaching permit, which authorizes the holder to serve as a substitute in any K-12 classroom, preschool, or in classes organized primarily for adults. Under the process, the applicant can serve as an emergency substitute teacher provided that the employing school district has a completed statement of need on file at their office for the duration of the school year. The statement of need must (1) describe the situation or circumstances that necessitate the use of an emergency permit holder; (2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency; and (3) be prepared and signed by the superintendent of the employing school district or county. There is no requirement for the statement of need to be approved by CTC.

This regulation does not mandate a new program or higher level of service, and, in fact, imposes fewer requirements on school districts than what was provided in prior law. In 1973, former sections 5920.2 and 5920.3 of the Title 5 regulations were added to provide for emergency credentials for 30-day substitute teaching.<sup>218</sup> The regulations required the submission *and approval* of a statement of need in order for the credential to be granted to the applicant. The statement of need had to contain the same information as that required by section 80025, but further required the district to identify the specific position that the applicant would fill. “The grade level and the subjects to be taught or the service to be rendered shall be specified.” School districts are no longer required to identify that information. These sections were amended in 1976, to clarify that an applicant who holds a teaching credential requiring a baccalaureate degree and teacher preparation could also serve as a 30-day substitute, thus providing more options under existing law for filling any staffing needs for substitute teachers.<sup>219</sup>

These sections were renumbered without substantive change in 1977 to section 80025 and 80026, respectively,<sup>220</sup> and then amended primarily to current form in 1981.<sup>221</sup>

Accordingly, the Commission finds that section 80025 does not mandate a new program or higher level of service on school districts.

<sup>217</sup> Education Code section 44300(i) states that “this section shall not apply to the issuance of an emergency substitute teaching permit.” In addition, section 80023.1 of the regulations governs the process for obtaining the emergency multiple or single subject permits identified in section 80023, but does not apply to emergency substitute permits.

<sup>218</sup> Register 73, No. 26.

<sup>219</sup> Register 76, No. 21.

<sup>220</sup> Register 77, No. 51.

<sup>221</sup> Register 81, No. 15.



ii. Emergency career substitute teaching permit (Cal. Code Regs., tit. 5, § 80025.1)

Section 80025.1 was added to the Title 5 regulations in 1998 and governs the process for an applicant to obtain an emergency career substitute teaching permit. This permit allows the applicant to serve as a substitute teacher in any K-12 classroom, preschool, or in classes organized primarily for adults for up to 60 days for any one teacher, rather than the 30 days authorized in section 80025. To obtain the permit, the applicant is required to submit an application packet through the employing agency. The application packet is required to include the following:

- Verification by the school district employer(s) of three consecutive years of at least ninety days per year of day-to-day substitute teaching in the California school district requesting the permit in the three years immediately preceding the date of application; or if the county office of education is responsible for the assignment of day-to-day substitutes for all their school districts, three consecutive years of at least ninety days per year of day-to-day substitute teaching accumulated from one or more California school districts in the county requesting the permit in the three years immediately preceding the date of application.
- A statement of endorsement signed by the superintendent of the employing school district that the applicant has served successfully in the district and that the district would allow the individual to substitute teach for up to 60 days for one teacher during the school year.
- Verification by the employing school district that it will make staff development activities offered to the regular teaching staff available to the permit holder.

To renew the permit, the applicant is required to submit the application for renewal through the school district employer prior to the expiration date, and submit a statement of continued endorsement from the superintendent of the employing school district or county office of education and verification that staff development activities offered to regular teaching staff were made available to the permit holder.

The Commission finds that section 80025.1 does not impose a state-mandated program on school districts. State law does not require school districts to use the process identified in section 80025.1 or to hire emergency career substitute teachers. These decisions are local hiring decisions that are not mandated by the state. In addition, these activities are not mandated by the state to the extent they are performed to fill a discretionary course.

Moreover, there is no law or evidence in the record showing that school districts face certain and severe penalties, such as double taxation or other draconian consequences, for not complying with section 80025.1. Nor is there evidence that a school district is left with no reasonable alternative but to comply with section 80025.1 in order to carry out its core mandatory function to provide educational services to K-12 students.

Accordingly, the Commission finds that section 80025.1 does not impose a state-mandated program on school districts.

iii. Emergency designated subjects vocational educational permit for 30-day substitute teaching service (Cal. Code Regs., tit. 5, § 80025.5)

Section 80025.5 was added to the Title 5 regulations in 1995 to govern the process for an applicant to obtain an emergency 30-day substitute teaching permit for designated technical,

trade or vocational education subjects. The regulation allows the holder to serve as a substitute in these classes for not more than 30 days for any one teacher during the school year, provided the employing school district has a completed statement of need. The statement of need must (1) describe the situation or circumstances that necessitate the use of an emergency permit holder; (2) state that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established by the employing agency; and (3) be prepared and signed by the superintendent of the employing school district or county. There is no requirement for the statement of need to be approved by CTC.

This regulation does not impose a state-mandated program on school districts. State law does not require school districts to use the process identified in section 80025.5 or to hire emergency substitute teachers for vocational designated subject courses. These decisions are local hiring decisions that are not mandated by the state. Moreover, vocational courses are also organized primarily for adults. School districts have the authority to establish vocational classes for adults, but are not required by state law to do so.<sup>222</sup> Thus, to the extent these activities are performed for purposes of hiring an emergency substitute vocational teacher for an adult course, they are not mandated by the state. In addition, these activities are not mandated by the state to the extent they are performed to fill a discretionary course.

Moreover, there is no law or evidence in the record showing that school districts face certain and severe penalties, such as double taxation or other draconian consequences, for not complying with section 80025.5, or evidence that a school district is left with no reasonable alternative but to comply with section 80025.5 in order to carry out its core mandatory function to provide required educational services to K-12 students.

Accordingly, the Commission finds that section 80025.5 does not impose a state-mandated program on school districts.

#### **5. Credential Waivers (Ed. Code, §§ 44225(m), 44225.7)<sup>223</sup>**

Credential waivers are a last resort option that allows a school district, who is unable to fill a staffing need with a fully credentialed teacher, an intern, or an individual who is qualified for an emergency permit, to request a credential waiver for the best qualified applicant available. CTC describes credential waivers as follows.

Credential waivers are utilized by county offices of education, school districts and non-public schools to fill certificated positions when individuals holding credentials are unavailable. When an employing agency reviews its staffing needs and recruits for various positions, it first must attempt to fill a position with an appropriately credentialed employee. If a credentialed individual is not available, the employer must explore the feasibility of employing an individual in an internship capacity. If a university or district internship program is not available, the employer may request an emergency permit. When the employer is unable to find an individual who qualified for the emergency permit, it then requests a variable term waiver [from CTC] for the best qualified applicant available.

<sup>222</sup> Education Code sections 52501 and 52502.

<sup>223</sup> Statutes 1993, chapter 378; Statutes 1999, chapter 381.

The Education Code [Section 44225(m)] authorizes the Commission to grant two types of waivers, short-term and variable term. Short-term waivers [which may be approved at the local level] give local agencies the ability to cover unanticipated, immediate, short-term needs with teachers who hold a basic credential, but are assigned to teach outside of their credential authorization for one semester or less with their consent. These waivers are reported to the county offices of education for assignment monitoring purposes. This report does not include information pertaining to short-term waivers.

Variable term waivers [which are reviewed and acted on by CTC at a regularly scheduled meeting] provide additional time for individuals to complete credential requirements or provide employing agencies with time to find an individual who either holds an appropriate credential or qualifies under one of the available assignments options. Waivers are issued for one calendar year and the individual on the waiver must demonstrate progress by completing an examination or coursework toward the credential. Variable term waivers include: [see list below quoted from Education Code section 44225(m)(1)-(m)(5)].<sup>224</sup>

As amended in 1993, Education Code section 44225(m) provides that CTC is required to review requests from school districts for the waiver of one or more of the provisions governing the preparation or licensing of educators. The statute authorizes CTC to grant a waiver upon a finding that professional preparation equivalent to that prescribed under the provisions to be waived will be, or has been, completed by the credential candidate, or that a waiver is necessary to accomplish any of the following:

- (1) Give a local educational agency one semester or less to address unanticipated, immediate, short-term shortages of fully qualified educators by assigning a teacher who holds a basic teaching credential to teach outside of his or her credential authorization, with the teacher's consent.
- (2) Provide credential candidates additional time to complete a credential requirement.
- (3) Allow local school districts or schools to implement an education reform or restructuring plan.
- (4) Temporarily exempt from a specified credential requirement small, geographically isolated regions with severely limited ability to develop personnel.
- (5) Provide other temporary exemptions when deemed appropriate by the commission.<sup>225</sup>

In addition, Education Code section 44225.7 states CTC may approve a school district request for a credential waiver as a last resort if the district has certified by an annual resolution of the governing board that it has first made reasonable efforts to recruit a fully credentialed teacher, an

<sup>224</sup> CTC, "2001-02 Annual Report: Emergency Permits and Credential Waivers" May 2003, page 26. This is exhibit B of the claimant's December 2003 submitted comments.

<sup>225</sup> Education Code section 44225(m) (Stats. 1993, ch. 378).

intern, and a candidate scheduled to complete preliminary credential requirements within six months. CTC must also assure that the school district employer will provide orientation, guidance, and assistance to the candidate if the waiver is granted.

In 1994, CTC adopted sections 80120 et seq. of the Title 5 regulations to implement the credential waiver process. Although these regulations have not been pled in this claim, section 80121(c), which governs the general provisions for credential waiver requests, states the following:

*Authorization to Apply for Waivers.* Each application for a variable term waiver shall be submitted to the Commission on behalf of the individual identified in the application. The following *may* submit applications for variable term waivers:

- (1) public school districts in California;
- (2) county offices of education or county superintendents of schools in California;  
... (Emphasis added.)

The Commission finds that Education Code sections 44225(m) and 44225.7 as they apply to credential waivers do not impose a state-mandated program on school districts. School districts are not legally compelled by state law to request a credential waiver. The plain language of the statutes and the regulations that implement the statutes provide that a school district “may” request authorization for a credential waiver. The decision to request a credential waiver is a local hiring decision that is not mandated by the state.

The claimant argues, however, that school districts are practically compelled to obtain credential waivers and bases its arguments, like it did for emergency permits, on state reports and statistics regarding the number of credential waivers issued in fiscal year 2001-2002 (2,803 waivers issued that year). However, a finding of practical compulsion must be based on a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>226</sup>

Here, there are no apparent penalties in the law for not complying with the credential waiver process. While there is a monetary penalty imposed on a school district when it hires a person to render service as a teacher who does not have any valid certification document issued by CTC (which includes alternative and emergency permits), that penalty is not directly related to a school district choosing not to comply with the credential waiver process.<sup>227</sup> As evidenced in this claim, there are many options available to school districts to fill positions with persons with valid certification documents.

Nor is there concrete evidence in the record that an “emergency” existed during the relevant period of potential reimbursement, which left no reasonable alternative and, in fact, practically compelled a school district to resort to the credential waiver process in order to carry out the core

<sup>226</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA), supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>227</sup> Education Code section 45037.

mandatory function to provide required educational services to K-12 students. There is no information about the classes that needed to be filled, or the alternatives that may have been available from during the relevant period of reimbursement for this claim. School districts are required by state law to offer and provide certain courses of study for grades 1 to 12 (Ed. Code, §§ 51200, et seq.), but have full discretion to provide other courses of study prescribed by the local governing board. (Ed. Code, §§ 51210(h), 51220(k), 51225.3(a)(2).) School districts that go through the credential waiver process to fill a staffing need for a discretionary course would not be eligible for reimbursement.

Accordingly, the Commission finds that Education Code sections 44225(m) and 44225.7 do not impose a state-mandated program on school districts.

## **E. Penalties and Additional Options for Avoiding Penalties**

### **1. Penalty Assessments for Teachers Lacking Certification Documents (Ed. Code, § 45037)<sup>228</sup>**

Since 1961, school districts have been subject to penalties imposed by Education Code section 45036 when the district hires a person, without valid certification documents, to render services as a teacher. Under prior law, these penalties were imposed as follows:

- Penalties equivalent to the amount of over-claimed average daily attendance apportionment attributable to the pupils in the teacher's classroom during the time he or she did not hold a valid certification document. Pursuant to *Education Code* section 46300, school districts receive state funding for reported average daily attendance on the condition that pupils are taught by teachers who hold valid certification documents. Valid certification documents include any state-issued certificate or credential, vocational credential, internship credential or certificate, emergency teaching permits and credential waivers that have not expired or been revoked.
- Penalties equivalent to the marginal incentive and base-year funding for longer instructional day and longer year attributable to the teacher's instructional time during the time he or she did not hold a valid certification document pursuant to *Education Code* section 46200.
- Penalties equivalent to the amount of any over-claimed K-3 class-size reduction program funding; this funding is conditioned on program teachers holding valid credential documents issued by the Commission on Teacher Credentialing pursuant to *Education Code* section 52123.

In 2002, the Legislature enacted Education Code section 45037 to supersede the three prior penalties with a single penalty for employing school districts, beginning in fiscal year 2001-2002, when a teacher lacks valid certification documents. The single penalty is calculated pursuant to section 45037(b) by dividing the number of school days taught by all teachers, and then multiplying that quotient by the school district's revenue limit entitlement.

In addition, beginning in fiscal year 2002-2003, section 45037(c) provides for a new penalty imposed on county offices of education if a school district in its jurisdiction is assessed the single

<sup>228</sup> Statutes 2002, chapter 1069.

penalty for lack of a valid certification document and the county office of education paid the teacher's salary. The county penalty is calculated as the lesser of three amounts as follows:

- Fifty percent of all penalties assessed for that fiscal year for all school districts in the county office of education's jurisdiction based on the districts' penalties for non-credentialed personnel;
- One-half percent of the total expenditures for that fiscal year from unrestricted resources, as defined in the California School Accounting Manual, in the county office's county school fund, when two or fewer districts in the county office's jurisdiction are subject to penalties for non-credentialed personnel; or
- One percent of the total expenditures for that fiscal year from unrestricted funds, as defined in the California School Accounting Manual, in the county office's county school service fund, when three or more districts in the county office's jurisdiction are subject to penalties for non-credentialed personnel.

The claimant requests reimbursement for the amounts paid by school districts and county offices of education in penalties.

The Commission finds that Education Code section 45037 does not impose a state-mandated program on school districts. Although section 45037 may result in increased costs incurred by a school district, increased costs alone do not result in a reimbursement requirement under article XIII B, section 6 of the California Constitution. "Section 6 was not intended to entitle local entities to reimbursement for all increased costs resulting from legislative enactments, but only those costs mandated by a new program or an increased level of service imposed upon them by the State."<sup>229</sup> Section 45037 does not require school districts to perform any activities; it just assesses penalties for noncompliance. Moreover, as stated in the analysis above, school districts have many options for hiring persons who have valid certification documents. School districts also have several options for avoiding penalties when preliminary certification is set to expire, or when a person has completed all requirements and is simply awaiting CTC's approval. These additional options are more fully discussed below.

Accordingly, Education Code section 45037 does not impose a state-mandated program on school districts within the meaning of article XIII B, section 6 of the California Constitution.

## **2. Additional Options for Avoiding Penalties**

### **a) Continuance or extension of service (Former Cal.Code Regs., tit. 5, § 80058.2)<sup>230</sup>**

Generally, the five-year preliminary or level I teaching credential cannot be renewed or extended. To continue to teach in the public schools, the applicant must complete all of the requirements for the professional clear or Level II credential before the expiration date of the preliminary or level I credential. Emergency substitute teaching permits also expire.

<sup>229</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1816; *Lucia Mar Unified School District v. State of California* (1988) 44 Cal.3d 830, 835; *Kern High School Dist., supra*, 30 Cal.4th 727, 735; *County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176, 1189-1190.

<sup>230</sup> Register 78, No. 48.

Former section 80058.2(a) of the Title 5 regulations, enacted in 1978, allowed the employing school district to request a continuance until the end of the school year of preliminary credentials and substitute teaching permits that lapsed or expired just before the end of the year. The regulation stated the following:

- (a) The employing school officials, upon request to county school officials, *may* receive continuance to the end of a school year of a candidate's preliminary credential which lapses (expires) April 1 or thereafter of a school year. Such continuance is authorization for payment of salaries for service rendered on the lapsed credential.
- (b) The employing school official, upon request to the county school officials, *may* receive continuance of the 30-day emergency substitute teaching credential to the end of the school year if the 30-day authorization is fulfilled after May 15 of a school year.

Section 80058.2 was repealed in 2004 (Register 2004, No. 23, operative July 1, 2004) because it was determined to be obsolete.<sup>231</sup>

The claimant requests reimbursement to request continuance of the holder's preliminary or emergency substitute credential.

The Commission finds that section 80058.2 of the Title 5 regulations does not impose a state-mandated program on school districts. The plain language of the regulation refers to the school district's action as a request, which *may* be provided by the district. The decision to request a continuance is a local hiring decision that is not mandated by the state.

In addition, there is no evidence in the record that school districts were practically compelled during the potential period of reimbursement for this activity (July 1, 2002 until June 30, 2004) to request a continuance of a preliminary credential or emergency substitute teaching permit for those persons rendering services in classes that are required to be offered under state or federal law. A finding of practical compulsion must be based on a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>232</sup> Although penalties imposed pursuant to Education Code section 45037 are a possibility, there is no evidence that penalties were in fact imposed or were certain to occur during this time period. Nor is there evidence of alternatives available and considered by the district to avoid any penalties.

Accordingly, section 80058.2 of the Title 5 regulations does not impose a state-mandated program on school districts.

<sup>231</sup> CTC memorandum 04-0004, dated June 16, 2004.

<sup>232</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

b) Temporary County Certificates (Ed. Code, § 44332; Cal. Code Regs., tit. 5, § 80441)<sup>233</sup>

A temporary certificate may be issued by the employing county office of education that authorizes employment and/or salary payment to employees whose credential applications are being processed by CTC. The certificates are valid for one calendar year.

Temporary county certificates were originally authorized in 1970 and are now governed by Education Code section 44332.<sup>234</sup> Education Code section 44332(a) provides in relevant part the following:

... each county or city and county board of education *may* issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed . . . . However, the individual must have demonstrated proficiency in basic reading, writing, and mathematics skills pursuant to the requirements of Section 44252.5. The applicant for the temporary certificate shall make a statement under oath that he or she has duly filed an application for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

Since 1970, the statute has been amended to require the county or city and county board of education to cancel the temporary certificate or permit of an applicant upon receipt of certification in writing from CTC that the applicant does not possess adequate academic qualifications or has a disqualifying criminal record.<sup>235</sup> In addition, the statute prohibits a county or city and county board of education from issuing a temporary certificate to an applicant whose teaching credential has been revoked or suspended.<sup>236</sup>

In 1983, CTC added section 80441 to the Title 5 regulations to implement Education Code section 44332. The regulation provides that the purpose of Education Code section 44332 is for CTC to provide notification on the status of an application for a credential, certificate, or permit to the employers of certificate holders before the expiration date of the temporary county certificate. To accomplish this, section 80441(a) requires employing school districts or county offices of education to specify on the application form, the temporary county certificate and the expiration date of the temporary county certificate.

Section 80441(b) describes the responsibilities of CTC to provide information on the status of an application for a credential to the appropriate county office of education.

Section 80441(c) requires county superintendents of schools to provide CTC a listing of all applicants serving on a temporary county certificate for whom notification has not been received

<sup>233</sup> Education Code section 44332(b). (Stats. 1981, ch. 1136, Stats. 1982, ch. 206, Stats. 1982, ch. 471, Stats. 1988, ch. 1355, Stats. 1991, ch. 590, Stats. 1999, ch. 281, Cal. Code Regs., tit. 5, § 80441, Register 83, No. 40, Oct. 27, 1983.

<sup>234</sup> Statutes 1970, chapter 557.

<sup>235</sup> Education Code section 44332(b).

<sup>236</sup> Education Code section 44332(d).



ten (10) school days before the expiration date of the temporary county certificate. This listing shall be forwarded to CTC immediately and shall include the following information for each applicant: (1) full name; (2) social security number; (3) birth date; (4) type of credential, certificate, or permit for which application was made, when available; (5) date of filing of the application, when available; (7) effective date of the temporary county certificate; and (8) expiration of the temporary county certificate.<sup>237</sup>

The Commission finds that the requirement imposed on the employing school district to complete portions of the application for a temporary county certificate pursuant to section 80441(a) to identify the certificate and the expiration date of the certificate are not mandated by the state. The decision to hire a candidate whose credential has not been fully processed by CTC is a local, discretionary hiring decision that triggers these downstream requirements. Thus, pursuant to the court's decision in *Kern*, these downstream activities are not mandated by the state.<sup>238</sup>

The Commission further finds that the activity performed by the county office of education to consider and issue a temporary county certificate is not a new activity. As stated above, the county has had the authority to issue these certificates since 1970. Moreover, the decision to issue a temporary certificate is a local decision that is not mandated by the state. Thus, the downstream requirements imposed on the county to cancel a certificate upon notice from CTC that the applicant is not qualified or has a disqualifying criminal record and to provide CTC with a listing of all temporary certificates issued are not mandated by the state.

Accordingly, the Commission finds that Education Code section 44332 and section 80441 of the Title 5 regulations does not impose a state-mandated program on school districts.

c) Validation of Service Requests (Cal. Code Regs., tit. 5, § 80601)<sup>239</sup>

As stated above, the Education Code generally requires school districts to employ for positions requiring certification qualifications, only persons who possess the qualifications required by law.<sup>240</sup> School districts that hire people to render teaching services who do not possess valid certification documents are assessed a penalty pursuant to Education Code section 45037.

Since 1961, employing school districts have been authorized to submit validation of service requests to CTC pursuant to Education Code section 45036 when certificated employees were eligible for the appropriate certification required for a position, but did not actually hold the needed credential or Temporary County Certificate during the period they performed the service. Thus, under the authority of Education Code section 45036, CTC can retroactively validate the service of the person under these circumstances in order to avoid any penalties that may be assessed pursuant to Education Code section 45037. Under former section 80600(b) of the Title 5 regulations, adopted in 1979, employing school districts could request validations of service that were required to include:

<sup>237</sup> See also CTC memorandums 82-8308 and 83-8415.

<sup>238</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731.

<sup>239</sup> Register 96, No. 26.

<sup>240</sup> Education Code section 44830.

[A] statement by the chief administrative officer of the district in which the service was rendered or by the county superintendent of schools if the service was rendered for his office [giving] the reason for allowing the person to begin the services rendered and to continue during the period in question without having either the appropriate credential on file with the county superintendent of schools or a temporary certificate issued in accordance with Education Code section 44332.<sup>241</sup>

In 1996, section 80600 was amended and sections 80601 through 80604 were added to the regulations to implement the process to request a validation of service. Only section 80601 has been pled in this claim.

Section 80601 of Title 5 of the regulations states in part:

When an employing agency finds that an individual has rendered service in a position requiring certification during a period in which the individual did not hold the appropriate certification or a temporary county certificate pursuant to Education Code §44332 to cover the service, the employing agency *may submit* a validation of service request to the Commission. [Emphasis added.]

Section 80601(a) states that CTC staff will now determine and insure that the individual was qualified for the needed credential during the period of service in question and that the individual has subsequently obtained a credential that authorized such service.

Section 80601(b)(c) describe the information that must be completed on the validation of service request form. School districts, when submitting such requests, must continue to explain the reason for the request (subdivision (b)(3) below) as they did under prior law and, thus, that provision is not new. But the remaining information is new and requires the following when submitting a validation of service request:

- (b)(1) The name, address, social security number, and birthdate of the applicant.
- (2) The name of the employer, the position the applicant held during the period requiring validation, the specific type of certification required for that position, and the specific dates of service requiring validation.
- (3) The employing agency must indicate the appropriate reason for the request for validation on the form and/or include a statement why the applicant was allowed to begin service and continue to serve without having the appropriate credential or temporary county certificate. The explanation either on the form or a separate statement must be signed by the chief administrative officer of the district for which the service was rendered or the chief administrative officer of the county if the service was rendered for the county office of education.
- (4) The applicant must verify that he or she has applied for or has been issued the credential required for the position for which the validation of service request has been made, the facts contained in the request are true, and the applicant approves of the employer's request for validation of service.

<sup>241</sup> Former California Code of Regulations, title 5, section 80060(b), (Register 79, No. 2.)

- (5) The chief administrative officer or an appropriate representative of the chief administrative officer of the county office of education must verify whether or not a temporary county certificate was issued to cover the period of service in question.
- (c) Supporting materials necessary to verify that the individual qualified for the appropriate certification must be submitted along with the request for validation of service form CL-224. Such materials may include but not be limited to official transcripts, verification of the date of program completion from the authorized person at a Commission-approved college or university, or original letters of experience.

CTC may not approve a validation of service request if the applicant was not eligible for the credential, the applicant was only eligible for an emergency permit or credential waiver, the applicant did not meet the academic requirements for renewal of the credential, the service was rendered prior to the date the applicant made application to CTC for his or her initial California credential, or the period of service requested to be validated exceeded six months.<sup>242</sup>

The claimant requests reimbursement for complying with all of the provisions of section 80601 when requesting a validation of service.

The Commission finds that section 80601 of the title 5 regulations does not impose a state-mandated program on school districts. The plain language of the regulation authorizes, but does not require, school districts to use this option to avoid a penalty when a fully qualified teacher renders service during the year without a valid credential. Thus, school districts are not legally compelled by state law to comply with this process.

Nor is there any evidence in the record that school districts are practically compelled to comply with section 80601. A finding of practical compulsion must be based on a concrete showing, with evidence in the record, that a school district faces certain and severe penalties, such as double taxation or other draconian consequences for not complying the test claim statutes and regulations, or that a school district is left with no reasonable alternative but to comply in order to carry out its core mandatory function to provide educational services to K-12 students.<sup>243</sup>

Although penalties imposed pursuant to Education Code section 45037 are a possibility, there is no evidence that penalties were in fact imposed or were certain to occur during the relevant period of reimbursement. Nor is there evidence of the reasons a school district used this option, or the alternatives available and considered by the district to avoid any penalties.

Accordingly, section 80601 of the Title 5 regulations does not impose a state-mandated program on school districts.

<sup>242</sup> California Code of Regulations, title 5, section 80603.

<sup>243</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

**F. Professional Growth Advisors (Cal.Code Regs. tit. 5, §§ 80556 & 80556.1)<sup>244</sup>**

The claimant is also seeking reimbursement for two of the regulations that implement the professional growth program for credentialed employees.

The Legislature established the professional growth program as part of the Hughes-Hart Education Act of 1983 (Ed. Code, §§44277 – 44279), when the authority to issue life credentials was repealed and replaced with clear professional credentials that require renewal every five years. As relevant to the period of potential reimbursement for the professional growth program, which begins July 1, 2002, until December 31, 2006 (when the statute was amended to make it optional, effective January 1, 2007), Education Code section 44277 imposed the following minimum requirements for maintaining the validity of the clear multiple or single subject teaching credential and the employing school district:

- One-half school year of successful service as a classroom teacher or successful service authorized by a services credential.
- Completion of an individual program of professional growth “as prescribed by this section and by [CTC]. During this time period, the individual program of professional growth was required to consist of 150 clock hours of participation in activities that are aligned with the California Standards for the Teaching Profession that contribute to competence, performance, or effectiveness in the profession of education and the classroom assignment of teachers. This may be achieved through the completion of courses offered by regionally accredited colleges and universities, professional conferences and workshops, staff development programs, participation in school curriculum development projects, service in leadership roles, or participation in educational research. An individual program of professional growth may also include a basic course in cardiopulmonary resuscitation (CPR) or other Red Cross course.
- The individual program of professional growth shall be developed and planned by the holder of the clear teaching credential.
- Before the holder of the clear credential commences or amends an individual program of professional growth, a school principal, a mentor teacher provided for in Section 44496, or other district designee shall certify to the credential holder that the planned program or amendment complies with this section and the regulations.
- A clear teaching credential shall be deemed to remain valid so long as the holder of the credential, at five-year intervals, submits to CTC verification by a school principal, a mentor teacher, or other district designee that the holder has satisfied the minimum requirements. In the absence of adequate verification, CTC shall invalidate the credential. Verification by a school principal, a mentor teacher, or other district designee shall be independent of any evaluation of the performance of the holder. The arbitrary refusal of a school principal, a mentor teacher, or other district designee to verify completion of an individual program of professional growth meeting the requirements shall constitute grounds for an appeal pursuant to section 44278.

<sup>244</sup> Register 86, No. 40; Register 94, No. 19.

Thus, as originally enacted, section 44277 required school district employees to certify that the individual program of professional growth or any amendment to the plan complies with the Education Code and that the regulations before the credential holder begins or amends the program. School district employees were also required to verify that the holder satisfied the minimum requirements to maintain the validity of the credential: 150 clock hours of participation of activities identified in the professional growth plan, and one-half year of successful service, before the credential could be renewed.

Regulations governing the professional growth program were enacted in 1986, as sections 80550 through 80565.<sup>245</sup> These regulations require the credential holder to write, on a form provided by CTC, a professional growth plan that identifies the goals and activities he or she proposes to pursue. A professional growth advisor is required to sign the plan, and shall initial any amendment to the plan that complies with Education Code section 44227 and the regulations.<sup>246</sup> The credential holder must also write, under penalty of perjury, a professional growth record that accurately identifies the completed professional growth activities and indicates the number of hours spent completing each activity. The professional growth advisor is required to sign the record, and may ask for reasonable verification that the elements in the record are accurate.<sup>247</sup> Credential holders that are not employed, but who wish to keep their California credential current are also required to perform these activities, and may request that CTC or another authorized mentor act as the professional growth advisor.<sup>248, 249</sup>

The claimant has not pled the statute or regulations described above, but requests reimbursement for complying with sections 80556 and 80556.1 of the Title 5 regulations.

<sup>245</sup> Register 86, No. 40.

<sup>246</sup> California Code of Regulations, title 5, section 80554.

<sup>247</sup> California Code of Regulations, title 5, section 80555.

<sup>248</sup> CTC's "Professional Growth Manual for Multiple Subject, Single Subject, Services and Specialist Credentials," pages 16, 25.

<sup>249</sup> California Code of Regulations, title 5, section 80556(g). CTC's "Professional Growth Manual for Multiple Subject, Single Subject, Services and Specialist Credentials," pages 6 and 7, state the following with respect to selecting a professional growth advisor:

Optional methods of obtaining a professional growth advisor include the following:

You may ask another employing agency to appoint an advisor from their approved list.

You may ask the Commission to approve the qualifications of a person you suggest to be your advisor. Send a signed and dated request naming the person you wish to have approved and a copy of his or qualifying credential. Promising groups of potential advisors include principals, mentor teachers, other teachers, appropriately credentialed persons who have retired from service as teachers or administrators, college or university personnel who hold credentials, and staff members in teacher centers and other regional service organizations in education.

If you are unsuccessful in obtaining a professional growth advisor after trying all methods mentioned above, you may request that the Commission serve as your advisor. As you will not receive the benefit and support that face-to-face contact provides, we ask that you use the Commission as the last alternative. . . .

**1. Professional Growth for Holders of Single or Multiple Subject Credentials (Cal. Code Regs., tit. 5, § 80556.1)**

Section 80556 clarifies the role of the professional growth advisor and provides the following:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>250</sup>
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>251</sup>
- The professional growth advisor is required to know the contents of Education Code section 44227, the regulations, and the professional growth manual published by CTC, and to provide for a discussion of these with credential holders. The professional growth advisor shall also discuss the staff development needs of the employing agency and the school with the credential holder and may recommend activities and domains of activities.<sup>252</sup> [already required]
- The professional growth advisor shall advise credential holders and approve professional growth plans and records that have been developed by credential holders, and that comply with Education Code section 44227 and article 4 of the regulations.<sup>253</sup> [already required]
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>254</sup>
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>255</sup>

The substantive activities performed by the districts' professional growth advisors pursuant to section 80556(e) do not impose a new program or higher level of service when compared to the existing requirements of Education Code section 44227. As stated above, Education Code section 44227 requires the district's designee to certify to the credential holder that the planned program or amendment of the individual professional growth program complies with section 44227 and the regulations. Section 44227 also requires the district designee to verify that the holder has satisfied the minimum requirements to renew the credential. Regulatory requirements

<sup>250</sup> California Code of Regulations, title 5, section 80556(a).

<sup>251</sup> California Code of Regulations, title 5, section 80556(c).

<sup>252</sup> California Code of Regulations, title 5, section 80556(e).

<sup>253</sup> California Code of Regulations, title 5, section 80556(e).

<sup>254</sup> California Code of Regulations, title 5, section 80556(f).

<sup>255</sup> California Code of Regulations, title 5, section 80556(j).

imposed for the professional growth advisor (the district's designee) by section 80556(e) of the regulations to know the contents of section 44227 and the regulations, to discuss the renewal requirements with the credential holder, and to discuss and recommend professional growth activities are activities necessary to comply the existing statutory requirements of section 44227 and, thus, these activities do not impose a higher level of service than what was required under prior law. In addition, the regulatory activities to advise the credential holder and approve professional growth plans and records are already required by section 44227 and, thus, are not new.

However, the Commission finds that the following procedural requirements imposed by section 80556 mandate a new program or higher level of service:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>256</sup>

Although Education Code section 44227 imposed requirements on the school principal, teacher mentor, or "other district designee," it did not require school districts to designate professional growth advisors for the district. This activity is new.

- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>257</sup>
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>258</sup>
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>259</sup>

These activities became optional, however, on January 1, 2007. Statutes 2006, chapter 517 (SB 1209) amended Education Code section 44227 to delete the renewal requirement to develop a professional growth plan and verify professional growth requirements, and instead "*encourage* teachers to engage in an individual program of professional growth that extends their content knowledge and teaching skills and for school districts to establish professional growth programs that give individual teachers a wide range of options to pursue as well as significant roles in determining the course of their professional growth." The bill analysis from the Senate Rules Committee on SB 1209, dated August 22, 2006, states that the bill:

Eliminates "seat time" requirement of 150 hours of course work every five years for credential renewal and instead encourages teachers to engage in an individual

<sup>256</sup> California Code of Regulations, title 5, section 80556(a).

<sup>257</sup> California Code of Regulations, title 5, section 80556(c).

<sup>258</sup> California Code of Regulations, title 5, section 80556(f).

<sup>259</sup> California Code of Regulations, title 5, section 80556(j).

program of professional growth with no specific hour requirements and provides that a professional clear teaching or services credential is valid for the life of the holder if the holder submits an application and fee for renewal to the Commission on Teacher Credentialing (CTC) every five years and meets certain professional fitness requirements relating to good moral character.

According to CTC, this change affects all teaching and service credentials.<sup>260</sup>

Thus, the bulleted activities required by section 80556 of the Title 5 regulations constitute a mandated new program or higher level of service from July 1, 2002 until December 30, 2006.

## **2. Professional Development for Service and Specialist Credential Holders (Cal. Code Regs., tit. 5, § 80556.1)**

In 1994, CTC added section 80556.1 to the regulations to govern the professional development program requirements for service and specialist credentials.<sup>261</sup> The specialist credentials at issue include the following: agriculture, bilingual cross-cultural instruction, early childhood education, health sciences, mathematics, reading, and special education. The services credentials at issue include the following: administrative, clinical rehabilitative, health, library media teacher, and pupil personnel.<sup>262</sup>

Under prior law, specialist and service credentials could be renewed without the completion of any professional growth activity or service. However, in 1988, the Legislature amended Education Code section 44225 to give CTC the broad authority to “establish standards for the issuance and renewal of credentials, certificates, and permits.”<sup>263</sup> Pursuant to this statutory authority and the statute governing the professional growth program (Ed. Code, § 44227), CTC directed its staff to establish an advisory panel to develop and recommend professional renewal requirements for specialist and service credentials. Rather than develop a separate set of regulations governing the specialist and service credentials, CTC amended the regulations for single and multiple subject credential renewals to reflect similar but slightly different requirements and procedures. CTC added section 80556.1 and in its notice of proposed rulemaking, CTC highlighted the different renewal procedure with this regulation as follows:

The responsibility for selecting appropriate and meaningful professional growth activities is to be placed primarily on the credential holder. A collegial model is to be implemented by these proposed regulations. Although the employing school district will be required to identify professional growth advisors, the credential holder will not be required to pick his or her advisor from the district list. The emphasis in these regulations is to allow the credential holder the freedom to

<sup>260</sup> CTC’s analysis of SB 1209 dated May 21, 2006. See also, CTC memorandum 06-0017, dated November 14, 2006 and <http://www.ctc.ca.gov/credentials/FAQ/faq-prof-growth.html>, which states that “By January 1, 2007, the Commission's online renewal process will be changed to remove the need to verify professional growth requirements for all types of credentials except the child development permits (Teacher, Master Teacher, Site Supervisor, and Program Director).”

<sup>261</sup> Register 94, No. 19.

<sup>262</sup> CTC memorandum 93-9309, dated March 31, 1993.

<sup>263</sup> *Ibid*; Education Code section 44225(d), as amended in 1988 by SB 148;



select, as an advisor, a certificated professional most able to contribute to his or her growth. The proposed regulations would allow the credential holder to select more than one professional growth advisor, if he or she deems it appropriate.<sup>264</sup>

Similar to the requirements imposed on the holder of a single or multiple subject credential, the holder of a service or specialist credential is also required to write, on a form provided by CTC, a professional growth plan that identifies the goals and activities he or she proposes to pursue. A professional growth advisor is required to sign the plan, and shall initial any amendment to the plan that complies with the requirements of Education Code section 44227 and the regulations.<sup>265</sup> The credential holder must also write, under penalty of perjury, a professional growth record that accurately identifies the completed professional growth activities and indicates the number of hours spent completing each activity. To renew the credential, the holder is required to complete 150 hours of approved professional growth activities and one-half year of successful service. For credential holders renewing more than one credential simultaneously (i.e., a single or multiple subject credential and a specialist or service credential), a total of 150 hours of professional growth activities and on-half year of service under either credential satisfies the requirements.<sup>266</sup> The professional growth advisor is required to sign the record, and may ask for reasonable verification that the elements in the record are accurate.<sup>267</sup> Again, the claimant has not requested reimbursement for these activities, but has pled only section 80556.1.

Section 80556.1(a) provides that the chief administrative officer or designee of the school district “may” designate one or more persons to be professional growth advisors. However, the credential holder is responsible for selecting an appropriate advisor.

Section 80556.1(b) describes the eligibility requirements to be a professional growth advisor for service or specialist credentials. The advisor must satisfy one of the following requirements: hold a valid clear or professional clear specialist or services credential and a baccalaureate degree from an accredited institution of postsecondary education; instruct in the area of expertise in an approved credential program at the postsecondary level; or the holder may choose an advisor in the area of his or her teaching credential provided that the provision of section 80556 have been met.

Although section 80556.1(a) states that the district “may” designate one or more persons to be professional growth advisors, 80556(e) requires the school district to give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas. CTC interprets its own regulation as requiring the school district to identify professional growth advisors. The credential holder, however, will not be required to pick his or her advisor from the district’s list. CTC’s memorandum 93-9309, which provided notice of the regulatory action to adopt section 80556.1, states the following:

The responsibility for selecting appropriate and meaningful professional growth activities is to be placed primarily on the credential holder. A collegial model is to be implemented by these proposed regulations. *Although the employing school*

<sup>264</sup> CTC memorandum 93-9309, page 3.

<sup>265</sup> California Code of Regulations, title 5, section 80554.

<sup>266</sup> California Code of Regulations, title 5, section 80552, as amended in 1994.

<sup>267</sup> California Code of Regulations, title 5, section 80555.

*district will be required to identify professional growth advisors, the credential holder will not be required to pick his or her advisor from the district list.* The emphasis in these regulations is to allow the credential holder the freedom to select, as an advisor, a certificated professional most able to contribute to his or her growth. The proposed regulations would allow the credential holder to select more than one professional growth advisor, if he or she deems it appropriate. (Page 3, Emphasis added.)

An agency's interpretation of its own regulations is entitled to great weight.<sup>268</sup>

Thus, the Commission finds that the requirement in 80556(e) for the school district to identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas mandates a new program or higher level of service. Before the enactment of section 80556.1, there were no specific requirements for service and specialist credential holders to have a professional growth plan. The specific requirements in Education Code section 44227, as indicated above, applied only to the renewal of single and multiple subject credentials.

Nevertheless, the amendment to section 44227 in 2006, which repealed the specific requirements relating to the renewal of single and multiple subject credentials and added language to encourage all teachers to engage in individual programs of professional growth, has been interpreted by CTC to end the professional growth program for service and specialist credential holders.<sup>269</sup> Accordingly, the activity to give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency qualifies as a mandated new program or higher level of service from July 1, 2002 until December 31, 2006.

Section 80556.1(h) also gives the chief administrative officer, or his or her designee, the authority to remove any professional growth advisor who has been determined by the agency or CTC to have willfully or arbitrarily violated Education Code section 44277 or the regulations. The language of this regulation ("shall have the authority") is different than the requirement under section 80556 for the multiple or single subject credential renewals, which provides, without authority, that the school district "shall remove" the professional growth advisor who has been determined to have willfully or arbitrarily violated these provisions. Thus, the Commission finds that the activity to remove the professional growth advisor for specialist and service credentials is not mandated by the regulation. Removal of the advisor is a local decision and, therefore, does not impose a state-mandated program.<sup>270</sup>

<sup>268</sup> *Yamaha Corp. v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 9.

<sup>269</sup> CTC's analysis of SB 1209 dated May 21, 2006. See also, CTC memorandum 06-0017, dated November 14, 2006 and <http://www.ctc.ca.gov/credentials/FAQ/faq-prof-growth.html>.

<sup>270</sup> *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 880.

**G. Employment Issues not Related to Credentialing (Ed. Code, § 44842(a), 44901)**

**1. Procedures for Failure to Declare Intent to Remain Employed (Ed. Code, § 44842(a))<sup>271</sup>**

Education Code section 44842(a) outlines a procedure for declining employment for probationary and permanent employees who fail to notify the school district of the employees' intent to remain in the district's employ if the district requests notice.

(a) Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year *if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district*, not later than the preceding May 30, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30 of that year. [Emphasis added.]

Education Code section 44842(a) was initially enacted in 1973 as former section 13260 (Stats. 1973, ch. 291), and contained the same language as above, except that it applied only to permanent employees. Former section 13260 stated the following:

If, without good cause, a permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him, or mailed to him by United States certified mail with return receipt requested to his last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30, he may be deemed to have declined employment and his services as an employee of the district may be terminated on June 30 of that year.

This provision was renumbered section 44842 in the 1976 Education Code, and probationary employees were added by Statutes 1982, chapter 424. Thus, the provisions in section 44842(a) are only new with respect to probationary employees.

The remaining subdivisions were added to the statute in 1998. Subdivision (b) of section 44842 is similar to subdivision (a), but applies to employees of a year-round school. If the employee fails to provide notice of his or her intent to remain or not remain in the service of the school district, after the district has requested notice by the employee, the district may deem the employee to have declined employment and may terminate him or her. The request for notice to the employee must comply with section 44842(b)(2), which states:

The request for notice sent to the employee by the school district shall be in writing and shall, along with a copy of this section, be either personally served

<sup>271</sup> Statutes 1982, chapter 434; Statutes 1998, chapter 533.

upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

According to section 44842(c), if an employee who was on a leave of absence for 20 or more consecutive working days after April 30 of the previous year, and the employee fails to report for duty at the beginning of the of the ensuing school year after having notified the district of his or her intent to remain employed by the district, the employee may be deemed to have declined employment and his or her services may be terminated on the day following the 20<sup>th</sup> consecutive day of absence. Section 44842(c) also provides:

No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.

Claimant requests reimbursement for the notice provisions in section 44842(a)(b) and (c).

The Commission finds that Education Code section 44842 does not impose a state-mandated program on school districts. The express language of the statute makes all of its requirements conditional on the school district's "request to give such notice." Yet there is no requirement on the face of the statute for the school district to request a notice of an employee in subdivision (a) of section 44842, or request notice of an intention to remain or not remain in the service of a school district in subdivision (b), or to terminate the employee in (c), thereby obviating the need to notify employees of the time and place at which the employee was to report to work in (c). And section 44842(c) expressly authorizes, but does not require, the district to terminate the employee. The remainder of 44842(c) prohibits termination unless the district complies with specified notice procedures, and unless the employee was not granted a leave of absence authorized by the district governing board. These decisions are locally made and are not mandated by the state.<sup>272</sup>

Additionally, the California Supreme Court determined that a reimbursable state-mandate does not exist when a local entity incurs costs for activities required by the state as part of a program in which the local entity "voluntarily" participates, if the participation is without legal compulsion and there is no evidence that the entity is practically compelled to participate in the program. The claimant has not shown the "certain and severe" penalty or other draconian consequence that would occur if districts failed to comply with this statute, or that it has no reasonable alternative but to comply.<sup>273</sup>

<sup>272</sup> *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 880.

<sup>273</sup> *Kern High School Dist.*, *supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA)*, *supra*, 170 Cal.App.4th 1355, 1362-1368.

Accordingly, the Commission finds that Education Code section 44842, as amended in 1982 and 1998, does not impose a state-mandated program on school districts.

## **2. Probationary Employees in Two or More Districts (Ed. Code, § 44901)<sup>274</sup>**

Education Code section 44901 derives from former section 13320, which was enacted in 1959. The statute was renumbered in 1976. Before the statute was amended in 1983, it provided that a certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by boards of identical personnel, and who has so served for a total of three complete consecutive school years, must, on being elected for a fourth consecutive year to a position or positions requiring certification qualifications in any of the districts, be classified as a permanent employee of the last district in which he or she was employed before his or her election for a fourth consecutive year.

In 1983, the Legislature designated then-section 44901 as subdivision (a) and added the following language: “This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.” The 1983 statute also added subdivision (b), which is similar to section 44901(a) except that it applies to employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter, and except that the employee must be classified as a permanent employee after two consecutive years of service upon commencement of the third consecutive year. The 1983 amendment added a requirement for the district to notify the employee, on or before March 15 of the employee’s second complete consecutive school year of employment, of the district’s decision to reelect or not reelect the employee for the next succeeding school year to the position requiring certification qualifications. Additionally, subdivision (b) states: “In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.”

Claimant requests reimbursement for notifying a certified employee serving in two or more districts, on or before March 15 of the employee’s second complete consecutive school year, of employment of any decision to reelect or not reelect the employee for the next succeeding school year to such a position pursuant to section 44901(b.)

The Commission finds that Education Code section 44901(b) does not impose a state-mandated program on school districts. The school districts that do not notify these employees in their second year must accept them as permanent employees. Districts that do not want to reelect the employee must provide notice to effect this decision, but reelection is a discretionary decision of the district. There is no state requirement to reelect or terminate the employee.

Because the decision to reelect or terminate an employee is a local decision, rather than made by the state, the ensuing notification is not mandated by the state.<sup>275</sup> Additionally, the California Supreme Court determined that a reimbursable state mandate does not exist when a local entity incurs costs for activities required by the state as part of a program in which the local entity “voluntarily” participates, if the participation is without legal compulsion and there is no

<sup>274</sup> Statutes 1983, chapter 498.

<sup>275</sup> *San Diego Unified School Dist.*, *supra*, 33 Cal.4th 859, 880.

evidence that the entity is practically compelled to participate in the program.<sup>276</sup> Here, there is no evidence in the record that school districts are practically compelled to comply with section 44901, that they will suffer “certain and severe” penalties or other draconian consequences, or have no other reasonable choice but to comply.

Accordingly, Education Code section 44901, as amended in 1983, does not impose a state-mandated program on school districts.

**Issue II: Do California Code of Regulations, title 5 sections 80556(a)(c)(f)(j) and 80556.1(e) impose costs mandated by the state within the meaning of Government Code section 17514 and 17556?**

As indicated above, the following professional growth activities constitute a state-mandated new program or higher level of service from July 1, 2002 until December 31, 2006 to renew clear single or multiple subject credentials:

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>277</sup>
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>278</sup>
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>279</sup>
- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>280</sup>

And, the following activity constitutes a state-mandated new program or higher level of service from July 1, 2002 until December 31, 2006, to renew clear service or specialist credentials:

- The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.<sup>281</sup>

<sup>276</sup> *Kern High School Dist., supra*, 30 Cal.4th 727, 731, 743, 749-754; *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 884-887; *Department of Finance (POBRA), supra*, 170 Cal.App.4th 1355, 1362-1368.

<sup>277</sup> California Code of Regulations, title 5, section 80556(a).

<sup>278</sup> California Code of Regulations, title 5, section 80556(c).

<sup>279</sup> California Code of Regulations, title 5, section 80556(f).

<sup>280</sup> California Code of Regulations, title 5, section 80556(j).

<sup>281</sup> California Code of Regulations, title 5, section 80556.1(e).

The remaining issue is whether these provisions impose costs mandated by the state pursuant to Government Code section 17514, and whether any exceptions to reimbursement in Government Code section 17556 apply. Government Code section 17514 defines “cost mandated by the state” as:

[A]ny increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

Government Code section 17564 requires reimbursement claims to exceed \$1,000 to be eligible for reimbursement.

At the time this test claim was filed, claimants had to only estimate they would incur \$1,000 in costs to comply with the activities pled in the claim. Declarations have been filed by both claimants, Grossmont Union High School District and San Diego County Office of Education, in this regard.

There is no evidence in the record that funding has been appropriated to school districts for these activities, nor any law or evidence suggesting that other exceptions to costs mandated by the state apply pursuant to Government Code section 17556.

Accordingly, the Commission finds that these activities impose costs mandated by the state pursuant to Government Code section 17514.

## **V. Conclusion**

The Commission finds that California Code of Regulations, title 5, sections 80556(a)(c)(f)(j) and 80556.1(e), as added and amended in 1986 and 1994,<sup>282</sup> impose a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution on school districts from July 1, 2002 until December 31, 2006, for the following activities:

### **A. Professional growth activities related to renewing clear single or multiple subject credentials:**

- If a school district employs one or more holders of professional clear credentials, the chief administrative officer of the employing school district, or his or her designee, shall designate one or more certificated persons to be professional growth advisors.<sup>283</sup>
- The employing school district shall adopt policies and procedures for the selection of professional growth advisors which contribute the best possible match between the credential holder and the advisor.<sup>284</sup>
- The employing school district shall give each credential holder the names and work locations of any professional growth advisors who have been designated by the district.<sup>285</sup>

<sup>282</sup> Register 86, No. 40; Register 94, No. 19.

<sup>283</sup> California Code of Regulations, title 5, section 80556(a).

<sup>284</sup> California Code of Regulations, title 5, section 80556(c).

<sup>285</sup> California Code of Regulations, title 5, section 80556(f).

- The chief administrative officer of the employing school district, or his or her designee, shall remove any professional growth advisor who has been determined by the district or CTC to have willfully and arbitrarily violated Education Code Section 44227 or Article 4 of the regulations.<sup>286</sup>

B. Professional growth activities related to renewing clear service or specialist credentials:

- The school district shall identify professional growth advisors and give each credential holder the names and work locations of any professional growth advisors who have been designated by the agency for these credential areas.<sup>287</sup>

All other statutes, regulations, and activities pled in this test claim do not constitute reimbursable state-mandated programs subject to article XIII B, section 6 of the California Constitution and are, therefore, denied.

<sup>286</sup> California Code of Regulations, title 5, section 80556(j).

<sup>287</sup> California Code of Regulations, title 5, section 80556.1(e).





## CODED CORRESPONDENCE

<b>DATE:</b> July 23, 2009	<b>NUMBER:</b> 09-15
<b>TO:</b> All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	<b>FROM:</b> Dale A. Janssen Executive Director Commission on Teacher Credentialing
<b>SUBJECT: Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits (5 Cal Code Regulations §§80027 and 80027.1)</b>	

### **Summary:**

The amendments and additions to Title 5 of the California Code of Regulations pertaining to General and Special Education Limited Assignment Teaching Permits have been approved by the Office of Administrative Law. The regulations, which may be found starting on page 6, have an immediate effective date of July 3, 2009. A separate correspondence will be distributed on the addition of regulations concerning Added Authorizations in Special Education which were included in the same regulatory package.

### **Key Provisions:**

*General Education Multiple and Single Subject Limited Assignment Teaching Permits*  
The Commission has issued a Limited Assignment Multiple and Single Subject Teaching Permit for general education teaching assignments for many years. To distinguish this permit from the new Special Education Limited Assignment Teaching Permit, the name is changed to General Education Multiple and Single Subject Limited Assignment Teaching Permit.

### Initial Issuance

Submission of the application packet for a General Education Multiple or Single Subject Limited Assignment Teaching Permit is a joint effort between the local employing agency and the applicant to submit all required materials to the Commission for initial issuance or renewal of the permit. For initial issuance, an individual must be currently employed by the local employing agency and hold a valid prerequisite general education teaching credential. The employing agency must have a current Declaration of Need (DON) on file at the Commission and assign an experienced educator in the subject

area(s) of the limited assignment permit if the teacher does not have permanent status. A completed application and appropriate fee are required and the application packet is submitted through the employing agency. There is a restriction of three years for a teacher to serve on a General Education Limited Assignment Permit in a specific subject area.

The experienced educator provides assistance and guidance to the permit holder. The experienced educator must have three years of teaching experience within each subject area requested by the non-permanent status teacher as determined by the employing agency. For example, if the permit is requested in English, the experienced educator must have three years of teaching experience in English. If requested in English and social science, the experienced educator must have a minimum of three years of teaching experience in both English and social science. However, the local employing agency may assign more than one experienced educator to meet this requirement.

### Renewal Requirements

To renew a General Education Limited Assignment Teaching Permit, current employment and the appropriate prerequisite are required for the applicant and the employing agency must have a current DON on file and continue to assign an experienced educator, as appropriate. A completed application and appropriate fee are required and the application packet is submitted through the employing agency.

The renewal requirement is expanded to allow either completion of coursework or passage of examinations. If more than one subject is requested, the individual must meet the coursework or examination renewal requirement for each subject. To use the examination option, the individual must take all examinations appropriate to the type of permit requested (multiple or single subject) and must pass two sections. The number of examination sections required to meet subject-matter competence for Multiple and Single Teaching Subject Credentials varies from two to four sections. If one or more sections have been previously passed, the individual must pass the remaining one or two sections, as appropriate. See examples below.

If an individual has not passed any of the three required multiple subject examination sections prior to issuance of the initial limited assignment permit, all three sections must be taken and two sections passed for the first renewal of the permit. The individual must then take and pass the final multiple subject examination section to meet the subject-matter competence for a preliminary credential during the second year of the limited assignment permit.

Passage of four examination sections is required to meet the subject-matter competence for a single subject credential in English. If an individual has passed one of the four required sections prior to issuance of a limited assignment permit, the remaining three sections must be taken and two sections passed for the first renewal of the permit. The individual must take and pass the one remaining English

examination section to meet subject-matter competence for a preliminary credential during the second year of the limited assignment permit.

One renewal option, the validation of professional development plan, was deleted from the regulations. Individuals issued a Multiple or Single Subject Limited Assignment Permit with an issuance date prior to July 3, 2009, may use this option to renew their permit. Holders of General Education Limited Assignment Permits with an issuance date on or after July 3, 2009 will not be able to use the professional development plan as a renewal option.

#### *Special Education Limited Assignment Teaching Permit*

The Special Education Limited Assignment Teaching Permit has similar requirements to the General Education Limited Assignment Teaching Permit. The permit may be issued in any of the current Education Specialist Teaching Credential specialty areas. An individual holding this permit may be assigned to serve outside the specialty area of their special education credential while they are completing the coursework for an Added Authorization in Special Education. See the Reference section for a link to the correspondence for information on the added authorization.

#### Initial Issuance

For initial issuance, the teacher must be currently employed and hold an appropriate prerequisite special education credential including currently issued Education Specialist and previously issued special education credentials. The Speech-Language Pathology or Clinical or Rehabilitative Services Credential is also an appropriate prerequisite only if the credential includes a Special Class Authorization. A completed application and appropriate fee are required and the application packet is submitted through the employing agency.

The employing agency must have a current DON on file at the Commission and assign an experienced educator with three years of teaching experience in the special education specialty area requested for the limited assignment if the permit holder does not have permanent status. The DON has been updated to include the new limited assignment permit. There is a restriction of three years for a teacher to serve on a Special Education Limited Assignment Permit in a specific specialty area.

One major difference from the General Education Limited Assignment Permit is for initial issuance of the Special Education Limited Assignment Permit, a minimum of three semester units or one year of experience in the specialty area(s) requested is required.

#### Renewal Requirements

For renewal, current employment and the appropriate special education prerequisite credential are required for the applicant. The employing agency must have a current DON on file and continue to assign an experienced educator, as appropriate. A completed application and appropriate fee are required and the application packet is submitted

though the employing agency. Six semester units of coursework appropriate to each special education specialty area are required for renewal. There is no examination option to renew the Special Education Limited Assignment Permit.

Currently, the Education Specialist Short-Term Staff Permit (STSP) is the only route for a credentialed special education teacher to earn a document to serve in another special education area. This remains an option but the STSP may only be issued once while the Special Education Limited Assignment Permit may be issued for a total of three years in a specialty area.

**Important Date:**

Provisions related to this correspondence became effective on July 3, 2009.

**Background:**

The Limited Assignment Teaching Permit process was designed to allow fully credentialed general education teachers to teach outside of their authorized area while completing the requirement to earn an additional authorization. A Limited Assignment Teaching Permit is issued at the request of a local employing agency to fill a staffing vacancy or need. In addition, it allows flexibility for local employing agencies, especially in rural and remote areas of the state, to assign an individual to teach in more than one subject area.

A Special Education Limited Assignment Teaching Permit is designed for use in special education for the same purpose as the current Limited Assignment Teaching Permit is used for general education assignments. Creating a Special Education Limited Assignment Permit allows individuals the opportunity and the time to complete the coursework necessary to enroll in a special education internship program or to earn an Added Authorization in Special Education. In addition, it allows flexibility for the local employing agencies to assign a teacher to serve students in more than one special education specialty area.

**Source:**

5 California Code of Regulations sections 80027 and 80027.1.

**References:**

*General Education Limited Assignment Teaching Permits Information Leaflet:*  
<http://www.ctc.ca.gov/credentials/leaflets/cl828.pdf>

*Special Education Limited Assignment Teaching Permits Information Leaflet:*  
<http://www.ctc.ca.gov/credentials/leaflets/cl889.pdf>

**Declaration of Need:**

<http://www.ctc.ca.gov/credentials/cig/CIG-LEAFLETS/CIG-LEAFLETS/cl1500.pdf>

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*Coded 09-16: Adding Authorization in Special Education:*  
<http://www.ctc.ca.gov/notices/coded/2009/0916.pdf>

**Contact Information:**

Commission's Information Services Unit by telephone at 1-888-921-2682, Monday through Friday between 1:00 pm to 4:45 pm or by email at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov).



**5 California Code of Regulations Section 80027 Pertaining to the General Education Limited Assignment Multiple or Single Subject Teaching Permits and Section 80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit**

**§80027. General Education Limited Assignment Multiple or Single Subject Teaching Permit.**

(a) Requirements for the initial issuance of General Education Limited Assignment Multiple or Single Subject Teaching Permits include all of the following:

- (1) If an employing agency elects to request a General Education Limited Assignment Teaching Permit, the employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.
- (2) Applicant is currently employed by the local governing board requesting such assignment.
- (3) Applicant holds a valid California general education teaching credential based on a baccalaureate degree and a professional teacher preparation program, including student teaching or the equivalent.
- (4) If an employing agency elects to assign an applicant who has not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or 44929.23, the employing agency shall assign an experienced educator in the subject area of the General Education Limited Assignment Multiple or Single Subject Teaching Permit who has completed 3 years of full-time general education elementary or secondary classroom teaching experience in the subject area(s) requested. If more than one subject area is requested, the experienced educator(s) must have a minimum of three years of teaching experience in each area requested. The local employing agency may assign more than one experienced educator to the permit holder to meet this requirement.
- (5) The General Education Limited Assignment Single Subject Teaching Permit may be issued in the subject areas listed in Education Code Section 44257 and the General Education Limited Assignment Multiple Subject Teaching Permit may be issued in the subject area of General Subjects.
- (6) If an employing agency elects to request a General Education Limited Assignment Teaching Permit, the employing agency must keep on file a written statement verifying consent of the teacher to serve on the General Education Limited Assignment Multiple or Single Subject Teaching Permit.
- (7) For initial issuance of a General Education Limited Assignment Multiple or Single Subject Permit, the employing agency may assist the applicant in submitting the following to the Commission:
  - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby

incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08), and

- (B) The fee as specified in Section 80487(a)(1).
- (b) Requirements for the renewal of General Education Limited Assignment Multiple or Single Subject Teaching Permit if an employing agency elects to request the renewal of the permit.
- (1) Applicant is currently employed by the local governing board requesting such assignment.
  - (2) Applicant holds a valid California general education teaching credential based on a baccalaureate degree and a professional teacher preparation program, including student teaching or the equivalent.
  - (3) For the renewal of a General Education Limited Assignment Multiple or Single Subject Teaching Permit, the employing agency may assist the applicant in submitting the following to the Commission:
    - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08).
    - (B) The fee as specified in Section 80487(a)(1).
    - (C) Verification of the completion of one of the following:
      1. At least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential or
      2. Take all sections of the examination appropriate to the type of permit requested, multiple or single subject, as provided in Education Code sections 44280, 44281 and 44282 and pass two sections. If one or more sections have been previously passed, the individual must pass the one or two sections of the examination, as appropriate.
  - (4) If an employing agency elects to request a General Education Limited Assignment Teaching Permit, the employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.
  - (5) An individual may renew a General Education Limited Assignment Multiple or Single Subject Teaching Permit in any one specific subject only twice during his or her lifetime.

- (6) If an employing agency elects to request a General Education Limited Assignment Teaching Permit, the employing agency must keep on file a written statement verifying consent of the teacher to serve on the General Education Limited Assignment Multiple or Single Subject Teaching Permit.

(c) Authorization:

- (1) A General Education Limited Assignment Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential in the authorized field listed on the permit.
- (2) A General Education Limited Assignment Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

- (d) The General Education Limited Assignment Multiple or Single Subject Teaching Permit is valid for one calendar year from the first day of the month immediately following the date of issuance but is limited to the expiration date of the prerequisite teaching credential held.

- (1) A permit issued for less than one calendar year may be extended for the remainder of the calendar year as long as the prerequisite teaching credential has been renewed. An application and fee as found in (b)(3)(A) and (B) must be submitted. Verification of requirements as found in (b)(3)(C) are not required to extend the permit for the remainder of the calendar year.

Note: Authority cited: Sections 44225(d), (g) and (q) and 44300, Education Code.  
Reference: Sections 44280, 44281, 44282, and 44300, Education Code.

**§80027.1. Special Education Limited Assignment Teaching Permit.**

- (a) Requirements for the initial issuance of a Special Education Limited Assignment Teaching Permit include all of the following if an employing agency elects to request the permit:

- (1) If an employing agency elects to request a Special Education Limited Assignment Teaching Permit, the employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.
- (2) Applicant is currently employed by the local governing board requesting such assignment.
- (3) Applicant holds a valid California special education teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent or a services credential with a special class authorization listed in sections 80047 through 80047.9.
- (4) If an employing agency elects to assign an applicant who has not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or



44929.23 the employing agency shall assign an experienced educator in the subject area of the Special Education Limited Assignment Teaching Permit who has completed three years of full-time special education teaching experience in the special education specialty area(s) requested. If more than one specialty area is requested for the permit, the experienced educator(s) must have a minimum of three years of teaching experience in each area requested. The local employing agency may assign more than one experienced educator to the permit holder to meet this requirement.

- (5) The Special Education Limited Assignment Teaching Permit may be issued in the special education specialty area aligned with the preliminary and clear Education Specialist Instruction Credentials.
- (6) If an employing agency elects to request a Special Education Limited Assignment Teaching Permit, the employing agency must keep on file a written statement verifying consent of the teacher to serve on the Special Education Limited Assignment Teaching Permit.
- (7) For initial issuance of a Special Education Limited Assignment Teaching Permit, the employing agency may assist the applicant in submitting the following to the Commission:
  - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08).
  - (B) The fee as specified in Section 80487(a)(1).
  - (C) One of the following:
    1. Three semester, or the equivalent quarter, units of course work in each special education specialty area requested, or
    2. One year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students in each of the special education specialty area requested and has received a favorable evaluation or recommendation by the local employing agency.
- (b) Requirements for the renewal of a Special Education Limited Assignment Teaching Permit if an employing agency elects to request the permit.
  - (1) Applicant is currently employed by the local governing board requesting such assignment.

- (2) Applicant holds a valid California special education teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent or a services credentials with a special class authorization listed in sections 80047 through 80047.9.
  - (3) For renewal of a Special Education Limited Assignment Teaching Permit, the employing agency may assist the applicant in submitting the following to the Commission:
    - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08).
    - (B) The fee as specified in Section 80487(a)(1).
    - (C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.
  - (4) If an employing agency elects to request a Special Education Limited Assignment Teaching Permit, the employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.
  - (5) An individual may renew a Special Education Limited Assignment Teaching Permit in any one special education specialty area only twice during his or her lifetime.
  - (6) If an employing agency elects to request a Special Education Limited Assignment Teaching Permit, the employing agency must keep on file a written statement verifying consent of the teacher to serve on the Special Education Limited Assignment Teaching Permit.
- (c) Authorization:
- (1) A Special Education Limited Assignment Teaching Permit authorizes the same service as an Education Specialist Teaching Instruction Credential.
- (d) The Special Education Limited Assignment Teaching Permit shall be valid for one calendar year and expires one calendar year from the first day of the month immediately following the date of issuance but is limited to the expiration date of the prerequisite credential held.
- (1) A permit issued for less than one calendar year may be extended for the remainder of the calendar year as long as the prerequisite credential has been renewed. An application and fee as found in (b)(3)(A) and (B) must be submitted.

Verification of requirements as found in (b)(3)(C) are not required to extend the permit for the remainder of the calendar year.

Note: Authority cited: Sections 44225(d), (g), (l) and (q) and 44300, Education Code.  
Reference: Sections 44225(b) and (e) and 44300, Education Code.



## COMMISSION FOR TEACHER PREPARATION AND LICENSING

220 O STREET  
SACRAMENTO 95814

November 30, 1982

82-8308

TO: All Individuals and Groups Interested in the Activities of  
the Commission for Teacher Preparation and Licensing

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Title 5 Regulations to Extend the Temporary County  
Certificate (T.C.C.)

In accordance with Commission policy and administrative regulations, the above cited Title 5 Regulations are being distributed prior to a public hearing. The public hearing to adopt regulations to extend the temporary county certificate, pursuant to Chapter 471 of 1982, has been scheduled as follows:

Thursday, February 3, 1983  
2:00 p.m.  
Mansion Inn  
16th & "H" Streets  
Sacramento, California

### Background

Existing law authorizes each California county board of education to issue a temporary county certificate (T.C.C.), valid for 120 school days, for the purpose of authorizing salary payments to certified employees whose credential applications are being processed. The applicant for a T.C.C. is required to make a statement under oath that he or she has duly filed an application and knows of no reason why the credential should not be issued. Under current law, these temporary county certificates are valid for a maximum of 120 school days and only until the credential or permit originally requested is either issued or denied by the Commission for Teacher Preparation and Licensing.

Assembly Bill 2390 (Chapter 471 of 1982) will, on January 1, 1983, authorize the temporary county certificate to be extended once for a period of not more than 60 school days due to delays in processing a credential application, except when the Commission certifies in writing that the applicant does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application. Chapter 471 specifies that failure of the Commission to so certify shall be construed to mean that the applicant possesses adequate qualifications and does not have a criminal record which would disqualify the application. 812

### Proposed Regulations

Proposed regulation Section 80441 is necessary for the purposes and reasons cited below.

- Subsection (a) requires the agency submitting applications to identify those applications that are for individuals serving on a temporary county certificate (T.C.C.). This information is essential in order for the Commission to provide notification of the status of an application to the employers of T.C.C. holders prior to the 120 day expiration date of the T.C.C.
- Subsection (b) describes the means by which the Commission is obligated to provide information to the appropriate county superintendent of schools as to the status of applications for individuals serving on a temporary county certificate.
- Subsection (c) requires the county superintendent of schools office to provide the Commission with a listing of all applicants serving on a T.C.C. While it is anticipated that almost all information provided by the Commission to county superintendents will be based on procedures cited in subsections (a) & (b), there will be some applicants who will fall within the provisions of subsection (c). This population would include many of those applications the Commission would not identify as belonging to T.C.C. holders because the application was filed through an Institution of Higher Education, Local Education Agency or submitted directly to the Commission office. The Commission cannot guarantee the county will get a report on the status of these applications without the information provided by the listing in subsection (c).

The information required by subsection (c) is essential in order for the Commission to provide notification of the status of an application to the employers of T.C.C. holders prior to the 120 day expiration date of the T.C.C.

- Subsection (d) clarifies the conditions in which the T.C.C. may be extended once for not more than 60 school days. Subsection (d) (2) makes clear the responsibility of the Commission to respond quickly to the listing of applicants serving on a T.C.C. specified in subsection (c). The absence of a response from the Commission to the listing of applicants authorizes the extension of the T.C.C. for sixty (60) days or until the response is received by the county superintendent of schools.

Please feel free to duplicate and distribute these proposed Title 5 Regulations to anyone you believe might be interested in responding.

If you wish to make a presentation regarding the above to the Commission, please bring 30 copies of your material for distribution to the Commissioners and staff. If you can provide your statement to the Commission office 15 days before the public hearing, sufficient copies of the material will be duplicated

and distributed for Commission and staff use. We would also appreciate a call to the Commission office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission.

If you do not want to make a presentation or submit a statement regarding the proposed Title 5 regulations, you can reply on the Response Form found on the last page.

PROPOSED TITLE 5 REGULATIONS

80441 Notification to the Employers of Temporary County Certificate (T.C.C.) Holders

- (a) It is the intent of Education Code Section 44332 that the Commission provide notification of the status of an application for a credential, certificate, or permit to the employers of temporary county certificate holders prior to the 120 day expiration date of the T.C.C. In order for the Commission to provide such notification the school district or county superintendent of schools office shall specify T.C.C. and the expiration date of the T.C.C. in the space provided on the application form when the application is filed with them.
- (b) The Commission will provide the following information on the status of an application for a credential, certificate, or permit to the appropriate county superintendent of schools office:
- (1) notification that a credential, certificate or permit document has been issued;
  - (2) notification that all requirements, for each credential, certificate, or permit have been met and the appropriate document will be issued;
  - (3) notification that all requirements for the credential, certificate, or permit have been met except that the fingerprint cards, required by Education Code Sections 44340 and 44341, have not been processed and returned by the California Department of Justice and/or the Federal Bureau of Investigation;
  - (4) notification that an application has been returned for additional information;
  - (5) notification that an application has been denied.
- (c) The county superintendent of schools shall provide the Commission with a listing of all applicants serving on a T.C.C. for whom notification, pursuant to subsection (b), has not been received as of ten (10) school days prior to the expiration date of the T.C.C. This listing shall be forwarded to the Commission immediately and shall include all of the following information for each applicant:
- (1) the full name;
  - (2) the social security number;

- (3) the birthdate;
  - (4) the type of credential, certificate, or permit for which application was made, when available;
  - (5) the date of filing of the application, when available;
  - (6) the date the application was submitted to the Commission, when available;
  - (7) the effective date of the temporary county certificate;
  - (8) the expiration date of the temporary county certificate.
- (d) The temporary county certificate may be extended once for a period of not more than sixty (60) school days for applicants for a credential, certificate, or permit when one of the following conditions exist:
- (1) The county superintendent of schools has been notified that all requirements for the credential, certificate or permit have been met pursuant to subsections (b)(2) or (c);
  - (2) The county superintendent of schools has provided the listing pursuant to subsection (c) and has not received a response from the Commission as of the expiration date of the T.C.C.

NOTE: Authority cited: Section 44225(b), Education Code.  
Reference: Section 44332, Education Code.

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET  
SACRAMENTO, CALIFORNIA 95814



OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80441

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission for Teacher Preparation and Licensing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by January 21, 1982 in order that the material can be presented at the February 3, 1982 Commission meeting.

- 1.  Yes, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
- 2.  No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3.  Personal opinion of the undersigned only.
- Organizational opinion. (Please specify) \_\_\_\_\_
- 4.  I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
- No, I will not make a presentation to the Commission at the Public Hearing.

\_\_\_\_\_  
(Print or type name) Date \_\_\_\_\_

Title: \_\_\_\_\_

Representing: \_\_\_\_\_  
(Circle One: School District, College, University, Professional Organization, **816**ate Citizen, Other)



## COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET  
SACRAMENTO 95814  
(916)445-0184



December 29, 1982

82-8314

TO: All Individuals and Groups Interested in the Activities  
of the Commission for Teacher Preparation and Licensing

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Title 5 Regulations: Official Transcripts

In accordance with Commission Policy and Administrative Regulations, the above cited Title 5 Regulations are being distributed prior to a public hearing. The public hearing to adopt regulations for Official Transcripts has been scheduled as follows:

Thursday, March 3, 1982  
Capitol Plaza Holiday Inn  
300 J Street  
Sacramento, California 95814  
2:15 p.m.

Background

The specific purpose for establishing this regulation is to avoid the possibility of an applicant obtaining a credential, certificate, or permit on the basis of information taken from an altered or fraudulent transcript. An official transcript, as defined in proposed section 80435(e), is one that bears the signature in ink of the registrar and/or the impressed seal of the institution. It is much more difficult to make undetectable alterations on an official transcript than it is to make them on photocopies and student copies of the same transcript. A secondary reason for establishing this regulation is to emphasize for our constituent agencies and to the public that the standards that have been established by law and regulation are to be strictly observed and that the Commission expects verification of meeting those standards, by means of official transcripts, to be accurate.

While considering and writing these regulations, the Commission contacted a number of people and groups for advice. The question of whether or not to request official transcripts was first put to the Certification Officers and Technicians in the Commission office who overwhelmingly supported the idea. It was then discussed with the 200 members of the Credential Counselors and Analysts of California organization at their annual conference in October, 1981; with the county personnel directors at their meeting in May, 1982; and with the 500 participants of the eight annual credential workshops held by the Commission office throughout the state in April and May, 1982. In addition, a questionnaire was sent to all colleges with Commission-approved programs, all county offices of education, and 318 district superintendents of schools. The results of these discussions and the responses to the questionnaire are reflected in the proposed regulation.

Proposed section 80435 clarifies the purpose of the regulation and sets an implementation date of July 1, 1983; establishes procedures for ensuring that the Commission or one of its constituent agencies will receive or review the official transcript; requires applicants applying directly to the Commission to submit official transcripts; and defines the term "official transcript".

Proposed Adoption

80435. OFFICIAL TRANSCRIPT.

- (a) For purposes of authenticity and legibility, official transcripts or verification-of-true-copy will be required with each application, for a credential, certificate or permit, submitted on and after July 1, 1983;
- (b) California colleges with approved programs, school districts, county offices, and other state agencies shall meet this requirement either by submitting official transcripts with the application or by verification of the copy as a true-copy of the official transcripts by one of the following means:
  - (1) a recommendation by the college for the credential;
  - (2) a statement submitted to the Commission, on a one-time basis, by the college, school district, county office or other state agency describing their internal procedure or policy verifying the authenticity of the transcript;
  - (3) a statement or stamp signed or initialed by the designated agency representative verifying each set of transcripts, that the copy is an authentic duplicate of the official transcript;
- (c) Applicants applying directly to the Commission, for a credential, certificate, or permit shall be required to submit official transcripts with the credential application;
- (d) Applications submitted with illegible transcripts, or submitted by colleges, school districts, county offices or other state agencies who have not met the requirements specified in Section (b) shall be returned to the sender for official transcripts;
- (e) An official transcript is defined as one that bears the signature in ink of the registrar and/or the impressed seal of the institution.

Note: Authority Cited: Section 44225, Education Code.  
Reference: Section 44252, Education Code.

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET  
SACRAMENTO, CALIFORNIA 95814



OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80435

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission for Teacher Preparation and Licensing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by February 19, 1982 in order that the material can be presented at the March 3, 1982 Commission meeting.

- 1.  Yes, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
- 2.  No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3.  Personal opinion of the undersigned only.
- Organizational opinion. (Please specify) \_\_\_\_\_
- 4.  I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
- No, I will not make a presentation to the Commission at the Public Hearing.

\_\_\_\_\_ Date \_\_\_\_\_  
(Print or type name)

Title: \_\_\_\_\_

Representing: \_\_\_\_\_  
(Circle One: School District, College, University, Professional Organization, Private Citizen, Other)

COMMISSION ON TEACHER CREDENTIALING

20 O STREET  
SACRAMENTO, CALIFORNIA 95814  
916/445-0184

83-8415



OFFICE OF THE EXECUTIVE SECRETARY  
3 November 1983

TO: All Individuals and Groups Interested in the Activities of  
the Commission on Teacher Credentialing  
FROM: John F. Brown, Executive Secretary  
SUBJECT: Title 5 Regulations for the One-Time-Only Sixty Day  
Extension of the Temporary County Certificate

Chapter 471, Statutes of 1982, authorized county offices to extend the 120 day period of a Temporary County Certificate once for a period of not more than sixty (60) days under certain conditions. The Commission approved Title 5 regulations (Section 80441) on February 3, 1983 that specify the functions that the Commission, the county office, and the employing school district will need to perform to implement Chapter 471 effectively. Title 5 Section 80441, shown on the reverse side, became effective on October 27, 1983 and is designed to fulfill the following purposes:

1. Subsection (a) describes the responsibility of the district or county superintendent of schools office to specify T.C.C. and the expiration date of the T.C.C. (as illustrated) in the space provided in the right hand bottom corner of the application form. This information will enable the Commission staff to act expeditiously on all applications that have a pending T.C.C. expiration;
2. Subsection (b) describes the responsibilities of the Commission to provide information on the status of an application for a credential to the appropriate county superintendent of schools before the expiration of the 120 day period of the T.C.C.; and
3. Subsection (c) describes the responsibilities of each county superintendent of schools to provide the Commission with specific information ten school days prior to the expiration date of the T.C.C. This information enables the Commission staff to identify and report on the status of all T.C.C. applications (including those not previously identified as noted in section a) before the T.C.C. Expires.

(Lower right corner 41-4)

T.C.C. expiration date <b>3-24-84</b>
for institution and Licensing Branch use
Return to:

The procedures outlined in the above three Title 5 subsections have been in operation since last February on an informal basis. Thanks to the excellent staff work at the district and county level these procedures worked well during the past six months. There are some continuing problems in situations where an individual has difficulty in getting a readable set of fingerprint cards. In those isolated (but very frustrating) cases the decision to extend beyond the 120 day period the T.C.C. rests with the employing agency.

For more information on the implementation of these regulations see Handbook pages XI-A-7 to XI-A-8a. On page XI-A-8a is the form for you to use when submitting a list. We ask that districts coordinate with their counties before submitting a list so we do not process duplicate lists.

Any questions regarding this section of the regulations or its implementation can be directed to our Information Services Offices at 916/445-7254 between 12:30 and 4:30 P.M.

TITLE 5 REGULATIONS SECTION 80441

80441 Notification to the Employers of Temporary County Certificate (T.C.C.) Holders

- (a) It is the intent of Education Code Section 44332 that the Commission provide notification of the status of an application for a credential, certificate, or permit to the employers of temporary county certificate holders prior to the 120 day expiration date of the T.C.C. In order for the Commission to provide such notification the school district or county superintendent of schools office shall specify T.C.C. and the expiration date of the T.C.C. in the space provided on the application form when the application is filed with them.
- (b) In situations where the statutory certifications of Education Code Section 44332 do not apply the Commission shall provide the following information on the status of an application for a credential, certificate, or permit to the appropriate county superintendent of schools office before the expiration of the 120 day period:
- (1) notification that a credential, certificate or permit document has been issued;
  - (2) notification that all requirements, for each credential, certificate, or permit have been met and the appropriate document will be issued;
  - (3) notification that all requirements for the credential, certificate, or permit have been met except that the fingerprint cards required by Education Code Section 44340 and 44341, have not been processed and returned by the California Department of Justice and/or the Federal Bureau of Investigation.
  - (4) notification that an application has been returned because application information initially required was not properly provided; or
  - (5) notification that an application has been denied.
- (c) The county superintendent of schools shall provide the Commission with a listing of all applicants serving on a T.C.C. for whom notification, pursuant to subsection (b), has not been received as of ten (10) school days prior to the expiration date of the T.C.C. This listing shall be forwarded to the Commission immediately and shall include all of the following information for each applicant:
- (1) the full name;
  - (2) the social security number;
  - (3) the birthdate;
  - (4) the type of credential, certificate, or permit for which application was made, when available;
  - (5) the date of filing of the application, when available;
  - (6) the date the application was submitted to the Commission, when available;
  - (7) the effective date of the temporary county certificate;
  - (8) the expiration date of the temporary county certificate.

NOTE: Authority cited: Section 44225(b), Education Code.  
Reference: Section 44332, Education Code.

## COMMISSION ON TEACHER CREDENTIALING

1812 9TH STREET  
SACRAMENTO, CA 94244-2700

(916) 445-7254

OFFICE OF THE EXECUTIVE SECRETARY



86-8710

January 30, 1987

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

FROM: *Richard Mastain*  
Richard K. Mastain, Executive Secretary

SUBJECT: California Administrative Code, Title 5 Regulations, to Clarify the Authorization of All Special Education Credentials (Sections 80046.5 - 80047.9) Effective 1-1-87

The attached Title 5 Regulations Sections 80046.5 to 80047.9, effective 1-1-87, are a result of a two year joint effort by the Commission on Teacher Credentialing with the great help of staff of the State Department of Education; Mrs. Jeannie King, representing the California Neurologically Handicapped Council; Mr. Claude Rashid, a program specialist; Dr. Alice Watkins, Chairperson of the Commission on Special Education (1985); Dr. Dick Stravelli, Director of Special Education in the Sacramento Unified School District; and Dr. William Wilson, Vice-President of the California Association of Professors of Special Education (1985), to clarify the authorizations of all special education credentials and make it easier for employers to make staffing decisions for special education classes. The credentials listed in these regulations include all credentials issued under prior credential statutes and current credential statutes, as well as accommodating credential program changes the Commission will be making for some specialized areas such as the seriously emotionally disturbed (80047.2) and the autistic (80047.4). We will notify you when program changes occur.

Prior to the full implementation of the Master Plan for Special Education, 1973 - 1979, there was a fairly direct relationship between the credentials the Commission issued (Learning Handicapped, Severely Handicapped, Communication Handicapped, Physically Handicapped and Visually Handicapped), the college programs approved by the Commission, and the delivery of services to individuals with exceptional needs in special education programs. Since the full implementation of the Master Plan for Special Education, the match between the credential authorization, the college program, and the public school program no longer exists.

In keeping with the requirement to place individuals with exceptional needs in the least restrictive environment, as mandated in the California Master Plan for Special Education and in Federal Statutes, students are placed in educational programs according to need as determined by their Individualized Education Program (I.E.P.). The results of this practice is that individuals with different handicapping conditions may be served in the same special class. However, the majority of individuals in a given special class will, in most cases, be students with the same primary disability as defined in Title 34 of the Code of Federal Regulations. On the basis of the primary disability of the majority of pupils in a given class, these regulations specify the Ryan and Pre-Ryan credentials which authorize service in that special class. Section 80046.5 states that when there is conflict between the placement of a handicapped child on the basis of Sections 80047.1 - 80047.9 and the Individual Education Program, the I.E.P. will take precedence.

CALIFORNIA ADMINISTRATIVE CODE TITLE 5 REGULATIONS, SECTION 80046.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9 - AUTHORIZATION OF ALL SPECIAL EDUCATION CREDENTIALS (EFFECTIVE 1-1-87)

**80046.5 Handicapped Children With Specific Learning Disabilities Who May Be Served by Holders of Special Education Credentials**

(a) The two criteria for determining the placement of handicapped children with specific learning disabilities who may be served by holders of Special Education Credentials are as follows:

- (1) The primary handicapping condition, as defined in Title 34 of the Code of Federal Regulations, of the majority of pupils within the special education class, and
- (2) The program placement recommendation contained within the Individualized Education Program

(b) When there is conflict between criteria (a)(1) and (a)(2), the recommendation contained in the Individualized Education Program will take precedence.

Authority Cited: Section 22, 44225, and 56342 of Education Code

Reference Cited: Sections 44265, 44265.5, 44343, 44349, 53640-56347 of the Education Code; 20 USC 1401(1)(15)

**80047 Authorization for Special Class With Primary Disabilities: Specific Learning Disability or Mentally Retarded (Mild)**

Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "specific learning disability" as defined in subsection 300.5(b)(9) of Title 34 Code of Federal Regulations, Subpart A: or "mentally retarded" as defined in subsection 300.5(b)(4) of Title 34, Code of Federal Regulations; Subpart A.

- (a) Special Education Specialist Instruction Credential for the Learning Handicapped
- (b) Standard Teaching Credential with the Minor - Mentally Retarded
- (c) Restricted Special Education Credential - Educable Mentally Retarded
- (d) Limited Specialized Preparation Credential - Mentally Retarded
- (e) Special Secondary Credential - Mentally Retarded
- (f) Exceptional Children Credential - Mentally Retarded.

Authority Cited: Section 44224, Education Code

Reference Cited: Section 44265, 44343, Education Code; 20 USC 1401(1)(15)

**80047.1 Authorization for Special Class With Primary Disability: Mentally Retarded (Severely)**

Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "mentally retarded" as defined in subsection 300.5(b)(4) of Title 34 Code of Federal Regulations, Subpart A:

- (a) Special Education Specialist Instruction Credential for the Severely Handicapped
- (b) Standard Teaching Credential with the Minor - Mentally Retarded
- (c) Restricted Special Education Credential - Trainable Mentally Retarded
- (d) Limited Specialized Preparation Credential - Mentally Retarded
- (e) Special Secondary Credential - Mentally Retarded
- (f) Exceptional Children Credential - Mentally Retarded.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44343, Education Code; 20 USC 1401(1)(15)

**80047.2 Authorization for Special Class With Primary Disability: Seriously Emotionally Disturbed**

(a) Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "seriously emotionally

disturbed" as defined in subsection 300.5(b)(8) of Title 34 Code of Federal Regulations, Subpart A:

- (1) The Special Education Specialist Instruction Credential for the Severely Handicapped
- (2) The special education credentials other than the Special Education Specialist Instruction Credential for the severely handicapped, listed in Sections 80047 and 80047.1, provided the following conditions have been met:

(A) The holder of the Special Education Credential has taught full-time for at least one year prior to September 1, 1988 in a special class in which the primary disability was seriously emotionally disturbed, and has completed either (i) or (ii) below:

- (i) A Commission-approved program for the seriously emotionally disturbed authorization; or
- (ii) Receives a favorable evaluation or recommendation to teach a special class with the primary disability, seriously emotionally disturbed, by the local employing agency.

(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who do not meet the requirements of (a) above shall be authorized to teach in a special class in which the primary disability is seriously emotionally disturbed provided the following requirement is met: Completion of a Commission-approved program for the seriously emotionally disturbed.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44343, Education Code; 20 USC 1401(1)(15)

**80047.3 Authorization for Special Class With Primary Disability: Multi-Handicapped**  
Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "multi-handicapped" as defined in subsection 300.5(b)(5) of Title 34 Code of Federal Regulations, Subpart A:

- (a) Special Education Specialist Instruction Credential for the Severely Handicapped
- (b) Standard Teaching Credential with the Minor - Mentally Retarded
- (c) Restricted Special Education Credential - Trainable Mentally Retarded
- (d) Limited Specialized Preparation Credential - Mentally Retarded
- (e) Special Secondary Credential - Mentally Retarded
- (f) Exceptional Children Credential - Mentally Retarded
- (g) Special Education Specialist Instruction Credential for the Physically Handicapped
- (h) Standard Teaching Credential with the Minor - Orthopedically Handicapped, including Cerebral Palsied
- (i) Restricted Special Education Credential - Orthopedically Handicapped, including the Cerebral Palsied
- (j) Limited Specialized Preparation Credential - Orthopedically Handicapped, including the Cerebral Palsied
- (k) Exceptional Children Credential - Orthopedically Handicapped, including the Cerebral Palsied.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44256, 44343, Education Code; 20 USC 1401(1)(15)

**80047.4 Authorization for Special Class With Primary Disability: Other Health Impaired (Autistic)**

(a) Holders of the below-cited credential are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "other health impaired" as defined in subsection 300.5(b)(7)(1) (autistic) of Title 34 Code of Federal Regulations, Subpart A:

- (1) The Special Education Specialist Instruction Credential for the Severely Handicapped;
- (2) The Special Education Specialist Credential for the Communication Handicapped or the Clinical Rehabilitative Services Credential in Language, Speech and Hearing, with a Special Class Authorization, provided the following conditions have been met:



(A) The holder of one of these credentials has taught full-time for at least one year prior to September 1, 1988 and a special class in which the primary disability was other health impaired (autistic), and has completed either (i) or (ii) below:

(i) A Commission-approved program for the other health impaired (autistic) authorization; or  
(ii) Received a favorable evaluation or recommendation to teach a special class with the primary disability, other health impaired (autistic), by the local employing agency.

(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who do not meet the requirements of (a) above shall be authorized to teach in a special class in which the primary disability is other health impaired (autistic) provided the following requirement is met: Completion of a Commission-approved program for the other health impaired (autistic).

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44343, Education Code; 20 USC 1401(1)(15)

**80047.5 Authorization for Special Class With Primary Disability: Speech and Language Impaired**

Holders of the listed credentials are authorized to teach handicapped children with special learning disabilities in a special class in which the primary disability is "speech and language impaired" as defined in subsection 300.5(b)(10) of Title 34 Code of Federal Regulations, Subpart A:

- (a) Special Education Specialist Instruction Credential for the Communication Handicapped
- (b) Clinical Rehabilitative Services Credential in Language, Speech and Hearing with the Special Class Authorization
- (c) Standard Teaching Credential with the Minor - Speech and Hearing Handicapped
- (d) Restricted Special Education Credential - Speech and Hearing Therapy
- (e) Limited Specialized Preparation Credential - Speech and Hearing Handicapped
- (f) Special Secondary Credential - Correction of Speech Defects
- (g) Exceptional Children Credential - Speech Correction and Lip Reading.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44343, Education Code; 20 USC 1401(1)(15)

**80047.6 Authorization for Special Class With Primary Disability: Deaf or Hard-of-Hearing**

Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "deaf" or "hard-of-hearing", as defined in subsections 300.5(b)(1) and 300.5(b)(3) of Title 34 Code of Federal Regulations, Subpart A:

- (a) Special Education Specialist Credential for the Communication Handicapped
- (b) Standard Teaching Credential with the Minor - Deaf and Severely Hard-of-Hearing
- (c) Restricted Special Education Credential - Deaf and Severely Hard-of-Hearing
- (d) Limited Specialized Preparation Credential - Deaf and Severely Hard-of-Hearing
- (e) Special Secondary Credential - Deaf
- (f) Special Secondary Credential - Lip Reading
- (g) Exceptional Children Credential - Deaf or Hard-of-Hearing.

Authority Cited: Section 44265, Education Code

Reference Cited: Section 44265, 44265.5(b), 44343, Education Code; 20 USC 1401(1)(15)

**80047.7 Authorization for Special Class With Primary Disability: Deaf-Blind**

Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "deaf-blind" as defined in subsection 300.5(b)(2) of Title 34 Code of Federal Regulations, Subpart A:

- (a) Special Education Specialist Instruction Credential for the Communication Handicapped
- (b) Special Education Specialist Instruction Credential for the Visually Handicapped

- (c) Special Education Specialist Instruction Credential for the Severely Handicapped
- (d) Restricted Special Education - Deaf-Blind, and Severely Hard-of-Hearing.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44265.5(a)(b), 44243, 44244, Education code; 20 USC 1401(1)(15)

- 80047.8 Authorization for Special Class With Primary Disability: Visually Handicapped**  
 Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "visually handicapped" as defined in subsection 300.5(b)(11) of Title 34 Code of Federal Regulations, Subpart A:
- (a) Special Education Specialist Instruction Credential for the Visually Handicapped
  - (b) Special Education Specialist Instruction Credential for the Physically Handicapped that was issued prior to January 1, 1981, on the basis of completing a Commission-approved program in which the focus was the Visually Handicapped
  - (c) Standard Teaching Credential With the Minor - Visually Handicapped
  - (d) Restricted Special Education Credential - Visually Handicapped
  - (e) Limited Specialized Preparation Credential - Visually Handicapped
  - (f) Special Secondary Credential - Partially Sighted Child
  - (g) Special Secondary Credential - Blind
  - (h) Exceptional Children Credential - Visually Handicapped.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44265.5(a), 44343, Education Code; 20 USC 1401(1)(15)

- 80047.9 Authorization for Special Class With Primary Disability: Orthopedically Impaired or Other Health Impaired (Having Limited Strength, Vitality or Alertness)**  
 Holders of the listed credentials are authorized to teach handicapped children with specific learning disabilities in a special class in which the primary disability is "orthopedically impaired", as defined in subsection 300.5(b)(6) of Title 34 Code of Federal Regulations Subpart A, or "other health impaired" as defined in subsection 300.5(b)(7)(ii) having limited strength, vitality or alertness, of Title 34 Code of Federal Regulations, Subpart A:
- (a) Special Education Specialist Instruction Credential for the Physically Handicapped
  - (b) Standard Teaching Credential with the Minor - Orthopedically Handicapped, including the Cerebral Palsied
  - (c) Restricted Special Education Credential - Orthopedically Handicapped, including the Cerebral Palsied
  - (d) Limited Specialized Preparation Credential - Orthopedically Handicapped, including the Cerebral Palsied
  - (e) Exceptional Children Credential - Orthopedically Handicapped, including the Cerebral Palsied.

Authority Cited: Section 44225, Education Code

Reference Cited: Sections 44265, 44265.5(c), 44343, Education Code; 20 USC 1401(1)(15)

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

Box 944270 (1900 Capitol Avenue)  
Sacramento, California 94244-2700  
(916) 445-7254  
www.ctc.gov  
credentials@ctc.ca.gov



OFFICE OF THE EXECUTIVE DIRECTOR

Date: June 16, 2004 04-0004

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

From: Dr. Sam W. Swofford, Executive Director

Subject: Repeal of Title 5 of the California Code of Regulations sections 80032.3, 80058.2, 80466 and 80523.3

The Office of Administrative Law has approved the repeal of Title 5 of the California Code of Regulations sections 80032.2, 80058.2, 80466 and 80523.3 pertaining to special education coursework for the clear teaching credential, continuance and extension of service, teaching experience in lieu of professional preparation and administrative services experience. These sections will be repealed on July 1, 2004.

The rationale for repealing these sections follows:

**Section 80032.2 Special Education Coursework for the Clear Teaching Credential**

This section outlined the specific elements required for special education training for teachers and administrators. This section became effective on November 6, 1978. Senate Bill 2042 (Statutes of 1998, Chapter 548, Alpert-Mazzoni) changed the special education training in Education Code Section 44259 to be a requirement in both the preliminary and professional clear credentials and became a part of the standards approved by the Commission implementing SB 2042. The special education requirement has changed and is now included in the teacher preparation program standards.

**Section 80058.2 Continuance and Extension of Service**

This section of Title 5 became effective on November 29, 1978. The Education Code reference for this section is 44344. This section of the Education Code refers to the transition from the Standard credentials to the Ryan credentials. Consequently this section of Title 5 is obsolete. School districts continue to use the provisions of this section, which now are in conflict with AB 2859 (Statutes of 2002, Chapter 1069, Aroner), which requires all certificated staff to hold a credential issued by the Commission on Teacher Credentialing. If an audit finds that a teacher is serving without

a credential both the school district and the county office of education are subject to a fine. AB 2859 does not allow a lapse in a credential as provided for in this section.

**Section 80466 Teaching Experience in Lieu of Professional Preparation**

AB 877 (Statutes of 2000, Chapter 703, Scott) required that the Commission review standards from other states and determine if they are equivalent to the ones established by the Commission. The Commission has approved 37 states as equivalent states. If an individual completes a program in a state that has been determined to be equivalent, the Commission accepts that program even if student teaching was met through experience. Rather than the Commission staff determining if three years of teaching experience is equal to student teaching, Commission staff now relies solely upon the credentialing requirements from other states, consequently this section is no longer necessary

**Section 80523.3 Administrative Services Experience**

Commission staff no longer uses this section of Title 5. Institutions of higher education that offer Commission-accredited administrative services preparation programs now have the authority to determine whether experience is administrative in nature, rather than the Commission staff, consequently this section is no longer necessary.

If you have any questions, please contact the Commission's Information Services Unit toll-free at (888) 921-2682 or (916) 445-7254 between 12 noon and 4:45 p.m., weekdays or e-mail at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov).

**COMMISSION ON TEACHER CREDENTIALING**

1900 Capitol Avenue  
Sacramento, CA 95814-4213  
(916) 445-0184



OFFICE OF THE EXECUTIVE DIRECTOR

November 14, 2006

06-0017

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

From: Dale A. Janssen,  
Interim Executive Director

Subject: Senate Bill 1209 Changes in Professional Growth Requirements for Credential  
Renewal

Senate Bill 1209 (Chapter 517, Statutes of 2006) was signed by the Governor on September 28, 2006. One of the provisions in the bill shifts the professional growth requirements from a state requirement for credential renewal to local employing agencies.

Beginning January 1, 2007, verification of professional growth requirements will no longer be a requirement for the renewal of professional clear credentials. This includes both the 150 clock hours of activities and the experience requirement. This change affects all teaching and service credentials, including the designated subjects teaching credentials, except Child Development Permits.

Because child development permits were not included in the provisions of the bill, professional growth requirements for renewal of child development permits will continue to be required to be submitted as part of the renewal process. Information about child development professional growth requirements may be found at the following link on the Commission's website: [http://www.etc.ca.gov/credentials/manuals-handbooks/PG\\_Manual\\_ChildDev.pdf](http://www.etc.ca.gov/credentials/manuals-handbooks/PG_Manual_ChildDev.pdf).

Currently, requirements for all professional clear credentials require that the documents have the same expiration dates. For example, if an individual held a professional clear multiple subject teaching credential and a pupil personnel services credential, the documents had the same expiration date. This will no longer be necessary after January 1, 2007. However, if a credential serves as a prerequisite for another credential, such as a single subject credential for an administrative services credential, the documents will continue to be 'tied' together with the same expiration dates. The Commission will be returning to the term 'clear' on credentials issued after January 1, 2007.

As a result of the changes outlined above, the Commission will no longer issue the two-year extension for individuals who did not complete their professional growth requirements.

**Online Renewal Process**

By January 1, 2007, the Commission's online renewal process will be changed to remove the need to verify professional growth requirements for all types of credentials except the child development permits (Teacher, Master Teacher, Site Supervisor, and Program Director).

**Questions**

For further questions about professional growth, contact the Commission's Information Services Unit at 1-888-921-2682, Monday through Friday between 1:00 PM to 4:45 PM or by email at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov).

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

1812 Ninth Street  
Sacramento, California 95814-7000  
(916)445-7254



97-9703

**DATE:** February 14, 1997

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

**FROM:** Sam W. Swofford, Ed. D.  
Executive Director

**SUBJECT:** Proposed Amendments of Sections 80023, 80024.3, 80046.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, and 80048.2 and Proposed Addition of Sections 80024.3.2, 80048.3, 80048.4, 80048.5, and 80048.6 of Title 5, California Code of Regulations, Pertaining to Special Education

**NOTICE OF PUBLIC HEARING IS HEREBY GIVEN:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

April 3, 1997  
1:30  
Hilton Hotel  
2200 Harvard Street  
Sacramento, California

**STATEMENT OF REASONS**

The proposed regulations will do the following:

- update special education authorizations to more closely match current practice and needs found in California public schools;
- remove the basic (prerequisite) teaching credential requirement from the special education teaching credentials, yet retain those requirements that would assist the special education teacher to integrate students into general education classes;
- incorporate resource specialist competencies into all basic special education preparation programs;
- establish a professional level II component that includes some advanced level training and on-the-job support beyond that of an entry-level teacher; and
- require institutions and employers to work with teachers to develop individualized preparation program plans as part of the professional clear Level II component;
- offer more alternative ways to qualify for initial emergency special education teaching permits;
- create an early childhood special education authorization to complement the mandates in federal and state law;
- incorporate special education terms consistent with those used in federal regulation.

## Proposed Changes

The proposed amendments and additions to the special education regulations are based on the recommendations from task forces and advisory panels working with the Commission since 1989. The regulations will make major changes to the special education credentialing structure while continuing to meet state and federal mandates for serving students with disabilities. These changes include updating special education authorizations to meet the current needs and practices found in California public schools, re-structuring the regulations to help alleviate the special education teacher shortage, including a professional level preparation for special education teachers, and establishing an early childhood special education authorization. These changes are discussed below.

\*\* Specific changes are outlined in detail on the side column of the attached text of the regulations.

### *Updating Authorizations to Current Needs and Practice in Schools*

For some years it has been apparent that the authorizations of current special education credentials do not meet the needs and practices of California schools. This has been due, in part, to the placement of special education children based on the results of their Individual Education Plans (IEPs) as opposed to "fitting" them into the available programs. This disconnection between needs and credentials is also exemplified by both the need for early intervention for pre-kindergarten children with disabilities and the increased focus on including children with special needs in regular education programs.

Under the current structure, employers and IEP teams are often forced, out of necessity, to choose one disability category over another when determining student placement under either the Learning Handicapped or Severely Handicapped authorizations. However, many students with disabilities have needs that cross these categories. The recommendation to establish the Mild/Moderate Disabilities and Moderate/Severe Disabilities authorizations acknowledges the diverse group of learners served by the public school special education programs and allows the IEP team to recommend the most appropriate placement for each child.

### *Re-structuring of the Authorized Age Range/Grades*

All current special education credentials authorize service in preschool, grades kindergarten, first through twelfth and in adult programs. However, credential programs focus on the school-age population rather than the need for services available to young children who are developmentally delayed or who have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. These proposed regulations will establish an Early Childhood Special Education authorization for children from birth through pre-kindergarten that will parallel the Mild/Moderate Disabilities and Moderate/Severe Disabilities authorizations. The Mild/Moderate Disabilities and Moderate/Severe Disabilities authorizations will be restricted to grades kindergarten, grades 1 through 12, and classes organized primarily for adults.

The authorizations for service in the "low incidence disabilities" (defined as visually impaired, deaf and hard-of-hearing, deaf-blind, and orthopedically handicapped) will remain the same as under the current structure: preschool, kindergarten, grades 1 through 12, and classes organized primarily for adults. The needs of students with low incidence disabilities or "sensory impairments" are specialized and unique, and require early access to teachers with specialized preparation.

### *Eliminating the Prerequisite Credential*

The current special education credential requires that an individual also hold a prerequisite teaching credential for the general classroom. The prerequisite credential requirement means the individual interested in teaching special education children must first complete a year-long professional program, including student teaching, in general education before completing another year or more of preparation for the specialist credential. This commitment of time and resources results in many individuals leaving the field before reaching their special education credential goal. By eliminating the prerequisite credential, yet retaining important components of the general education preparation, the proposed regulations will induce more individuals into the field while providing a more realistic training sequence.



Data from the Commission and the California Department of Education over the last ten years confirms that there is a severe shortage of special education teachers in California. During the 1994-95 school year, nearly 5,000 less-than-fully-qualified teachers were working in special education settings in the public schools on emergency permits and waivers. In the same year, new Special Education Specialist Credentials were issued to only 2,176 fully prepared and qualified teachers. It is reasonable to expect that this trend will continue, given the continued growth in special education enrollments in the public schools unless some changes are made. Elimination of the prerequisite credential and new teacher support discussed below would aid in relieving the shortage.

#### *Infusing Resource Specialist Competencies in New Credentials*

All the proposed special education credentials will include the resource specialist competencies and authorization so a separate certificate will not be needed as with the current Resource Specialist Certificate of Competence. The new credentials will authorize individuals to provide instruction and services to special education students both in a special day class and on a pull-out basis with students who are assigned to general classrooms. This change will not affect the validity of existing resource specialist certificates.

#### *Including General Education Component*

The Commission and its advisory panels agreed that eliminating the prerequisite credential meant there must be non-special education components in the proposed special education structure. The federal legislative mandate for "least restrictive environment" calls for states to consider different ways of accommodating the needs of all students. With special education students often placed in general education classrooms, special education teachers must be able to support this process, by collaborating with the general classroom teacher and by integrating the core curriculum into the special education studies to prepare these students for the general education setting.

In order for special education teachers to understand and work within the methodology and curriculum of the general education classroom, competencies have been incorporated into the proposed special education structure to meet this need. Some of the requirements are statutory requirements for all teaching credentials and must be included. Others, required for the Multiple and Single Subject Teaching Credentials, are believed to be beneficial to both teachers of special education and general education students.

#### *Supporting New Teachers within Professional Level II Preparation*

Based on the information provided by the Beginning Teacher Support and Assessment (BTSA) Program, one of the main reasons newly trained teachers leave the profession is lack of support once they are in their own classroom. Level I preparation program would include courses and experiences that emphasize the skills and knowledge needed by all special educators, and a cross section of unique competencies needed to serve students with specific disabilities authorized by the credential. The collaboration of employers and institutions of higher education in the development of individualized preparation program under professional Level II along with elimination of the general education credential will encourage larger numbers of individuals to pursue and continue their careers in special education. As part of Level II requirements, teachers will need to have at least two years of successful special education experience while holding the preliminary Level I Credential.

The proposed requirements for the professional clear Level II Education Specialist Instruction Credential are designed to provide advanced skills and knowledge for the new educator. The professional level preparation includes an individualized preparation program plan including university coursework and an option to satisfy a quarter of the program with alternative training. The individualized preparation program plan will be developed in collaboration with the teacher, the approved institution and the employer. This will give the educators an opportunity to discuss their needs and goals with individuals who have expertise in the field of special education. The current professional growth requirements will continue to be required for renewal of the professional clear Level II credential.

*Expanding Options for the Emergency Permit*

Under the existing structure, only individuals who have passed the California Basic Educational Skills Test (CBEST), and have either 1) a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or 2) an out-of-state special education credential requiring a baccalaureate degree are eligible for an emergency special education permit. Because of the shortage of special education teachers, the number of those eligible for the current emergency permit are insufficient so many employers are forced to seek waivers of special education credential. Maintaining only these two options in the proposed structure would ignore two valid sources of prospective special education teachers. One source is among paraprofessionals who have at least three years of successful experience in the special education classroom and have completed a baccalaureate degree and passed the CBEST. These individuals have practical experience working with children with disabilities in a learning environment. They are familiar with the curriculum, the learning processes, and the other unique needs of these students. The other source of potential educators are those individuals who have baccalaureate degrees, have passed the CBEST, and have completed at least nine semester units either in special education or in a combination of special education and general teacher education coursework. The new regulations will allow individuals enrolled in a special education program to be placed in the classroom while completing their credential requirements, similar to those seeking general education teaching credentials.

*Establishing an Early Childhood Special Education Authorization*

California Department of Education special education enrollment data for 1996 show that 63,727 children from birth to age 5 were served in special education programs across the state. As service demands for young children continue to grow and California implements the federal law under Public Law 99-457, Part H, the need for qualified early childhood special education teachers and a more appropriate and flexible credentialing system will continue to grow.

The existing Ryan credential structure does not provide adequate preparation for special education teachers to work with children under the age of five. The curricula and service delivery practices used in early childhood special education are qualitatively different from those used in general early childhood programs and from those used in school age programs. Obtaining the Early Childhood Special Education authorization will give individuals the appropriate experience and an understanding of the unique needs of these young children and their families.

**DOCUMENTS RELIED UPON IN PREPARING REGULATIONS**

A Study of Competencies Needed by Beginning Special Education Teachers, 1991

A Report of the Special Education Competency Study Advisory Committee

Report of the Public Forums on Results of the Special Education Competency Study and Draft Recommendations

Recommendations of the Collaborative Task Force to Restructure Special Education Credentials, August and December 1992

Individuals with Disabilities Education Act (IDEA) 20 USC Chapter 33 (PL 94-142)

Individuals with Disabilities Education Act (IDEA) Part B Regulations (34 CFR Parts 300 and 301)

California Department of Education Special Education Enrollment Data, April 1996 including cumulative data from 1987 to 1996.

Collaborative Task Force to Restructure Special Education Credentials, presented to the Commission in August, 1992

Public Comment on the Recommendations of the Collaborative Task Force to Restructure Special Education Credentials, January 1993

A Special Report on Special Education Personnel Preparation and Credentialing for the 1990s--Ad Hoc Committee on Special Education Personnel Availability, February 1990

Staff Analysis of the Recommendations of the Advisory Panel on Ways to Streamline the Credentialing System, October 1992

Statistical Reports from the Credential Automation System

IHE Tuition

List of Commission-Approved Special Education and Clinical Rehabilitative Services Credential Programs in California

Success for Beginning Teachers -- The California New Teacher Project, Commission on Teacher Credentialing and California Department of Education, 1988-92, 1992

Report on the Implementation of the Beginning Teacher Support and Assessment Program (1992-94), Commission on Teacher Credentialing and California Department of Education, December 1994

Winners All: A Call For Inclusive Schools (1992), National Association of State Boards of Education

Early Childhood Special Education Competencies (2/21/94) Division for Early Childhood (DEC), Council for Exceptional Children

Final Report California Early Intervention Personnel Model, Personnel Standards, and Personnel Preparation Plan, February 1990

#### **DOCUMENTS INCORPORATED BY REFERENCE**

None.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on April 2, 1997.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### **SUBMISSION OF WRITTEN COMMENTS**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing,

#### **PUBLIC HEARING**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact the Executive Director's office at (916)445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**MODIFICATION OF PROPOSED ACTIONS**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**CONTACT PERSON/FURTHER INFORMATION**

Inquiries concerning the proposed action may be directed to Marie Schrup at (916)327-2966. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

PROPOSED TITLE 5 REGULATIONS: SPECIAL EDUCATION

**80023. Types of Emergency Permits.**

The following types of emergency permits are governed by the provisions of Sections 80023.1 through 80026.6, except 80025.

- (a) Emergency Multiple Subject Teaching Permit.
- (b) Emergency Multiple Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development(BCLAD) Emphasis.
- (c) Emergency Multiple Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis.
- (d) Emergency Single Subject Teaching Permit with an authorization to teach one or more of the subjects identified in Education Code Section 44282.
- (e) Emergency Single Subject Teaching Permit with a Bilingual, Crosscultural Language and Academic Development (BCLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.
- (f) Emergency Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis with an authority to teach one or more subjects identified in Education Code Section 44282.
- (g) Emergency Specialist Instruction Permit for Teaching the Learning Handicapped.
- (h) Emergency Specialist Instruction Permit for Teaching the Severely Handicapped.
- (i) Emergency Specialist Instruction Permit for Teaching the Physically Handicapped.
- (j) Emergency Specialist Instruction Permit for Teaching the Communication Handicapped.
- (k) Emergency Specialist Instruction Permit for Teaching the Visually Handicapped.
- (l) Emergency Resource Specialist Permit.
- (m) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing
- (n) Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization.
- (o) Emergency Library Media Teacher Services Permit.
- (p) Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit.
- (q) Emergency Crosscultural, Language and Academic Development (CLAD) Permit.
- (r) Emergency Education Specialist Instruction Permit: Mild/Moderate Disabilities.
- (s) Emergency Education Specialist Instruction Permit: Moderate/Severe Disabilities.
- (t) Emergency Education Specialist Instruction Permit: Physical and Health Impairments.
- (u) Emergency Education Specialist Instruction Permit: Deaf and Hard-of-Hearing.
- (v) Emergency Education Specialist Instruction Permit: Visual Impairments.
- (w) Emergency Education Specialist Instruction Permit: Early Childhood Special Education.

NOTE: Authority Cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265, and 44300 Education Code.

The names of the new Emergency Education Specialist Instruction Permit categories have been added to the list of emergency permits that may be issued by the Commission.

**80024.3 Emergency Specialist Instruction Permits for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped.**

(a) Requirements for the initial issuance of an Emergency Specialist Instruction Permit for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) Either (A) or (B) below:

(A) The applicant must possess a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or

(B) The applicant must possess or show eligibility for an out-of-state credential in Special Education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution.

(3) The applicant must demonstrate intent to enroll in a Commission-approved program for the appropriate Special Education Specialist Instruction Credential or the basic teaching credential within the valid period of the emergency permit.

(4) Emergency Specialist Instruction Permits for teaching the Communication Handicapped and Visually Handicapped shall not be issued initially after ~~June 30, 2000~~ June 30, 1998.

(b) To renew an Emergency Specialist Instruction Permit for Teaching the Learning Handicapped, the Severely Handicapped, the Physically Handicapped, the Communication Handicapped, or the Visually Handicapped the applicant and the employing agency must meet the requirements for renewal of emergency permits specified in Section 80026.6.

(1) Emergency Specialist Instruction Permits shall not be renewed after June 30, 2001.

(c) Authorization: An Emergency Specialist Instruction Permit authorizes the same service as the Specialist Instruction Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300 Education Code.

The amendments in this section will aid in the transition to the new special education structure. Holders of the current emergency permits are enrolled in the present credential programs and need time to complete this while they continue teaching.

**(a)(4):** Initial emergency permits in the current categories will be issued only until 6-30-98. After that date, new applicants must qualify under the proposed emergency permit regulations.

**(b)(1):** Emergency permits in the current categories will be renewed until 6-30-2001. This will give individuals at least 2 years to satisfy all of the current credential requirements. IHEs will not be able to recommend candidates for the current Ryan credentials after that date. If an individual is unable to complete the program by then, they may qualify for a proposed emergency permit.

<p><b>80024.3.2 Emergency Education Specialist Instruction Permits.</b></p> <p>(a) Requirements for the initial issuance of an Emergency Education Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education include all of the following:</p> <p>(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.</p> <p>(2) In addition, the applicant must meet (A), (B), (C) or (D) below:</p> <p>(A) must possess a valid California teaching credential requiring a baccalaureate degree and a professional preparation program, including student teaching, or</p> <p>(B) must possess or show eligibility for an out-of-state credential in special education requiring a baccalaureate degree, and have completed a program approved by the responsible state licensing agency at a regionally accredited institution, or</p> <p>(C) must verify a minimum of three years of successful full time classroom experience, or the equivalent in part-time experience, working with special education students in a public or state certified nonpublic school with students in the age range of the authorization being requested, or</p> <p>(D) must verify a minimum of nine semester units of coursework with a grade of "C" or better in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.</p> <p>(3) The applicant must demonstrate intent to enroll in a program accredited by the Committee on Accreditation for the appropriate Education Specialist Instruction Credential within the valid period of the emergency permit.</p>	<p>This section outlines the emergency permit requirements under the new special education credential structure.</p> <p><b>(a)(1):</b> Refers to the current, general requirements: BA &amp; CBEST.</p> <p><b>(a)(2):</b> The third requirement may be satisfied by any 1 of 4 options.</p> <p><b>(a)(2)(A) &amp; (B):</b> These are the current options for obtaining an emergency permit;</p> <p><b>(a)(2)(C) &amp; (D):</b> These are new options. In light of the special education teacher shortage, option (C) is designed to encourage special education paraprofessionals to further their careers. Option (D) proposes that nine units of regular and/or special education coursework be required for an initial emergency permit. This is consistent with the number of subject matter units required for an Emergency Single Subject.</p> <p><b>(a)(3):</b> As under the current structure, the individual must show intent to enroll in the appropriate new special education program.</p>
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<p>(b) <u>To renew an Emergency Specialist Instruction Permit in the areas of Mild/Moderate Disabilities, Moderate/Severe Disabilities, Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Early Childhood Special Education, the applicant and the employing agency must meet the requirements for renewal of emergency permits specified in 80026.6.</u></p> <p>(1) <u>The applicant who completed a professional preparation program as described in Section 80048.3(b)(2) must complete at least six semester units of coursework toward completion of the requirements described in Section 80048.3(b)(4) through (8) in lieu of the requirements described in 80026.6 (a)(5)(A).</u></p> <p>(c) <u>Authorization: An Emergency Education Specialist Instruction Permit authorizes the same service as the Education Specialist Instruction Credential in the authorized field(s) listed on the permit.</u></p> <p>NOTE: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44265, 44300 and 44373 Education Code.</p>	<p><b>(b):</b> Except for those in (1), applicants must verify enrollment in the program and completion of 6 semester units towards full certification.</p> <p><b>(b)(1):</b> Out-of-state applicants who have completed a professional preparation program in one of the categories must work toward completing subject matter, reading, regular education pedagogy and experience, and US Constitution to renew their emergency.</p> <p><b>(c):</b> The emergency authorizes the same service as the Level I &amp; II credentials.</p>
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<p><b>80046.5. Handicapped Children With Specific Learning Disabilities Who May Be Served by Holders of Special Education Credentials Credential Holders Authorized To Serve Children With Disabilities.</b></p> <p>(a) <del>The two criteria for determining the placement of handicapped Credentials holders who are authorized to serve children with specific learning disabilities who may be served by holders of special education credentials are as follows</del></p> <p>(1) <del>must possess a credential that authorizes teaching the primary disability</del> <u>The primary handicapping condition, as defined in Title 34 of the Code of Federal Regulations, of the majority of pupils within the special education class, and as determined by</u></p> <p>(2) <del>The program placement recommendation contained within the Individualized Education Program.</del></p> <p>(b) <del>When there is conflict between criteria (a)(1) and (a)(2), the recommendation contained in the Individualized Education Program will take precedence.</del></p> <p>NOTE: Authority cited: Sections 22, 44225 and 56342, Education Code. Reference: Sections 44265, 44265.5, 44343, 44349 and 56340-56347, Education Code; and 20 USC 1401(1)(15). <del>(Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11346.2(d); Register 86, No. 52).</del></p>	<p>The new wording is consistent with Federal Law and Part 30 of the Education Code, §56001(n) governing special education programs in California. This proposed change is intended to focus on the teachers and the Individualized Education Program (IEP).</p>
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<p><b>80047. Authorization for Special Class With Primary Disabilities: Specific Learning Disability or Mentally Retarded Mental Retardation (Mild/Moderate).</b></p> <p>Holders of the listed credentials are authorized to teach handicapped children with <del>specific learning mild or moderate</del> disabilities in a special day class in which the primary disability is "specific learning disability" as defined in <del>subsection 300.5(b)(9) of Title 34 Code of Federal Regulations. Subpart A:</del> or "mentally retarded mental retardation" as defined in <del>subsection 300.5(b)(4) of Title 34 Code of Federal Regulations, Subpart A.</del></p> <p>(a) <u>Education Specialist Instruction Credential: Mild/Moderate Disabilities</u></p> <p><del>(a)(b)</del> Special Education Specialist Instruction Credential for the Learning Handicapped</p> <p><del>(b)(c)</del> Standard Teaching Credential with the Minor--Mentally Retarded</p> <p><del>(e)(d)</del> Restricted Special Education Credential--Educable Mentally Retarded</p> <p><del>(d)(e)</del> Limited Specialized Preparation Credential--Mentally Retarded</p> <p><del>(e)(f)</del> Special Secondary Credential--Mentally Retarded</p> <p><del>(f)(g)</del> Exceptional Children Credential--Mentally Retarded</p> <p>NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(5) and (10); and 20 USC 1401(1)(15). (Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</p>	<p><b>§80047-80047.9</b></p> <p>The proposed changes to the terms in §80047 through 80047.9 are consistent with the current definitions in Federal regulation under the Individuals with Disabilities Act, Part B Regulations, 34 C.F.R. Part 300.7 (b).</p> <p>The new credential names have been added under each disability category to guide employers, credential analysts, and others in the assignment of teachers.</p> <p>For reading ease, specific reference to federal regulations has been moved to the NOTE at the end of each section.</p> <p><b>§80047:</b> Mild/Moderate Disabilities is added as a credential category.</p>
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<p><b>80047.1. Authorization for Special Class With Primary Disability: <u>Mentally Retarded Mental Retardation (Moderate/Severely)</u>.</b></p> <p>Holders of the listed credentials are authorized to teach handicapped children with <del>specific learning</del> moderate or severe disabilities in a special day class in which the primary disability is "<del>mentally retarded mental retardation</del>" as defined in <del>subsection 300.5(b)(4)</del> of Title 34 Code of Federal Regulations, <del>Subpart A:</del></p> <p>(a) <u>Education Specialist Instruction Credential: Moderate/Severe Disabilities</u></p> <p><del>(a)(b)</del> Special Education Specialist Instruction Credential for the Severely Handicapped</p> <p><del>(b)(c)</del> Standard Teaching Credential with the Minor-Mentally Retarded</p> <p><del>(e)(d)</del> Restricted Special Education Credential--Trainable Mentally Retarded</p> <p><del>(d)(e)</del> Limited Specialized Preparation Credential--Mentally Retarded</p> <p><del>(e)(f)</del> Special Secondary Credential--Mentally Retarded</p> <p><del>(f)(g)</del> Exceptional Children Credential--Mentally Retarded</p> <p>NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(5); and 20 USC 1401(1)(15). (Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</p>	<p>Moderate/Severe Disabilities has been added to this list of authorizations.</p>
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**80047.2. Authorization for Special Class With Primary Disability: ~~Seriously Emotionally Disturbed Serious Emotional Disturbance.~~**

(a) Holders of the listed credentials are authorized to teach handicapped children with ~~specific learning disabilities~~ in a special day class in which the primary disability is "~~seriously emotionally disturbed serious emotional disturbance~~" as defined in ~~subsection 300.5(b)(8) of Title 34 Code of Federal Regulations, Subpart A:~~

(1) ~~Education Specialist Instruction Credential:~~  
Mild/Moderate Disabilities

(2) ~~Education Specialist Instruction Credential:~~  
Moderate/Severe Disabilities

~~(1)(3)~~ The Special Education Specialist Instruction Credential for the Severely Handicapped

~~(2)(4)~~ The special education credentials, other than the special education specialist instruction credential for the severely handicapped credentials in (1), (2), and (3) above, listed in Sections 80047 and 80047.1, provided the following conditions have been met:

(A) The holder of the special education credential has taught full-time for at least one year prior to September 1, 1991 in a special day class in which the primary disability was ~~seriously emotionally disturbed serious emotional disturbance~~, and

(B) Has received a favorable evaluation or recommendation to teach a special day class with the primary disability, ~~seriously emotionally disturbed of serious emotional disturbance~~, by the local employing agency.

(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who does not meet the requirements of (a) above shall be authorized to teach in a special day class in which the primary disability is ~~seriously emotionally disturbed serious emotional disturbance~~ provided the following requirement is met: Completion of a Commission-approved program for the ~~seriously emotionally disturbed children identified with serious emotional disturbance.~~

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(9); and 20 USC 1401(1)(15). (Filed 11-13-89; Register 89, No. 46).

Mild/Moderate and Moderate/Severe Disabilities have been added to the list of authorizations.

**(a)(4):** This has been retained because a number of teachers are still employed based on the "past experience" provision.

**(b):** This has also been retained so individuals employed under this provision will not be disenfranchised.

<p><b>80047.3. Authorization for Special Class With Primary Disability: Multi-Handicapped Multiple Disabilities.</b></p> <p>Holders of the listed credentials are authorized to teach <u>handicapped</u> children with <u>specific learning disabilities</u> in a special <u>day</u> class in which the primary disability is "<u>multi-handicapped multiple disabilities</u>" as defined in <u>subsection 300.5(b)(5) of Title 34 Code of Federal Regulations, Subpart A:</u></p> <p>(a) <u>Education Specialist Instruction Credential: Moderate/Severe Disabilities</u></p> <p>(b) <u>Education Specialist Instruction Credential: Physical and Health Impairments</u></p> <p>(<del>a</del>)(c) <u>Special Education Specialist Instruction Credential for the Severely Handicapped</u></p> <p>(<del>b</del>)(d) <u>Standard Teaching Credential with the Minor-Mentally Retarded</u></p> <p>(<del>e</del>)(e) <u>Restricted Special Education Credential--Trainable Mentally Retarded</u></p> <p>(<del>d</del>)(f) <u>Limited Specialized Preparation Credential--Mentally Retarded</u></p> <p>(<del>e</del>)(g) <u>Special Secondary Credential--Mentally Retarded</u></p> <p>(<del>f</del>)(h) <u>Exceptional Children Credential--Mentally Retarded</u></p> <p>(<del>g</del>)(i) <u>Special Education Specialist Instruction Credential for the Physically Handicapped</u></p> <p>(<del>h</del>)(j) <u>Standard Teaching Credential with the Minor-Orthopedically Handicapped, including Cerebral Palsied</u></p> <p>(<del>i</del>)(k) <u>Restricted Special Education Credential--Orthopedically Handicapped, including the Cerebral Palsied</u></p> <p>(<del>j</del>)(l) <u>Limited Specialized Preparation Credential--Orthopedically Handicapped, including the Cerebral Palsied</u></p> <p>(<del>k</del>)(m) <u>Exceptional Children Credential--OrthopedicallyHandicapped, including the Cerebral Palsied</u></p> <p>NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(6); and 20 USC 1401(1)(15). (Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</p>	<p>Moderate/Severe Disabilities and Physical and Health Impairments have been added.</p>
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**80047.4. Authorization for Special Class With Primary Disability: ~~Other Health Impaired (Autistic) Autism.~~**

(a) Holders of the ~~below-cited listed credentials~~ are authorized to teach handicapped children with ~~specific learning disabilities~~ in a special day class in which the primary disability is "other health impaired ~~autism~~" as defined in ~~subsection 300.5(b)(7)(1) (autistic)~~ of Title 34 Code of Federal Regulations, Subpart A:

(1) ~~Education Specialist Instruction Credential:~~  
Moderate/Severe Disabilities

(2) ~~Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, with Special Class Authorization~~

~~(1)(3) The Special Education Specialist Instruction Credential for the Severely Handicapped:~~

~~(2)(4) The Special Education Specialist Credential for the Communication Handicapped or the Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, with a Special Class Authorization, provided the following conditions have been met:~~

(A) ~~The holder of one of these credentials has taught full-time for at least one year prior to September 1, 1988 in a special day class in which the primary disability was other health impaired (autistic) autism, and has completed either 1 or 2 below:~~

~~1. A Commission-approved program for the other health impaired (autistic) authorization; or~~

~~2. Received a favorable evaluation or recommendation to teach a special day class with the primary disability, other health impaired (autistic), of autism by the local employing agency.~~

~~(b) The holder of one of the special education credentials listed in Sections 80047 and 80047.1 who do not meet the requirements of (a) above shall be authorized to teach in a special class in which the primary disability is other health impaired (autistic) provided the following requirement is met: Completion of a Commission-approved program for the other health impaired (autistic).~~

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(1); and 20 USC 1401(1)(15). (Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).

Moderate/Severe Disabilities has been added.

**(a)(2) & (a)(4):** Clinical or Rehabilitative Services Credential holders in Language, Speech and Hearing are trained to work with children who are autistic. The special class authorization makes this assignment appropriate. It is not necessary to require extra experience or training for these credential candidates as indicated under (a)(4).

**(a)(4)(A)(1) & (b):** No institution has sought approval for a program in autism, so reference to this option has been removed.

<p><b>80047.5. Authorization for Special Class With Primary Disability: Speech and Language Impaired Impairment.</b>                  Holders of the listed credentials are authorized to teach <del>handicapped</del> children with <del>special learning</del> disabilities in a special <del>day</del> class in which the primary disability is "speech and language <del>impaired</del> impairment" as defined in <del>subsection 300.5(b)(10) of Title 34 Code of Federal Regulations, Subpart A:</del></p> <ul style="list-style-type: none"> <li>(a) Special Education Specialist Instruction Credential for the Communication Handicapped</li> <li>(b) Clinical <u>or</u> Rehabilitative Services Credential in Language, Speech and Hearing with the Special Class Authorization</li> <li>(c) Standard Teaching Credential with the Minor--Speech and Hearing Handicapped</li> <li>(d) Restricted Special Education Credential--Speech and Hearing Therapy</li> <li>(e) Limited Specialized Preparation Credential--Speech and Hearing Handicapped</li> <li>(f) Special Secondary Credential--Correction of Speech Defects</li> <li>(g) Exceptional Children Credential--Speech Correction and Lip Reading</li> </ul> <p>NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44268 and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(11); and 20 USC 1401(1)(15). (<del>Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</del></p>	<p>No addition is needed. The Clinical or Rehabilitative Services Credential will continue to be available after the proposed special education credential structure is implemented.</p> <p><b>(b):</b> The word "or" has been added to be consistent with Education Code §44268.</p>
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**80047.6. Authorization for Special Class With Primary Disability: Deaf Deafness or Hard-of-Hearing Hearing Impairment.**

Holders of the listed credentials are authorized to teach handicapped children with ~~specific learning~~ disabilities in a special day class in which the primary disability is "~~deaf deafness~~" or "~~hard-of-hearing hearing impairment~~", as defined in ~~subsections 300.5(b)(1) and 300.5(b)(3)~~ of Title 34 Code of Federal Regulations, Subpart A:

- (a) Education Specialist Instruction Credential: Deaf and Hard-of-Hearing
- (a)(b) Special Education Specialist Credential for the Communication Handicapped
- (b)(c) Standard Teaching Credential with the Minor--Deaf and Severely Hard-of-Hearing
- (e)(d) Restricted Special Education Credential--Deaf and Severely Hard-of-Hearing
- (d)(e) Limited Specialized Preparation Credential--Deaf and Severely Hard-of-Hearing
- (e)(f) Special Secondary Credential--Deaf
- (f)(g) Special Secondary Credential--Lip Reading
- (g)(h) Exceptional Children Credential--Deaf or Hard-of-Hearing

NOTE: Authority cited: Section ~~44265~~ 44225, Education Code. Reference: Sections 44265, 44265.5(b) and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(3) and (4); and 20 USC 1401(1)(15). (~~Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52~~).

The Deaf and Hard-of-Hearing category has been added to the list of authorizations.



<p><b>80047.7. Authorization for Special Class With Primary Disability: Deaf-Blindness.</b></p> <p>Holders of the listed credentials are authorized to teach handicapped children with <del>specific learning disabilities</del> in a special <u>day</u> class in which the primary disability is "deaf-blindness" as defined in <del>subsection 300.5(b)(2) of Title 34 Code of Federal Regulations, Subpart A:</del></p> <ul style="list-style-type: none"> <li>(a) <u>Education Specialist Instruction Credential: Deaf and Hard-of-Hearing</u></li> <li>(b) <u>Education Specialist Instruction Credential: Visual Impairments</u></li> <li>(c) <u>Education Specialist Instruction Credential: Moderate/Severe Disabilities</u></li> <li><del>(a)</del>(d) Special Education Specialist Instruction Credential for the Communication Handicapped</li> <li><del>(b)</del>(e) Special Education Specialist Instruction Credential for the Visually Handicapped</li> <li><del>(e)</del>(f) Special Education Specialist Instruction Credential for the Severely Handicapped</li> <li><del>(d)</del>(g) Restricted Special Education--Deaf-Blind, and Severely Hard-of-Hearing</li> </ul> <p>NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44265, 44265.5(a)(b), 44243 and 44244 44343, Education Code; 34 C.F.R. Part 300.7 (b)(2); and 20 USC 1401(1)(15). <del>(Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</del></p>	<p>Deaf and Hard-of-Hearing, Visual Impairments, and Moderate/Severe Disabilities have been added.</p>
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<p><b>80047.8. Authorization for Special Class With Primary Disability: <u>Visually Handicapped Visual Impairment including Blindness.</u></b></p> <p>Holders of the listed credentials are authorized to teach handicapped children with <del>specific learning</del> disabilities in a special day class in which the primary disability is "<del>visually handicapped visual impairment including blindness</del>" as defined in subsection <del>300.5(b)(11)</del> of Title 34 Code of Federal Regulations, <del>Subpart A:</del></p> <p>(a) <del>Education Specialist Instruction Credential: Visual Impairments</del></p> <p><del>(a)(b) Special Education Specialist Instruction Credential for the Visually Handicapped</del></p> <p><del>(b)(c) Special Education Specialist Instruction Credential for the Physically Handicapped that was issued prior to January 1, 1981, on the basis of completing a Commission-approved program in which the focus was the Visually Handicapped</del></p> <p><del>(e)(d) Standard Teaching Credential With the Minor--Visually Handicapped</del></p> <p><del>(d)(e) Restricted Special Education Credential--Visually Handicapped</del></p> <p><del>(e)(f) Limited Specialized Preparation Credential--Visually Handicapped</del></p> <p><del>(f)(g) Special Secondary Credential--Partially Sighted Child</del></p> <p><del>(g)(h) Special Secondary Credential-Blind</del></p> <p><del>(h)(i) Exceptional Children Credential--Visually Handicapped</del></p> <p>NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44265, 44265.5(a) and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(13); and 20 USC 1401(1)(15). <del>(Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).</del></p>	<p>Visual Impairments has been added to the list of authorizations.</p>
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**80047.9. Authorization for Special Class With Primary Disability: Orthopedically Impaired Orthopedic Impairment, or Other Health Impaired Impairment, (Having Limited Strength, Vitality or Alertness) or Traumatic Brain Injury.**

(a) Holders of the listed credentials are authorized to teach handicapped children with ~~specific learning disabilities~~ in a special day class in which the primary disability is "~~orthopedically impaired orthopedic impairment~~", as defined in subsection 300.5 (b)(6) of Title 34 Code of Federal Regulations, Subpart A, or "~~other health impaired impairment~~", or "~~traumatic brain injury~~" as defined in subsection 300.5 (b)(7)(ii) ~~having limited strength, vitality or alertness~~, of Title 34 Code of Federal Regulations, Subpart A:

(1) Education Specialist Instruction Credential: Physical and Health Impairments

~~(a)(2)~~ Special Education Specialist Instruction Credential for the Physically Handicapped

~~(b)(3)~~ Standard Teaching Credential with the Minor-Orthopedically Handicapped, including the Cerebral Palsied

~~(e)(4)~~ Restricted Special Education Credential--Orthopedically Handicapped, including the Cerebral Palsied

~~(d)(5)~~ Limited Specialized Preparation Credential--Orthopedically Handicapped, including the Cerebral Palsied

~~(e)(6)~~ Exceptional Children Credential--Orthopedically Handicapped, including the Cerebral Palsied

(b) Holders of the listed credential are authorized to teach children with disabilities in a special day class in which the primary disability is "other health impairment" as defined in Title 34 Code of Federal Regulations.

(1) Education Specialist Instruction Credential: Mild/Moderate Disabilities

NOTE: Authority Cited: Sections 44225 and 56339, Education Code. Reference: Sections 44265, 44265.5(c) and 44343, Education Code; 34 C.F.R. Part 300.7 (b)(7) and (12); and 20 USC 1401(1)(15). ~~(Filed 12-22-86; designated effective 1-1-87 pursuant to Government Code Section 11343.2(d); Register 86, No. 52).~~

Traumatic brain injury is a recent addition to the federal disability categories.

**(b):** The Mild/Moderate Disabilities Credential is added to allow service to students with attention deficit disorder (ADD) under the categories of other health impaired, specific learning disabilities, and serious emotional disturbance.

**80048.2. Specific Requirements for the Preliminary and Professional Clear Specialist Instruction Credential in Special Education.**

- (a) The minimum requirements for the preliminary Specialist Instruction Credential in Special Education shall include all of the following:
- (1) A baccalaureate or higher degree from a regionally accredited institution of ~~postsecondary~~ higher education;
  - (2) The completion of a professional preparation program in a special education specialist category comparable to a Commission-approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed;
  - (3) Passage of the California Basic Education Skills Test described in Education Code section 44252; and
  - (4) Written acknowledgment from the applicant and the employing district that the applicant is responsible for completing the requirements for the Multiple or Single Subject Teaching Credential, including the student teaching requirement, during the five-year term of the preliminary credential ~~or before another credential authorizing special education instruction will be issued.~~
- (b) The minimum requirements for the professional clear Specialist Instruction Credential in Special Education shall include all of the following:
- (1) A baccalaureate or higher degree from a regionally accredited institution of ~~postsecondary~~ higher education;
  - (2) The completion of a Commission-approved professional preparation program in one or more special education categories or completion of a professional preparation program in one or more special education categories comparable to a Commission-approved program, including successful completion of student teaching or supervised field study, but taken outside of California and approved by the appropriate agency in the state where the coursework was completed; and
  - (3) Possession of a California Multiple or Single Subject Teaching Credential or an equivalent California Teaching Credential issued under prior statutes and regulations.
- (c) (1) The period of validity of the preliminary Specialist Instruction Credential in Special Education is five years. The preliminary credential may not be renewed. ~~The issuance of this preliminary credential is an interim measure to address a severe special education teacher shortage while awaiting completion of a study on this issue.~~
- (2) Preliminary Specialist Instruction Credentials in Special Education shall not be initially issued after June 30, 1998.

The amendments to this section create a workable transition from the current regulations to those proposed.

**(a)(4):** Deleting this phrase will allow holders of the current five-year preliminary credential to earn the new special education credential instead of seeking the Multiple or Single Subject Teaching Credential.

**(c)(1):** The Special Education Competency Study was completed in 1991 so referencing it is no longer needed.

**(c)(2):** The current preliminary credential will not be issued after 6-30-98. After that date, individuals seeking their initial credential will need to apply under the new structure.

<p>(d) (1) <u>The period of validity of the professional clear Specialist Instruction Credential in Special Education is dependent upon the period of validity of the prerequisite teaching credential, or five years, if the prerequisite teaching credential is valid for life.</u></p> <p>(2) <u>The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2001 for applicants who completed a professional preparation program in California.</u></p> <p>(3) <u>The professional clear Specialist Instruction Credential in Special Education will not be issued initially after June 30, 2003 for applicants who hold a preliminary Specialist Instruction Credential.</u></p> <p>(e) Authorization. The preliminary or professional clear Specialist Instruction Credential in Special Education authorizes the holder to teach in the special education specialist category named on the credential and as specified in sections 80046.5 and 80047 through 80047.9.</p> <p>(f) <u> Holders of a valid preliminary Specialist Instruction Credential in Special Education may choose to pursue completion of the requirements for the five-year preliminary level I Education Specialist Instruction Credential in lieu of completing the requirements for the professional clear Specialist Instruction Credential as described in (b) above. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section. To be eligible for the preliminary level I credential, the holder must complete the following:</u></p> <p>(1) <u>subject-matter competence requirement either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094;</u></p> <p>(2) <u>a minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;</u></p> <p>(3) <u>a minimum of one semester unit of supervised field experience in regular education verified by transcript or a minimum of 45 clock hours with non-special education students verified by the employing agency;</u></p> <p>(4) <u>a minimum of three semester units of coursework covering the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);</u></p> <p>(5) <u>knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and</u></p> <p>(6) <u>verification of employment in a position requiring the Education Specialist Instruction Credential, as outlined in 80048.3 (a)(8) and (b)(9) and verified by the employing agency.</u></p> <p>NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44225, 44252, and 44265, 44280, 44281, 44310, 44259(b)(4) and 44335, Education Code. Filed 9-4-90; operative 9-4-90; Register 90, No. 42).</p>	<p><b>(d)(2):</b> The proposal adds a cutoff date of 6-30-2001 for California trained applicants to obtain the current professional clear credential.</p> <p><b>(d)(3):</b> This adds a cutoff date of 6-30-2003 for candidates who hold a current preliminary specialist. The cutoff date for initial issuance of the five-year preliminary is 6-30-98 [see (c)(2)], so 2003 will give individuals the full five years to complete a Multiple Subject or Single Subject program.</p> <p><b>(f):</b> This proposal establishes an option for current preliminary credential holders to transition to the new structure if they wish. The new structure includes regular education pedagogy and experience since the Multiple/Single Subject Credential will no longer be required.</p> <p>Out of state candidates who choose to transition to the new Level I Education Specialist Credential under (f) may apply directly to the CTC.</p>
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**80048.3 Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential**

(a) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (8):

- (1) a baccalaureate or higher degree from a regionally accredited institution of higher education;
- (2) the completion of a professional preparation program accredited by the Committee on Accreditation in the requested education specialist category, including successful completion of supervised field study;
- (3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252, unless exempt by statute or regulation;
- (4) verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject matter competence requirement;
- (5) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);
- (6) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article;
- (7) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the preliminary credential sought, as specified in Education Code Section 44227(a); and

**(a):** This adds the requirements for the Preliminary Level I Education Specialist Credential under the new credential structure for those trained in California.

**(a)(1):** Degree required by Education Code §44265.

**(a)(2):** Professional preparation program required by §44265.

**(a)(3):** CBEST required by §44252.

**(a)(4):** Sufficient knowledge of subject matter to the extent deemed appropriate by the Commission, required by §44265.

This is the same subject matter competency required for the Multiple/Single Subject Credentials. Early childhood special education is exempt from subject matter because they will not be responsible for teaching subject matter found in the K-12 curriculum.

Other credential holders are also exempt because they have already verified the subject matter competency required under their other credential structure.

**(a)(5):** Special education teachers need this knowledge because reading plays an significant part in the academic and daily living success of their students.

**(a)(6):** US Constitution required by §44335.

**(a)(7):** recommend established by §44227.

<p><u>(8) verification of an offer of employment. The employment requirement may be met in one of the following ways:</u></p> <p><u>(A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or</u></p> <p><u>(B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:</u></p> <ol style="list-style-type: none"> <li><u>1. Possession of a non-special education credential that authorizes employment in the position;</u></li> <li><u>2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;</u></li> <li><u>3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is enrolled must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and</u></li> <li><u>4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.</u></li> </ol> <p><u>(9) An individual who has completed requirements (1) through (7) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.</u></p>	<p><b>(a)(8):</b> Individuals must gain 2 years of special education experience while holding the proposed 5-year preliminary. If individuals apply before having employment, it will needlessly waste the allotted time on that preliminary.</p> <p><b>(a)(8)(B):</b> Concurrent special education-regular education preparation programs have reported that districts are hiring more special education trained teachers (who also hold the regular education credential) for "full inclusion" type settings where special education students receive all their instruction in a regular classroom. The special education experience requirement to earn the Professional Level II Credential permits some flexibility to accommodate this change in service delivery.</p> <p><b>(a)(9):</b> Individuals who have completed all requirements except an offer of employment may apply for a Certificate of Eligibility. Prospective employers are assured that the individuals holding this certificate qualify for the preliminary Level I credential.</p>
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<p>(b) <u>The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program outside of California shall include (1) through (9) below. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section.</u></p> <p>(1) <u>a baccalaureate or higher degree from a regionally accredited institution of higher education;</u></p> <p>(2) <u>the completion of a professional preparation program in the requested education specialist category, consisting of a minimum of 24 semester units, comparable to a program accredited by the Committee on Accreditation, including successful completion of supervised field study, but taken outside of California at a regionally accredited institution of higher education and approved by the appropriate state agency where the coursework was completed;</u></p> <p>(3) <u>passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252;</u></p> <p>(4) <u>verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject matter competence requirement;</u></p> <p>(5) <u>a minimum of three units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;</u></p> <p>(6) <u>a minimum of one semester unit of supervised field experience in general education verified by transcript or 45 clock hours with non-special education students verified by the employing agency;</u></p> <p>(7) <u>demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);</u></p> <p>(8) <u>knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and</u></p>	<p><b>(b):</b> These requirements for out-of-state individuals mirror the combined requirements for the current initial preliminary special education credential plus the requirements for the transition to the preliminary Level I. Individuals may apply directly to the Commission for this credential. Out of state trained individuals who do not have any of the (4) through (8) requirements will qualify for an emergency permit at the request of an employer. They should be able to satisfy these requirements in a few years and qualify for the preliminary Level I.</p> <p><b>(b)(4):</b> This parallels (a)(4) for California trained individuals.</p>
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<p><u>(9) verification of an offer of employment. The employment requirement may be met in one of the following ways:</u></p> <p><u>(A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or</u></p> <p><u>(B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:</u></p> <ol style="list-style-type: none"> <li><u>1. Possession of a non-special education credential that authorizes employment in the position;</u></li> <li><u>2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;</u></li> <li><u>3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is seeking enrollment must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and</u></li> <li><u>4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.</u></li> </ol> <p><u>(10) An individual who has completed requirements (1) through (8) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.</u></p> <p><u>(c) Period of Validity.</u></p> <p><u>(1) A preliminary level I Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a) or (b) is valid for five years.</u></p> <p><u>NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44225, 44227(a), 44252, 44265, 44280, 44281, 44310, 44259(b)(4), and 44335 Education Code.</u></p>	<p><b>(b)(9):</b> The experience options proposed in this subsection are the same as in subsection (a)(8) covering in-state candidates.</p> <p><b>(b)(10):</b> This parallels the Certificate of Eligibility available to those trained in California.</p> <p><b>(c):</b> The 5-year validity period is required by §44251.</p>
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<p><b>80048.4 Specific Requirements for the Professional Clear Level II Education Specialist Instruction Credential</b></p> <p>(a) <u>The minimum requirements for the professional clear level II Education Specialist Instruction Credential include all of the following:</u></p> <ol style="list-style-type: none"> <li>(1) <u>possession of a preliminary level I Education Specialist Instruction Credential;</u></li> <li>(2) <u>completion of the study of health education, as specified in Education Code Section 44259(c)(1), by one of the means described in Section 80421 of this article;</u></li> <li>(3) <u>completion of the study of computer based technology, including the uses of technology in educational settings, as specified in Education Code Section 44259(c)(3); and</u></li> <li>(4) <u>completion of a course of study that requires each candidate to demonstrate advanced level knowledge and skills that are different than the requirements for the approved preliminary level I Education Specialist Instruction Credential. The course of study shall include an individualized preparation program plan collaboratively developed by the candidate, the preparing institution and designee(s) of the employing school district, county office, or special education local planning area.</u> <ol style="list-style-type: none"> <li>(A) <u>A minimum of 3/4 of each candidate's program plan shall consist of coursework approved by the recommending institution of higher education, with the specific content, including planned field experiences, to be identified within the candidate's individualized preparation program plan.</u></li> <li>(B) <u>The remaining 1/4 of the unit credit for each candidate's individualized preparation program plan may consist of electives related to the areas of special education or general education selected from one or more of the following:</u> <ol style="list-style-type: none"> <li>1. <u>Coursework provided by the preparing institution of higher education accredited by the Committee on Accreditation.</u></li> <li>2. <u>Field experience elements within the accredited program which are in addition to academic credit given.</u></li> <li>3. <u>Alternative training that provides knowledge and related skills presented by agencies approved jointly by the candidate's employing agency and the institution of higher education accredited for this program.</u></li> </ol> </li> </ol> </li> <li>(5) <u>the recommendation from a regionally accredited institution of higher education that has a professional preparation program accredited by the Committee on Accreditation in the professional clear credential sought, as specified in Education Code Section 44227(a); and</u></li> </ol>	<p><b>§80048.4:</b> This outlines the requirements for the Professional Clear Level II Education Specialist Credential.</p> <p><b>(a)(1):</b> This is needed because individuals will be required to verify experience gained on the preliminary before applying for the professional clear.</p> <p><b>(a)(2) &amp; (3):</b> These are the same requirements needed by Multiple and Single Subject credential holders. Students in all settings, both regular and special education, are affected by these areas and need educators knowledgeable about both.</p> <p><b>(a)(4)(A) &amp; (B):</b> The emphasis of the professional Level II program will be to move the special educators beyond the functional aspects of teaching to more advanced knowledge and reflective thinking about their role in providing effective instruction. The essential features of Level II programs are advanced level coursework, (A), and the option of including non-university activities in (B)3.</p> <p><b>(a)(5):</b> recommend established by §44227.</p>
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<p>(6) <u>A minimum of two years of successful experience in a full time position in a public school or private school of equivalent status, while holding the preliminary level I Education Specialist Instruction Credential, as outlined in 80048.3 (a)(8) and (b)(9) and verified by the employing agency.</u></p> <p>(b) <u>The individualized preparation program plan shall be filed with the preparing institution and may be revised as needed upon agreement by the candidate, the preparing institution, and the employing school district, county office, or special education local planning area</u></p> <p>(c) <u>Period of Validity.</u></p> <p>(1) <u>A professional clear level II Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a) or (b) is valid for five years.</u></p> <p>NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44225, 44227, 44259 and 44265, Education Code.</p>	<p><b>(a)(6):</b> An individual learns to be competent in a profession, not only through training but also by implementing that training through experience. The type of experience allowed is defined in §80048 (a)(8) and (b)(9).</p> <p><b>(b):</b> This flexibility will allow teachers, with their institution and employer, to reassess their goals based on the new experiences they have in special education settings.</p> <p><b>(c):</b> The 5-year validity is consistent with other professional clear credentials.</p>
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<p><b>80048.5 Early Childhood Special Education Certificate.</b></p> <p>(a) <u>Requirements for the Early Childhood Special Education Certificate include all of the following:</u></p> <p>(1) <u>possession of a professional clear, clear, or life credential as listed in 80047 through 80047.9; and</u></p> <p>(2) <u>the completion of a Commission-approved professional preparation program in the education specialist category for early childhood special education, including successful completion of supervised field study.</u></p> <p>(b) <u>Period of Validity:</u>  <u>The Early Childhood Special Education Certificate shall remain valid as long as the credential required in 80048.5(a)(1) remains valid.</u></p> <p><u>NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44225 and 44265, Education Code.</u></p>	<p>This adds the new Early Childhood Special Education <i>Certificate</i> . It is available to special education teachers who either wish to broaden the authorization of their credentials or wish to validate their knowledge in early childhood special education by obtaining this certificate.</p>
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<p><b>80048.6 Authorizations for Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate.</b></p> <p>(a) All Education Specialist Instruction Credentials and the Early Childhood Special Education Certificate authorize service across the continuum of program options available pursuant to Education Code Sections 56031, 56360, and 56361. The continuum includes: resource rooms; special day classrooms; special schools; home/hospital settings; correctional facilities; non-public, non-sectarian schools and agencies; and alternative instructional settings other than classrooms.</p> <p>(b) The following authorizations refer to the disabilities defined in Title 34 Code of Federal Regulations:</p> <p>(1) The Education Specialist Instruction Credential: Mild/Moderate Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of specific learning disabilities, mild/moderate mental retardation, other health impairment, and serious emotional disturbance, in kindergarten, grades 1 through 12, and classes organized primarily for adults.</p> <p>(2) The Education Specialist Instruction Credential: Moderate/Severe Disabilities authorizes the holder to provide special education instruction and related services to individuals with a primary disability of autism, moderate/severe mental retardation, deaf-blindness, serious emotional disturbance, and multiple disabilities, in kindergarten, grades 1 through 12, and classes organized primarily for adults.</p> <p>(3) The Education Specialist Instruction Credential: Deaf and Hard-of-Hearing authorizes the holder to provide special education instruction and related services to individuals with a primary disability of deafness, deaf-blindness, and hearing impairment, from birth through grade 12, and classes organized primarily for adults.</p> <p>(4) The Education Specialist Instruction Credential: Physical and Health Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of orthopedic impairment, other health impairment, multiple disabilities, and traumatic brain injury, from birth through grade 12, and classes organized primarily for adults.</p> <p>(5) The Education Specialist Instruction Credential: Visual Impairments authorizes the holder to provide special education instruction and related services to individuals with a primary disability of visual impairment including blindness and deaf-blindness, from birth through grade 12, and classes organized primarily for adults.</p> <p>(6) The Education Specialist Instruction Credential: Early Childhood Special Education authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury.</p>	<p>This section provides a complete authorization statement for each of the new Education Specialist Instruction Credentials. It also incorporates the entire range of service delivery options [see (a)] which the current special education credentials authorize plus service as a resource specialist. Holders of the new Education Specialist Instruction Credential will not need to obtain the Resource Specialist Certificate.</p> <p>There is no new definition for the Clinical or Rehabilitative Services Credential because the name and authorization did not change under the new credential structure.</p>
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(7) The Early Childhood Special Education Certificate authorizes the holder to provide educational services to children from birth through pre-kindergarten who are eligible for early intervention special education and related services under federal and state law, except children with a primary disability of deafness, hearing impairment, deaf-blindness, visual impairment including blindness, orthopedic impairment, and traumatic brain injury, unless the individual holds a credential that authorizes serving children with that specific disability.

NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44265 and 44265.5, Education Code.

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

1812 Ninth Street  
Sacramento, California 95814-7000  
(916) 445-0184  
FAX (916) 327-3166



Attn.: Sam Swofford, Ed. D.  
Executive Director

Title: *Special Education*

Section Nos.: 80023, 80024.3, 80024.3.2, 80046.5, 80047, 80047.1,  
80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7,  
80047.8, 80047.9, 80048.2, 80048.3, 80048.4, 80048.5, and  
80048.6

**Response to the Attached Title 5 Regulations**

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address by 5:00 pm on April 2, 1997, in order that the material can be presented at the April 3, 1997 public hearing.

- 1.  Yes, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
- 2.  No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3.  Personal opinion of the undersigned. and/or
- 4.  Organizational opinion representing: \_\_\_\_\_  
(Circle One) School District, County Schools, College, University, Professional Organization, Other
- 5.  I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- 6.  No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*ms*

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

1900 Capitol Avenue  
Sacramento, California 95814-4213  
(916) 445-0184



EXECUTIVE OFFICE

November 9, 1999

99-9927

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

FROM: Sam W. Swofford, Ed.D.  
Executive Director

SUBJECT: Approval of Title 5 Regulations Concerning the Implementation of the "Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997" (AB 838 - Pacheco)

The additions and changes to the California Code of Regulations, Title 5, Sections 80413.2 and 80048.3(c) & (d) have been approved by the Office of Administrative Law and filed with the Secretary of State. They become effective today, November 9, 1999.

Education Code Sections 44205 and 44205.5, the "Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997" authored by Assemblyman Rod Pacheco (AB 838), became effective on January 1, 1998. This statute requires the Commission to issue five-year preliminary Multiple Subject, Single Subject, or Education Specialist Credentials to applicants who hold valid equivalent credentials from out of state. At identified times during the five-year period, the teacher must verify completion of specified requirements or the document must be inactivated by the Commission. The regulations clarify several items in the statute. A description of those items appears below.

*Requirements*

Education Code Section 44205 (a)(1) states that "It is the intent of the legislature that...any and all teachers hired in California pursuant to this section fully meet the requirements of the State of California." Those requirements are identified by name or by reference in the statute. However, the Education Code references do not provide a complete description of all of the requirements. The regulations add clarity by identifying the requirements in specific terms, with references to the Education Code and Title 5 regulations as appropriate.

*Identifying the Employer*

The statute requires that the out-of-state teacher must have an offer of employment in California in order to receive this five-year preliminary credential. At each step, the statute implies that the teacher must still be working in California. The regulations



identify the employing agency by placing that agency's name on the face of the document in the form of an employment restriction. This enables the Commission to locate the teacher and to notify both the teacher and the employer when requirements have not been met and the document must be inactivated. The restriction does not limit the teacher to working in a single district for the entire five years; it simply requires the teacher and his or her new employer to notify the Commission if the teacher moves to a new district.

#### *Form for Verification of Requirements*

As a guide for the credential holder when he or she collects the materials needed to verify completion of requirements, and as a way to assure that the materials submitted before the end of the fourth year are processed efficiently in the Commission office, the regulations require the materials be submitted with a specific form: *Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code §44205 (CL813 - 5/98)*. This form will be mailed to the credential holder with the original credential document and a second copy will be mailed with the inactivation letter, if one is necessary.

#### *Notifying Credential Holders and Employers of Inactivation and Reactivation*

The statute requires that the Commission inactivate the five-year preliminary credential when specific requirements are not met by established deadlines. First, the Commission must inactivate the document if the holder does not pass CBEST within the first year. In addition, the Commission must inactivate the document if other requirements are not completed by the end of the fourth year. The statute does not specify who should be notified of this inactivation or when. The regulations state that the Commission will notify both the credential holder and the employing agency one month in advance of the inactivation date for CBEST and three months in advance of inactivation for the remaining requirements. The letter must state the specific date of inactivation. This process provides both the holder and employer with time to submit verification of completion of the requirements before the deadline, thereby keeping the holder in the classroom.

If the credential holder fails to verify completion of requirements by the deadline and must be removed from the classroom, the regulations provide a way to return the holder to the assignment as soon as he or she submits verification to the employer. This way the students are not without their teacher while the paper work is being processed. The employing agency then has ten working days to submit the paperwork to the Commission. Once the verification of completion of requirements is processed in the Commission office, the Commission will send a formal notice of reactivation.

#### *Questions*

If you have questions concerning these regulations, please call the Commission's Information Services Office between 8 and 5 Monday through Friday at (916) 445-7254 or 888-921-2682, if you are calling from outside of the (916) area code. You may also e-mail us at <credentials@ctc.ca.gov>.

**DIVISION VIII OF TITLE 5  
CALIFORNIA CODE OF REGULATIONS**

**80413.2 Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials Pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997**

- (a) The minimum requirements for the five-year preliminary Multiple or Single Subject Teaching Credential pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997 are:
- (1) possession of a valid comparable teaching credential from a state other than California that required both of the following:
    - (A) completion of a baccalaureate or higher degree from a regionally accredited institution of higher education and
    - (B) completion of a professional preparation program approved by the applicable state agency in the state where the program was completed; and
  - (2) an offer of employment from a California school district, county office of education, non-public, non-sectarian school or agency, or school operating under the direction of a California state agency. Service on the credential is restricted to the employing agency listed on the document. If the holder changes employing agencies, he or she and the new employer must request a change of restriction on the document.
  - (3) An individual who has previously been issued a California Multiple or Single Subject Teaching Credential or Permit is not eligible for this preliminary credential.
- (b) On or before the end of the first year following the issuance date of the credential (year-one deadline), the credential holder must pass the California Basic Educational Skills Test (CBEST).
- (1) If the holder does not have a passing score on file with the Commission one month prior to the year-one deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
  - (2) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with his or her official CBEST verification transcript as proof of passage of the examination.
  - (3) The employer must submit a copy of the CBEST verification transcript to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once the scores are entered into the Commission's computer system.
- (c) On or before the end of the fourth year following the issuance date of the credential (year-four deadline), the credential holder must submit verification that he or she has completed the requirements for continuation of employment to the

Commission using the form Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code §44275.3 (CL-813 Rev. 3/99), which is hereby incorporated by reference.

- (1) The requirements for continuation of employment are:
    - (A) subject-matter competence verified either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094,
    - (B) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Title 5 Section 80415; and
    - (C) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4).
  - (2) If the holder does not verify completion of the year-four requirements to the Commission at least three months prior to the year-four deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
  - (3) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification unless the holder provides the employer with verification that all year-four requirements have been completed prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with official verification that all year-four requirements have been completed.
  - (4) The employer must submit verification of completion of requirements to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once verification has been entered into the Commission's computer system.
- (d) To be eligible to apply for the professional clear credential, the holder must complete the following requirements in addition to the requirements listed above:
- (1) study of health education as specified in Education Code Section 44259(c)(3)(A),
  - (2) study and field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs as specified in Education Code Section 44259(c)(3)(B),
  - (3) study of computer-based technology as specified in Education Code Section 44259(c)(3)(C), and
  - (4) completion of an approved fifth year of study as specified in either Education Code Section 44259(c)(5) or Section 44227(e)(1).

NOTE: Authority Cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44227(c), 44227(e), 44259(c), and 44275.3 Education Code

**80048.3 Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential**

- (c) The requirements for the preliminary level I Education Specialist Instruction Credential pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997 include all of the following:
- (1) The minimum requirements for initial issuance include:
    - (A) possession of a valid comparable teaching credential from a state other than California that required both of the following:
      1. completion of a baccalaureate or higher degree from a regionally accredited institution of higher education and
      2. completion of a professional preparation program approved by the applicable state agency in the state where the program was completed; and
    - (B) an offer of employment from a California school district, county office of education, non-public, non-sectarian school or agency, or school operating under the direction of a California state agency. Service on the credential is restricted to the employing agency listed on the document. If the holder changes employing agencies, he or she and the new employer must request a change of restriction on the document.
    - (C) An individual who has previously been issued a California Specialist Instruction Credential or Permit in Special Education or an Education Specialist Instruction Credential or Permit is not eligible for this preliminary level I credential.
  - (2) On or before the end of the first year following the issuance date of the credential (year-one deadline), the credential holder must pass the California Basic Educational Skills Test (CBEST).
    - (A) If the holder does not have a passing score on file with the Commission one month prior to the year-one deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
    - (B) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with his or her official CBEST verification transcript as proof of passage of the examination.
    - (C) The employer must submit a copy of the CBEST verification transcript to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once the scores are entered into the Commission's computer system.
  - (3) On or before the end of the fourth year following the issuance date of the credential (year-four deadline), the credential holder must submit verification that he or she has completed the requirements for continuation of employment to the Commission using the form Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code §44275.3

(CL-813 Rev. 3/99), which is hereby incorporated by reference.

(A) The requirements for continuation of employment are:

1. subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education are exempt from this subject-matter competence requirement;
2. a minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum verified by official transcript;
3. a minimum of one semester unit of supervised field experience in general education verified by official transcript or 45 clock hours with non-special education students verified by the employing agency;
4. demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4) verified by official transcript; and
5. knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article.

(B) If the holder does not verify completion of the year-four requirements to the Commission at least three months prior to the year-four deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.

(C) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with verification that all year-four requirements have been completed prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with official verification that all year-four requirements have been completed.

(D) The employer must submit verification of completion of requirements to the Commission and the County Office of Education within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once verification has been entered into the Commission's computer system.

(d) Period of Validity.

- (1) A preliminary level I Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a), (b), or (c) is valid for five years.

NOTE: Authority Cited: Sections 44225 and 44275.3, Education Code. Reference: Sections 44225, 44227(a), 44252, 44265, 44275.3, 44280, 44281, 44310, 44259(b)(4), and 44335, Education Code.

**CREDENTIAL ISSUED PURSUANT TO EDUCATION CODE §44257.3  
(AB838 /PACHECO)**

Your document has been issued under the provisions of Education Code §44257.3 which allow for the issuance of a five-year document to qualified teachers who hold valid comparable certification in another state. As the holder of this credential, you must complete specific requirements by certain deadlines in order to retain your document. The document will be inactivated if you miss the deadline and you will be removed from your teaching position.

The specific requirements that you must complete are listed on the face of your document and described in detail on the enclosed information leaflet. The chart below outlines the requirements in general terms.

Scores for the California Basic Educational Skills Test (CBEST) are reported directly to the Commission by the testing company. If you take and pass the test before the end of the first year that you hold the document, your document will continue in force. The Commission will notify you and your employer *only* if the scores are not received prior to the year-one deadline. You will receive instructions on how to submit the CBEST verification transcript at that time if necessary.

To verify completion of the year-four requirements, you must submit a copy of the reverse of this form to the Commission office at the post office box number provided *at least three months prior to the deadline* (fifteen months prior to the expiration date printed on the document). Please fill in all applicable sections of the form, then sign and date it. Attach supporting documentation (score reports, official transcripts, original letters) for the requirements that you complete. There is no fee. A copy of this form should be provided to your employing school district and county office of education, as well.

At the end of the five years, you must submit a new application and fee, plus verification of the remaining requirements, to apply for the professional clear credential.

<b>Time Line</b>	<b>Multiple &amp; Single Subject Teaching Credentials</b>	<b>Education Specialist Instruction Credentials (Special Education)</b>
Initial Issuance	Hold Comparable Out-of-State Elementary or Secondary Teaching Credential	Hold Comparable Out-of-State Special Education Teaching Credential
End of Year 1	Passage of CBEST	Passage of CBEST
End of Year 4	<ul style="list-style-type: none"> <li>• U.S. Constitution</li> <li>• Methods of Teaching Reading</li> <li>• Subject-Matter Competence</li> </ul>	<ul style="list-style-type: none"> <li>• U.S. Constitution</li> <li>• Methods of Teaching Reading</li> <li>• Subject-Matter Competence (except in Early Childhood Special Education)</li> <li>• Non-Special Education Pedagogy (3 semester units minimum)</li> <li>• Supervised Field Experience in General Education (45 clock hours minimum)</li> </ul>
For Professional Clear Credential	<ul style="list-style-type: none"> <li>• Health Education</li> <li>• Special Education</li> <li>• Computers in Education</li> <li>• Fifth Year of Study, including IHE recommendation if completed in California</li> </ul>	<ul style="list-style-type: none"> <li>• Level II Program, including IHE Recommendation</li> <li>• Two Years of Special Education Teaching Experience</li> <li>• Health Education</li> <li>• Computers in Education</li> </ul>

CL-813 (Rev. 3/99)

**VERIFICATION OF COMPLETION OF REQUIREMENTS  
 FOR A CREDENTIAL ISSUED  
 PURSUANT TO EDUCATION CODE §44275.3**

This form is to be completed by the credential holder. Please type or print. Submit this form and the supporting documentation to the Commission when ALL year-4 requirements have been completed. Mail all materials in one packet to the address listed above at least fifteen months prior to the expiration date of the credential document to avoid having the document inactivated. No fee is required.

Name 

<small>First</small>	<small>Middle</small>	<small>Last</small>

Social Security Number 

	-		-	
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(OPTIONAL—FOR FILE IDENTIFICATION PURPOSES ONLY)

Mailing Address 

<small>City</small>	<small>State</small>	<small>Zip</small>

Document Title  Multiple Subject Teaching Credential  
 Single Subject Teaching Credential  
 Education Specialist Instruction Credential

Document Number 

--

Expiration Date 

	-		-	
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Employing School District 

--

County of Employment 

--

Documentation Attached  Verification of Subject-Matter Competence  
 Examination score reports for the examination(s) checked:  
 MSAT  
 SSAT in \_\_\_\_\_  
 Praxis in \_\_\_\_\_  
 Subject-matter verification letter from college / university  
 Official transcripts for the course(s) checked:  
 U. S. Constitution  
 Teaching of Reading  
 Non-Special Education Pedagogy for Education Specialist Credential  
 Letter verifying 45 hours of experience with non-special education students for the Education Specialist Credential

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Alternative Pathway to Certification  
(Intern)  
Program**

**Program Report**

**2008-2009**

**Commission on Teacher Credentialing**

**Prepared by  
Catherine Creegan, Consultant  
Nadine Noelting, Administrator**

**November 2009**



# Table of Contents

Background and Purpose.....	1
Description of Participants .....	1
Program Evaluation Surveys .....	3
Intern Completer Surveys.....	4
Support Provider Surveys.....	6
Employer Surveys.....	8
Retention.....	11
Policy Changes Related to Flexible Funding .....	11
Race to the Top.....	12
Current Accountability Processes .....	12
Program Growth and Looking to the Future .....	12
Appendix A: Districts Using Program Participants.....	15

## **The Alternative Pathway to Certification (Intern) Program**

### **Background and Purpose**

The Teacher Education Internship Act of 1967 established the university internship programs. In 1983, lawmakers enacted the Hughes-Hart Education Reform Act (Chap. 498, Stats. of 1983) authorizing districts to develop and implement district internship program. The Alternative Teacher Certification Act of 1993 established a local assistance program to provide state funding for teaching internship programs managed by the Commission. In 2007, SB 1209 (Chap. 517, Stats. 2006) established additional funding for “enhanced programs” which provided additional support to eligible participants.

The first purpose of internship programs is to expand the pool of qualified teachers by attracting persons into teaching who might not otherwise enter the classroom, as well as those who bring valuable attributes and experiences into teaching. These groups include career changers, those underrepresented in the teaching workforce, those committed to teaching in high-need schools, teachers in content and credential shortage fields, and those who could not enter a traditional teacher preparation program because of economic, family or other reasons.

The second purpose of teaching internships is to enable K-12 schools to respond immediately to pressing staffing needs while providing professional preparation for interns that is as extensive and systematic as traditional programs, links education theory with classroom practice throughout each intern's preparation, and takes advantage of the experiences that interns bring with them.

Internships are designed to provide effective supervision and intensive support so each new intern's learning can be targeted to her/his needs, and so beginning teachers who are interns can extend, apply and refine in the classroom what they learn about teaching in the course of their initial preparation. The goal is to invest in these teachers so that they will have the skills to succeed and the commitment to stay in challenging and high-need classrooms.

### **Description of Participants**

A university or district internship is a fully paid position in a public school. The intern serves as teacher of record while simultaneously participating in a teacher preparation program. These programs may be one to three years long, and must meet the same or higher procedural and performance standards as other teacher preparation programs. Internships may be completed in any credential area. State funding is available for internships for Multiple Subject, Single Subject, and Education Specialist credentials.

Entry requirements for internships are the same as those for traditional teacher preparation programs. Interns must verify that they have at least a baccalaureate degree from a regionally accredited university, basic skills proficiency, subject matter competency, knowledge of the U.S. Constitution either by coursework or exam, and character identification. Candidates must have an offer of employment, be admitted to an internship credential program, and have completed preservice before they enter the classroom.

In 2008-09, 7,962 interns participated in 68 funded programs, including eight district intern programs. A total of 614 districts were partners in these programs in 55 of the 58 counties.

Eighty percent of the interns participated in university intern programs with the remainder in district intern programs. The length of the program varies with the institution and the type of credential being sought. Some credentials can be earned in one year, while others such as special education take up to three years, although the majority of the programs are two years long. The age of participants (Table 1) shows that the program meets the goals of providing an avenue for older participants to enter the teaching profession. Over half of the participants are over the age of 30. Although candidates who graduated from universities in other states can use the intern program to get a California credential, 6,374 participants came from California schools with 3,902 from the CSU system, 1,199 from the UC system, and 1,273 from private schools.

**Table 1**  
**Age of Intern Participants from 2003 to 2008**

	<b>20 to 30</b>	<b>31 to 40</b>	<b>41 to 50</b>	<b>51 to 60</b>	<b>60 Plus</b>	<b>Declined to State</b>
<b>2003-04</b>	46.2%	28.6%	16.1%	8.0%	1.0%	0%
<b>2004-05</b>	44.8%	27.1%	17.0%	8.5%	0.9%	1.6%
<b>2005-06</b>	47.5%	25.3%	15.6%	9.0%	1.0%	1.7%
<b>2006-07</b>	48.1%	26.2%	15.3%	8.0%	1.0%	1.5%
<b>2007-08</b>	48.6%	26.4%	15.1%	7.8%	1.0%	1.2%
<b>2008-09</b>	47.6%	27.4%	15.1%	7.5%	1.2%	1.0%

The law requires employers to only hire interns after a fully credentialed teacher cannot be found, making participation in the programs based on the employer’s current need. Participation in the multiple subject programs has decreased over the last five years, while single subject and special education credentials have increased (see Table 2).

**Table 2**  
**Types of Credentials**

	<b>Multiple Subject</b>		<b>Single Subject</b>		<b>Special Education</b>		<b>Total</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	
<b>2002-03</b>	4,508	62.5	1,588	22.0	1,121	15.5	7,217
<b>2003-04</b>	3,882	43.4	2,591	28.8	2,485	27.8	8,942*
<b>2004-05</b>	2,578	30.4	2,817	33.2	3,094	36.4	8,489*
<b>2005-06</b>	1,593	21.8	2,697	36.9	3,011	41.2	7,309*
<b>2006-07</b>	1,753	20.8	3,028	36.0	3,634	43.2	8,415*
<b>2007-08</b>	1,698	20.2	2,955	35.1	3,755	44.7	8,408*
<b>2008-09</b>	1,369	17.2	2,869	35.1	3,993	50.2	8,231*

\*Interns may seek more than one type of credential.

Male candidates are well represented in the 2008-09 intern programs: 23.5% of the multiple subject candidates are male, while 47.5% of the single subject candidates and 29.4% of the special education candidates are male. Internships continue to provide an avenue for males to become teachers in elementary schools and in special education, while women are well represented in the secondary single subject programs. Although there are interns serving in all

thirteen single subject content areas, more than seventy percent are pursuing the core curriculum courses of Math, Science or English (see Table 3).

**Table 3**  
**Intern Single Subject Credential Content Areas 2003-2008**

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
<b>English Language Arts</b>	847	796	756	797	797	690
<b>Math</b>	530	724	753	821	785	814
<b>Science</b>	553	570	497	547	552	567
<b>Social Science</b>	226	257	254	295	262	224
<b>Foreign Language</b>	133	145	190	194	162	162
<b>Physical Education</b>	120	140	175	228	219	216
<b>Music</b>	52	67	71	87	95	81
<b>Art</b>	45	45	59	63	58	49
<b>Business</b>	41	33	29	30	31	17
<b>Health Science</b>	23	21	58	50	48	28
<b>Home Economics</b>	10	12	9	12	14	4
<b>ITE</b>	7	4	6	14	15	11
<b>Agriculture</b>	4	3	4	12	10	6
<b>TOTAL</b>	<b>2,591</b>	<b>2,817</b>	<b>2,861</b>	<b>3,064</b>	<b>3,048</b>	<b>2,869</b>

Table 4 shows that Internships continue to bring those underrepresented in the teaching workforce into teaching. According to the California Basic Educational Data System (CBEDS) data, interns are ethnically more diverse than the existing teacher work force. The ethnic/racial distribution of intern programs has remained relatively constant over the past seven years.

**Table 4**  
**Ethnic Distribution of Interns 2002-2008**

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
<b>White/Non Hispanic</b>	52.3%	50.3%	52.3%	54.8%	53.7%	50.7%	51%
<b>Hispanic</b>	28.4%	26.7%	24.6%	23.5%	21.8%	23.4%	23.9%
<b>African American</b>	7.3%	9.0%	9.9%	9.1%	8.1%	8.1%	8%
<b>Asian SE Asian</b>	5.7%	5.4%	6.3%	6.5%	6.3%	6.0%	6.2%
<b>Filipino/Pacific Islander</b>	1.3%	1.7%	2.0%	2.4%	2.6%	3.5%	4.1%
<b>Native American / Alaskan Native</b>	.9%	1.0%	.9%	1.2%	1.0%	1.2%	1.9%
<b>Multiple</b>	.4%	1.0%	1.0%	-	-	-	-
<b>Other</b>	3.5%	4.8%	3.8%	2.5%	2.9%	3.2%	1.9%
<b>Unknown/Decline to Submit</b>	(3.9)%	(4.6)%	(3.4)%	(6.2)%	(3.6)%	(3.9)%	(3%)

### Program Evaluation Surveys

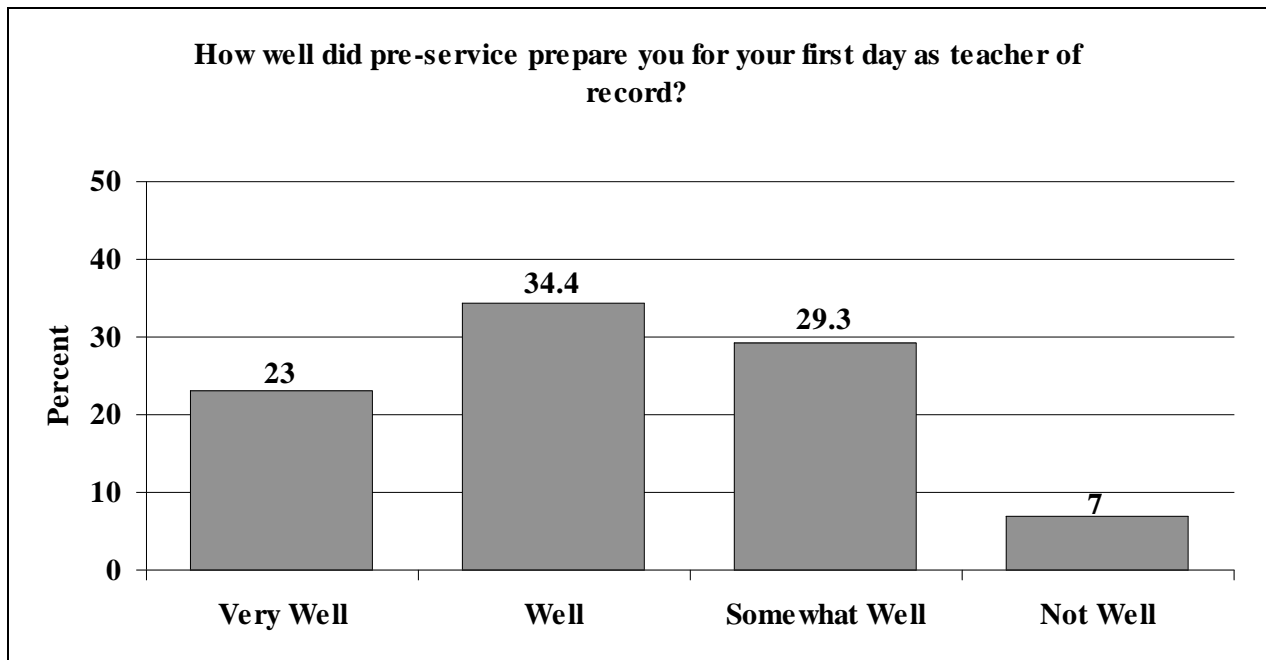
On an annual basis, those who complete Intern programs, their Support Providers, and their employers participate in surveys in which they reflect on and evaluate their experiences in the program. Each program then receives its own data and statewide data for comparison and to make data based adjustments to improve program quality. Thus, the surveys not only provide valuable information regarding the Intern program throughout the state, but they are also used at the individual program level to gauge how well each program is meeting its goals.

### Intern Completer Surveys

In the spring of 2009, a total of 2,619 interns who were completing an Intern teacher preparation program completed the annual survey regarding their experiences with their particular program.

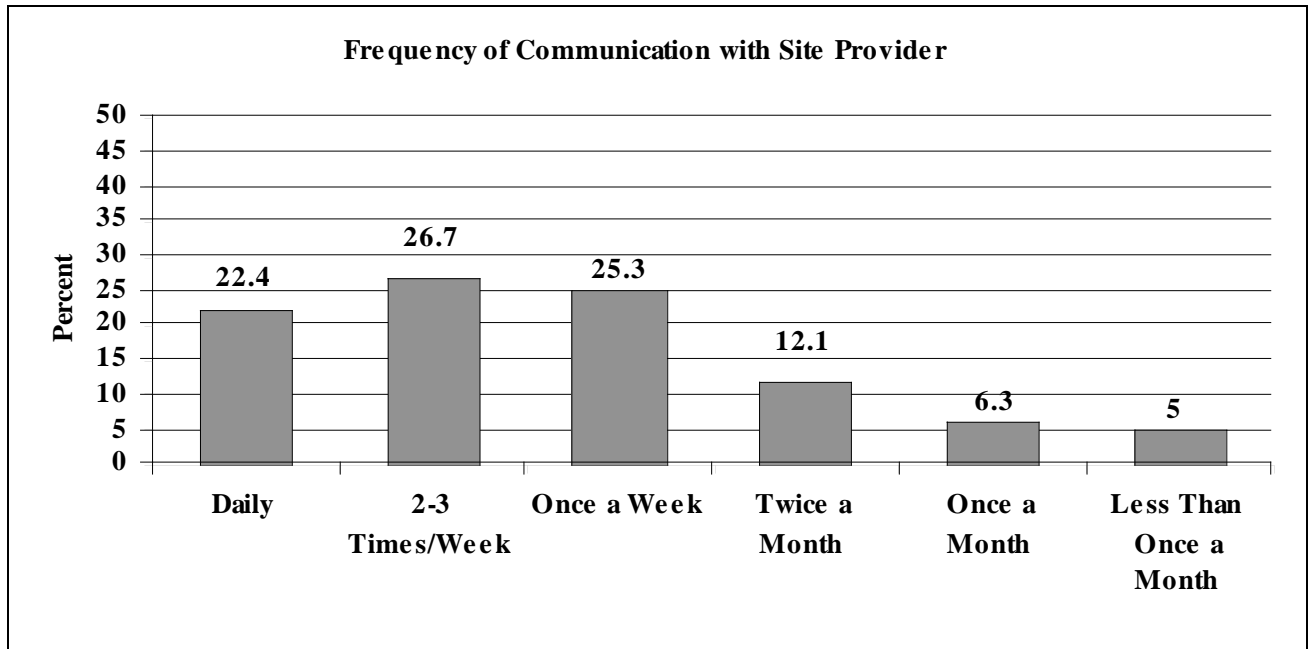
One of the first questions in the survey asks the interns how well they felt their preservice prepared them for their first day as teacher of record. As indicated in Figure 1, the majority (more than 55%) of those interns who completed the survey stated that their pre-service program prepared them well or very well to enter the classroom as teachers of record.

**Figure 1**



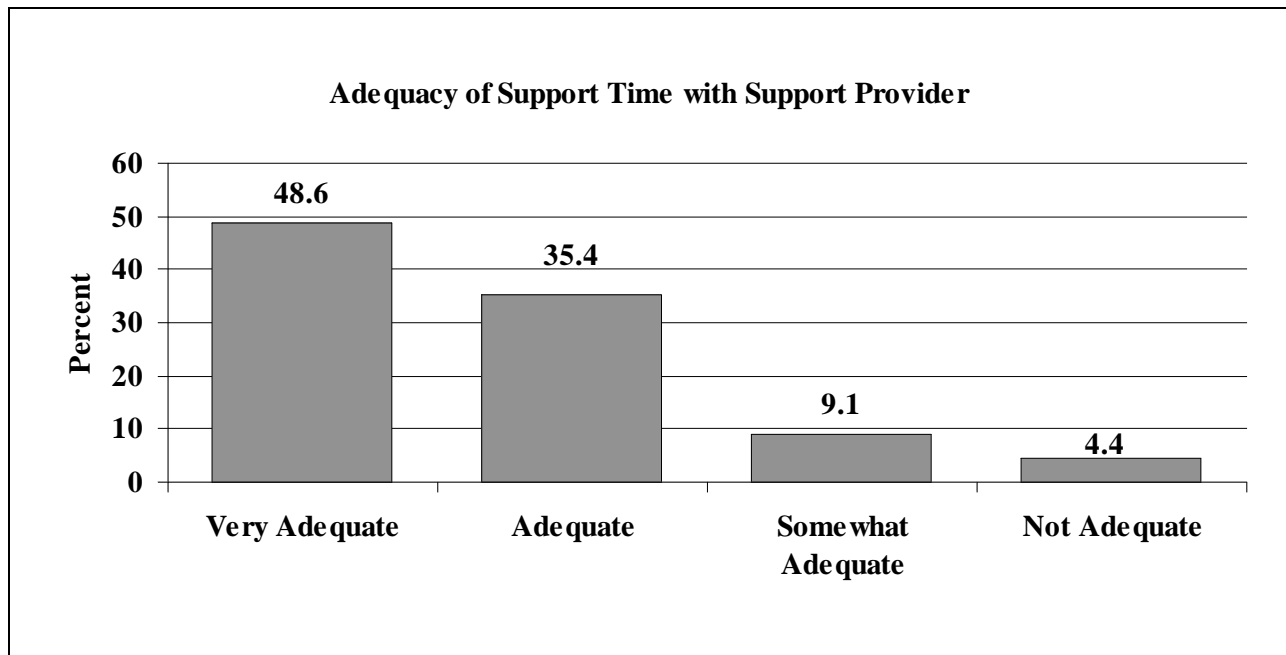
Following preservice, on-site support is deemed to be one of the most important elements of a successful internship program. Almost 75% of the Interns who responded indicated that they communicated daily, 2-3 times a week, or at least once a week with their Support Providers (Figure 2).

**Figure 2**



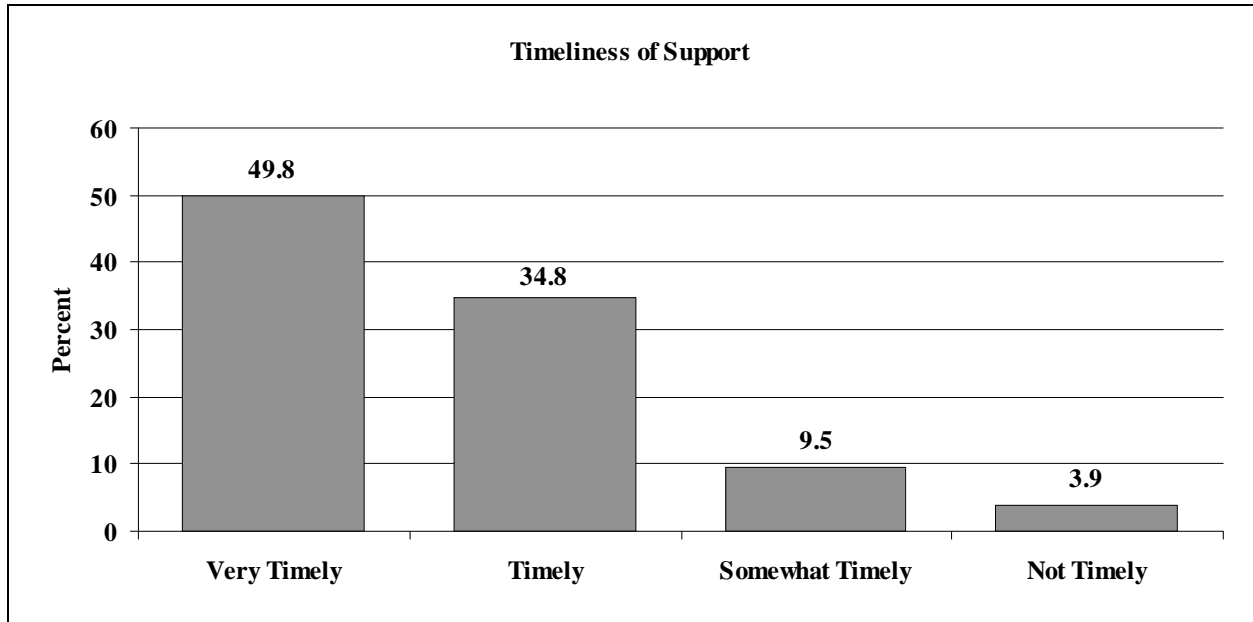
Furthermore, over 80% also stated that the amount of support time they received was adequate or very adequate to meet their needs (Figure 3)

**Figure 3**



As indicated in Figure 4, more than 84% of interns also felt that support was provided in a timely manner.

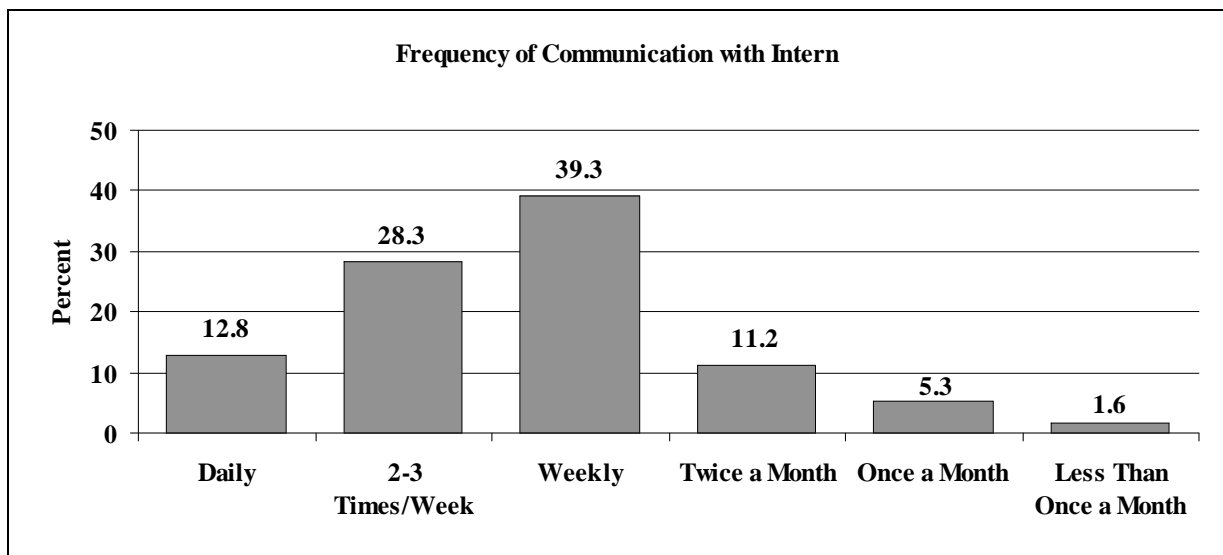
**Figure 4**



**Support Provider Surveys**

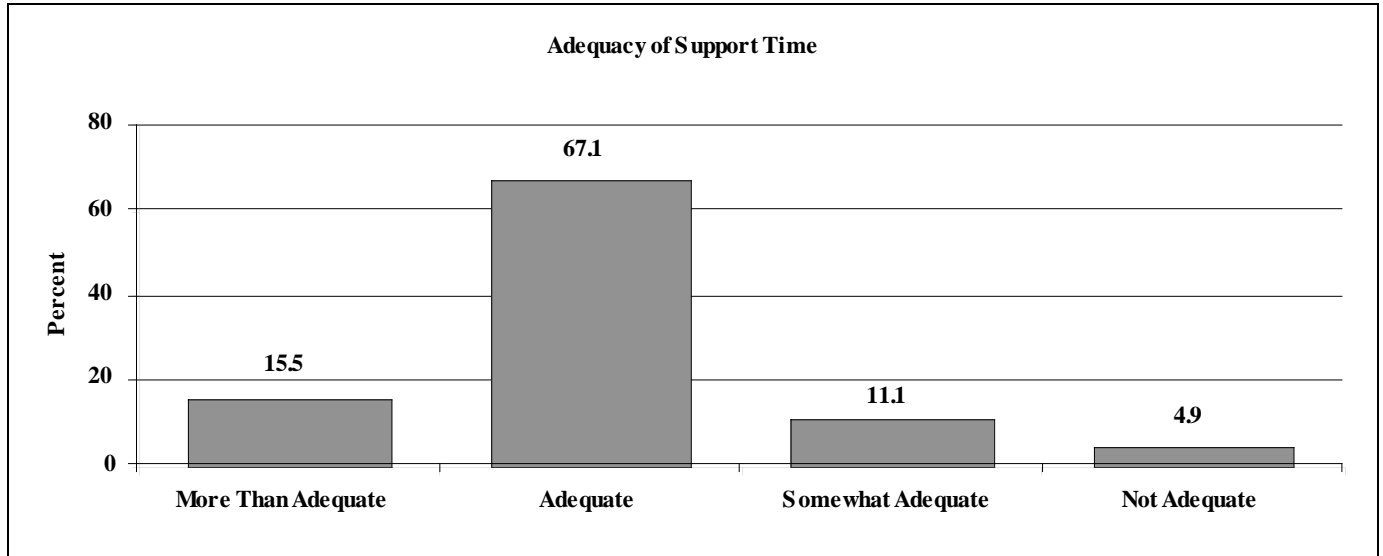
Support Providers were also asked about their preparation and the amount of assistance they were able to provide to interns. As indicated in Figure 5, more than 80% of Support Providers stated that they communicated with their intern teachers on a daily basis, 2-3 times a week, or at least weekly. As noted above 75% of interns reported this level of communication. Differences between intern and Support Provider responses in each category may be due to differing understandings of and/or perception of support offered or received.

**Figure 5**



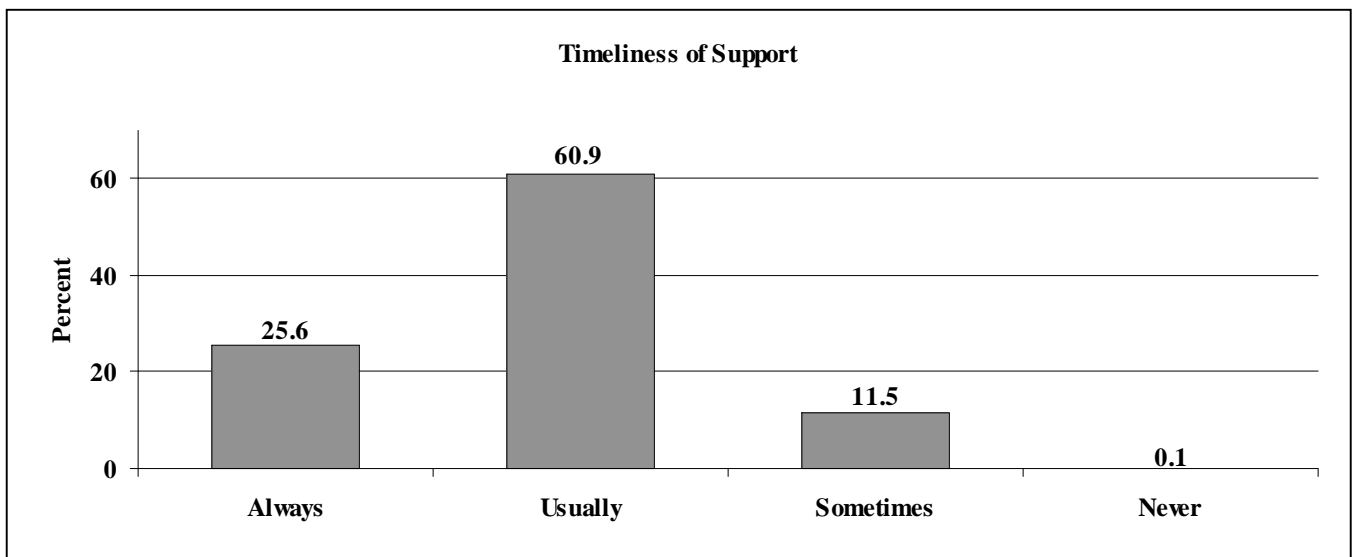
Support Providers also indicated that the amount of time allotted for their Support Provider role was adequate to meet the needs of the interns they served. As shown in Figure 6, 67.1% felt that the time was adequate, and 15.5% felt that the time was more than adequate.

**Figure 6**



As shown in Figure 7, over 85% of Support Providers also indicated that they were always or usually able to provide support on a timely basis. More than 84% of interns reported that they received support on a very timely or timely manner.

**Figure 7**

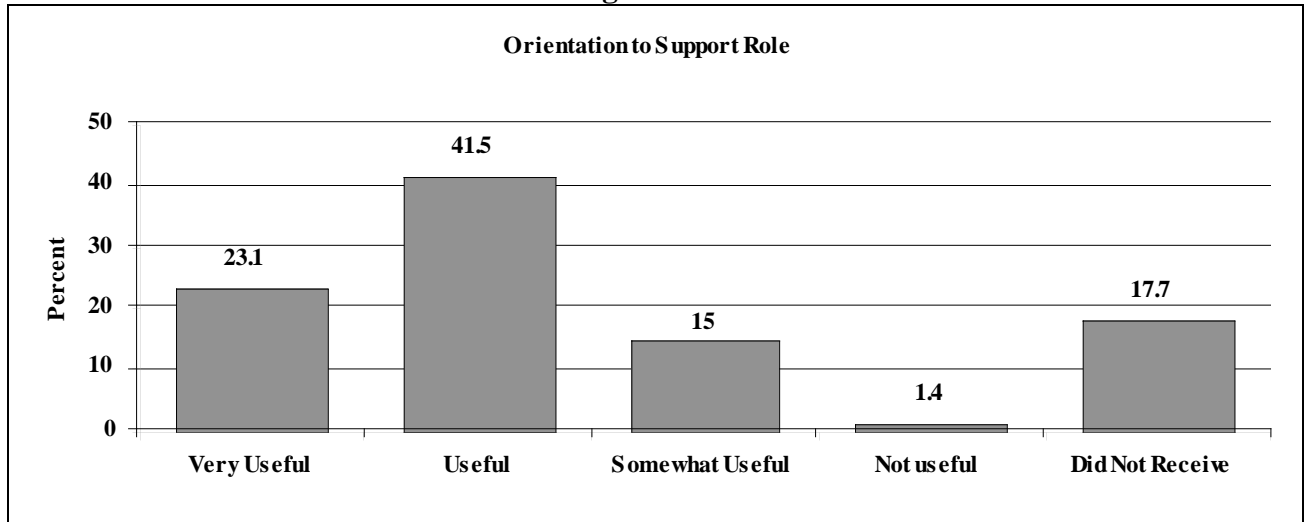




### Orientation to Support Role

Most Support Providers who received orientation to their Support Provider role felt that it was useful or very useful. However, 17.7% stated that they did not receive such orientation. Programs may need to explore additional ways to prepare Support Providers for their role in development of the intern's skills. (See Figure 8)

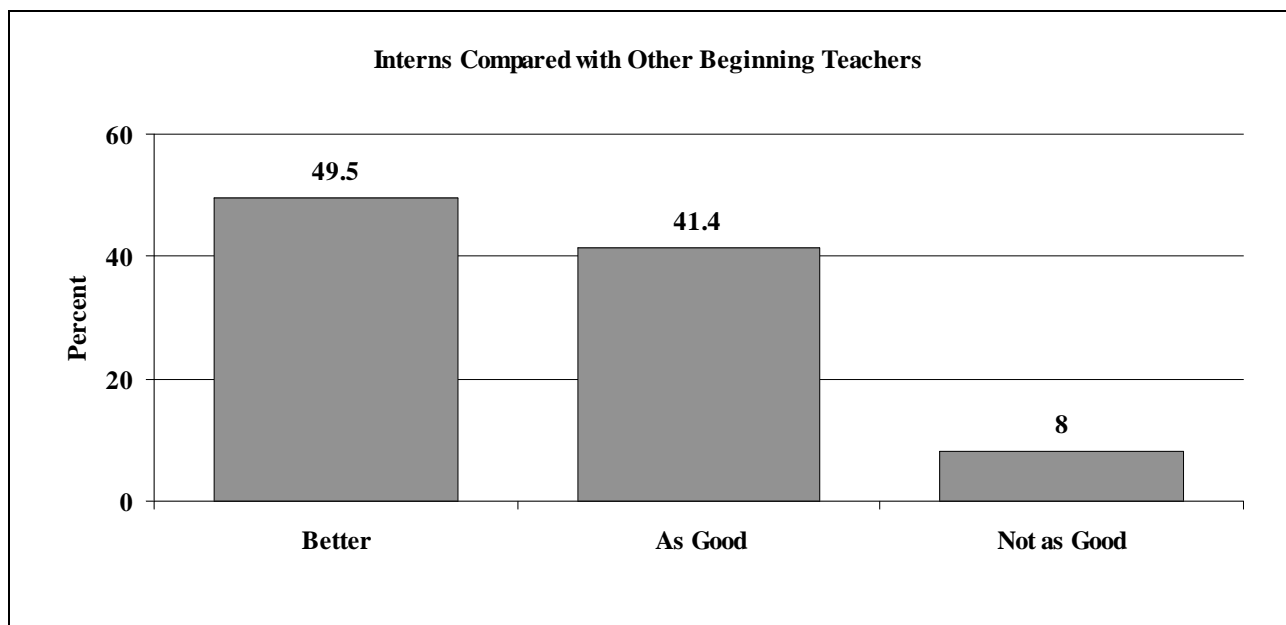
**Figure 8**



### Employer Surveys

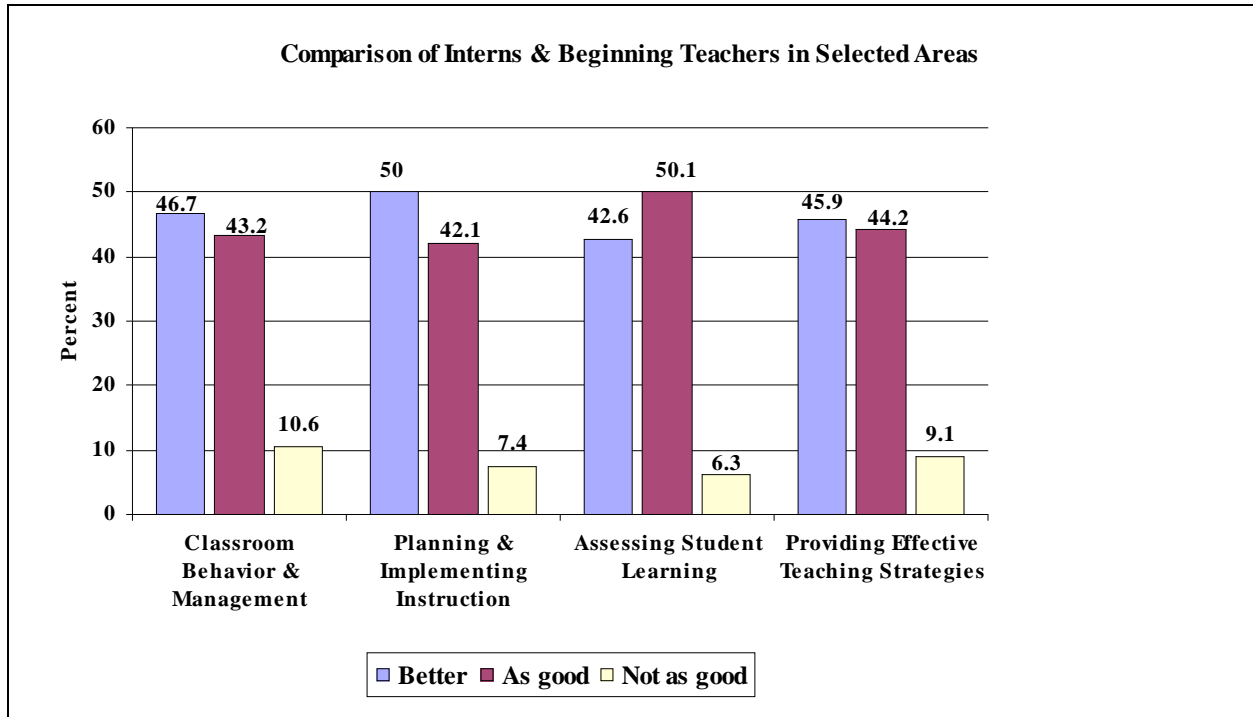
The Employer Survey asked principals and other school administrators how interns at their schools compared with other beginning teachers. Overall, these school leaders indicated that more than 90% of the intern teachers at their schools were as good as or better than other beginning teachers who taught at schools where they had been administrators. (See Figure 9)

**Figure 9**



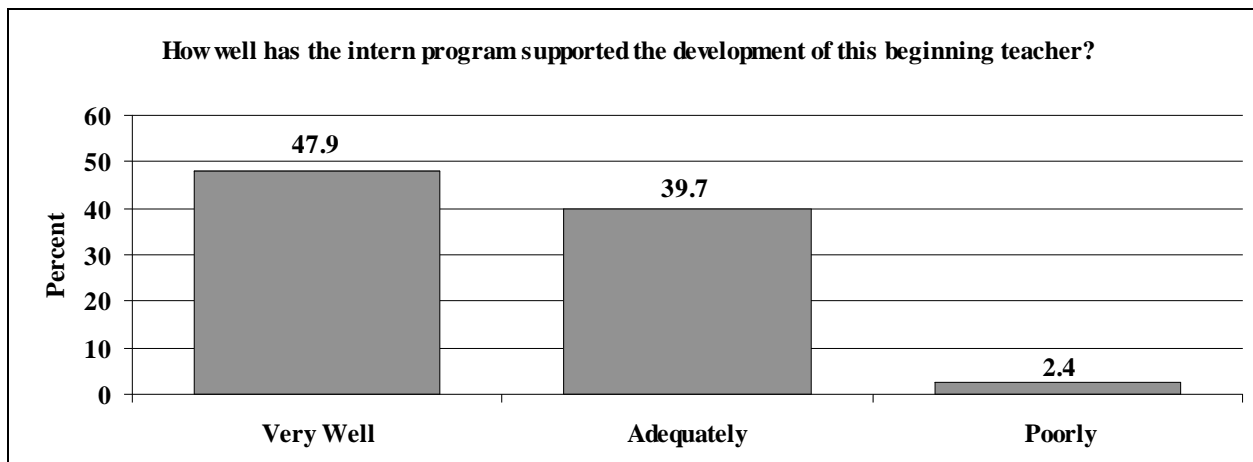
As shown in Figure 10, intern skills were also rated favorably in specific areas of performance by these same administrators when compared with other beginning teachers.

**Figure 10**



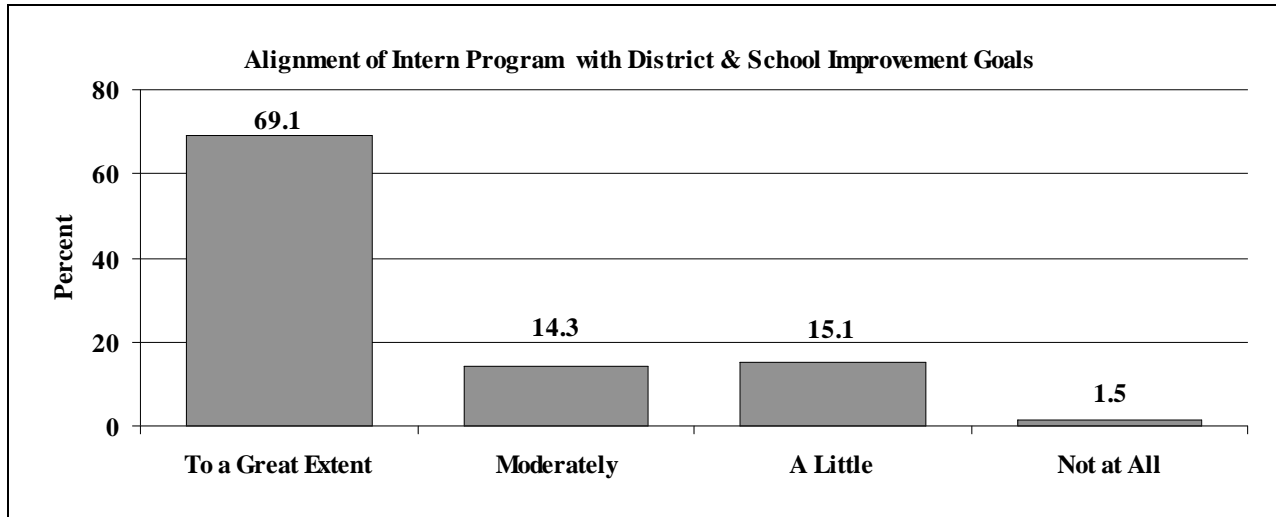
When asked how well the intern program supported the development of the intern teacher(s) at their school, 87.6% of principals and other administrators who responded stated the program had supported the intern teachers very well or adequately. (See Figure 11)

**Figure 11**



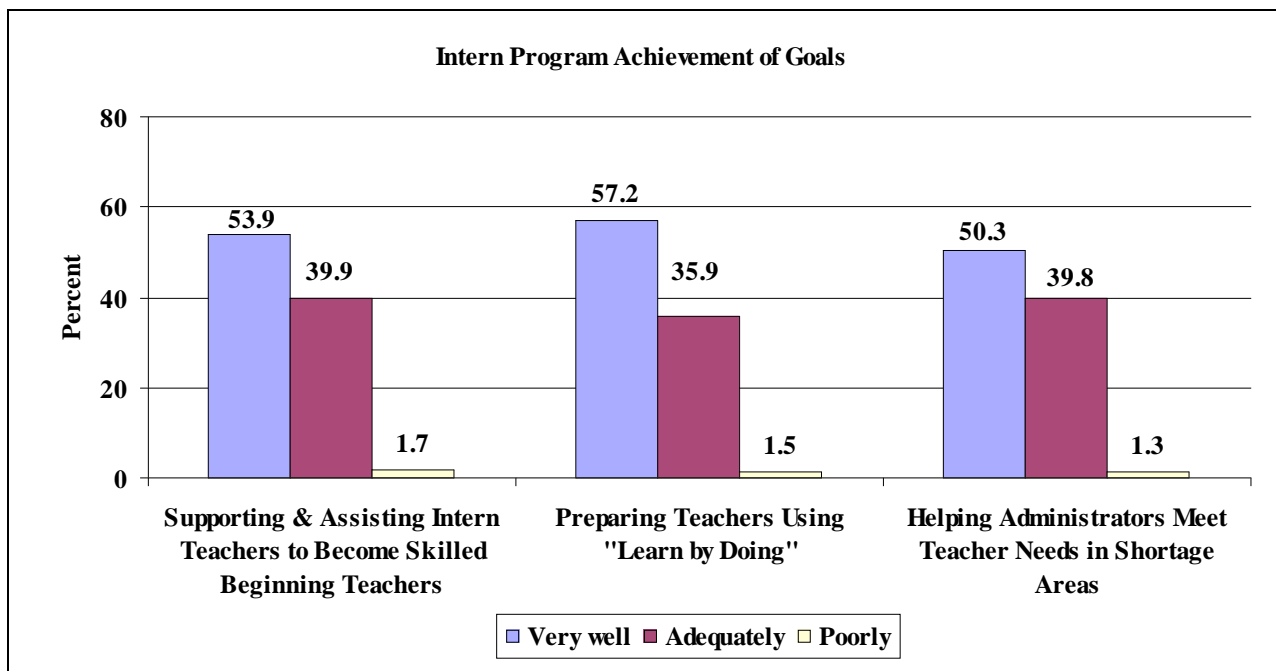
A majority of principals also said that they believed the intern program aligned with and supported their district and school improvement goals. (See Figure 12)

**Figure 12**



Finally, more than 90% of principals and other administrators felt that the intern program met its specified goals adequately or very well. (See Figure 13)

**Figure 13**



## **Retention**

Funded Intern Programs agree to track the retention of their participants for 5 years (year one is the first year of the retention) to see if they are retained in the teaching profession. Each intern “class” or cohort is tracked by the participating program and partnering school districts. All interns who successfully complete a one to three year program are recommended for a preliminary credential and are moved into a BTSA teacher induction program or Level II Education Specialist program.

Historically, programs have reported aggregate retention data; however, for 2007-08, the Commission requested reporting by individual, producing a large number of unknowns. In the spring of 2009, the CALTIDES comprehensive system of longitudinal educator data produced placement information for 85% of all those employed by school district. The Commission is currently using this source, albeit incomplete, to calculate participant retention rates. Thus, with the 85% of school districts reporting, it is estimated that 80% of interns are still teaching in a public school setting after five years.

## **Policy Changes Related to Flexible Funding**

As stated previously, the revised 2008-2009 budget altered how funds for General Fund Proposition 98 programs were allocated to the Alternative Pathway to Certification (Intern) program. The allocation is no longer a per participant allocation, but rather a block grant to the LEA. Furthermore, the total appropriation for the Intern program was reduced in 2008-09, and each program saw a reduction in their allocation. Block grants are to remain in place for five years, with a percentage reduction in funding each year.

Intern programs are now part of the Tier III appropriations to Local Education Agencies (LEAs). The LEA has the authority to determine whether or not to continue to allocate funds, and in the same amounts, to the Intern programs they co-sponsored in 2007-08. LEAs that elect not to continue a program that was funded with Proposition 98 funds in 2007-08 must hold a public hearing to make this determination and must report such action to the state, as specified in statute.

In 2008-09, Intern programs reported anecdotally that they were struggling to maintain existing programs with reduced funding. However, it is anticipated that the federal stimulus funding, which has already been applied for by the Commission, will “back fill” the funding that was lost in 2008-09. The Commission has also requested stimulus funds for this purpose in 2009-10. As most reports indicate that reductions in funding at the local level have also resulted in teacher layoffs, there is some indication that the demand for interns may also be reduced in the short term. However, with all of the uncertainty, program sponsors have not been able to provide the Commission with sufficient information to determine if the number of interns will decline. Furthermore, it is anticipated that the need for interns in traditionally hard to serve (content and geographic) areas will continue.

As the average intern program takes two or more years to complete, programs are optimistic that expected teacher retirement levels and improvements in the economy will result in a demand for more teachers, including those prepared through alternative pathways to certification, two years from now.

### **Race to the Top**

The federal Race to the Top Fund provides competitive grants to encourage and reward states that are creating the conditions for education innovation and reform; implementing ambitious plans in the four education reform areas described in the *American Recovery and Reinvestment Act of 2009* (ARRA); and achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring that students are prepared for success in college and careers. Race to the Top will provide \$4.35 billion in competitive grants to encourage and reward states that create the conditions for education innovation and reform.

One of the Race to the Top State Reform Conditions Criteria is that state applicants must provide alternative pathways for aspiring teachers and principals. Specifically, the federal Department of Education will be looking at the extent to which the state has in place legal, statutory, or regulatory provisions that allow alternative pathways to certification for teachers and principals, particularly routes that allow for providers in addition to institutions of higher education; and the extent to which these routes are in use. California's strong alternative pathway to certification (Intern) program for teacher preparation will be an asset if California applies for Race to the Top funds

### **Program Growth and Looking to the Future**

Participation in the state-funded intern programs has remained relatively constant for the last six years. The only significant decrease occurred during the 2005-2006 year, which may have been due to the discontinuance of the pre-intern program, a feeder to the intern program. Internship programs will continue to adjust to market trends. Block grant funding decisions at the local level may result in lower funding levels for intern programs as programs compete with other local priorities for available funds. However, the Race to the Top may create opportunities for program growth and/or transformation.

Improving preservice preparation and on-site support will continue to be program goals in the next year. Programs continue to work with districts to identify need areas, provide timely preservice preparation, and assure that the intern is supported at the site and by the program and has the necessary preparation to be successful.

## Appendix A

### Districts Using Program Participants

<b>ALAMEDA</b>	Alameda City Unified Alameda COE Albany City Unified Berkeley Unified CA School for Blind CA School for Deaf Castro Valley Unified Dublin Unified Emery Unified Fremont Unified Hayward Unified Livermore Valley Joint Unified New Haven Unified Newark Unified Oakland Unified Piedmont City Unified Pleasanton Unified San Leandro Unified San Lorenzo Unified SBE Livermore Valley Charter		Pittsburgh Unified San Ramon Valley Unified West Contra Costa Unified
		<b>EL DORADO</b>	Buckeye Union Elementary El Dorado Union High Rescue Union Elementary
		<b>FRESNO</b>	Alvina Elementary American Union Elementary Caruthers Unified Central Unified Clovis Unified Coalinga-Huron Joint Unified Firebaugh-Las Deltas Joint Unified Fowler Unified Fresno COE Fresno Unified Golden Plains Unified Kremen Unified Kings Canyon Joint Unified Kingsburg Elementary Charter Mendota Unified Parlier Unified Raisin City Elementary Riverdale Joint Unified Sanger Unified Selma Unified Sierra Unified Washington Colony Elementary Washington Union High West Fresno Elementary Westside Elementary
<b>AMADOR</b>	Amador County Unified		
<b>BUTTE</b>	Biggs Unified Butte COE Oroville Union High Paradise Unified Thermalito Union Elementary		
<b>CALAVERAS</b>	Bret Harte Union High Calaveras COE Calaveras Unified Vallecito Union		
<b>COLUSA</b>	Colusa COE Colusa Unified	<b>GLENN</b>	Glenn COE Orland Joint Unified Princeton Joint Unified
<b>CONTRA COSTA</b>	Antioch Unified Brentwood Union Elementary Byron Union Elementary Contra Costa COE John Swett Unified Liberty Union High Martinez Unified Mt. Diablo Unified Oakley Union Elementary Orinda Union Elementary	<b>HUMBOLDT</b>	Fortuna Union High Humboldt COE Mattole Unified McKinleyville Union Elementary Northern Humboldt Union High Rohnerville Elementary Southern Humboldt Joint Unified

**IMPERIAL**

Brawley Elementary  
Brawley Union High  
Calexico Unified  
Calipatria Unified  
Central Union High  
El Centro Elementary  
Heber Elementary  
Holtville Unified  
Imperial COE  
Imperial Unified  
McCabe Union Elementary  
Mulberry Elementary  
San Pasqual Valley Unified  
Westmorland Union Elementary

**INYO**

Bishop Union Elementary

**KERN**

Arvin Union Elementary  
Bakersfield City  
Beardsley Elementary  
Belridge Elementary  
Delano Joint Union High  
Delano Union Elementary  
Edison Elementary  
El Tejon Elementary  
Fairfax Elementary  
Fruitvale Elementary  
General Shafter Elementary  
Greenfield Union Elementary  
Kern COE  
Kern Union High  
Kernville Union Elementary  
Lakeside Union  
Lamont Elementary  
Lost Hills Union Elementary  
Maple Elementary  
Maricopa Unified  
McFarland Unified  
Midway Elementary  
Mojave Unified  
Muroc Joint Unified  
Norris Elementary  
Panama-Buena Vista Union  
Pond Union  
Richland Union Elementary  
Rio Bravo-Greeley Union Elementary  
Rosedale Union Elementary  
Semitropic Elementary  
Sierra Sands Unified  
Southern Kern Unified

Standard Elementary  
Taft City  
Taft Union High  
Tehachapi Unified  
Vineland Elementary  
Wasco Union Elementary  
Wasco Union High

**KINGS**

Armona Union Elementary  
Corcoran Joint Unified  
Hanford Elementary  
Hanford Joint Union High  
Kings COE  
Kings River-Hardwick Union  
Elementary  
Kit Carson Union Elementary  
Lakeside Union Elementary  
Lemoore Union Elementary  
Lemoore Union High  
Reef-Sunset Unified

**LAKE**

Konocti Unified  
Middletown Unified

**LASSEN**

Lassen COE  
Lassen Union High  
Susanville Elementary  
Westwood Unified

**LOS ANGELES**

ABC Unified  
Acton-Agua Dulce Unified  
Alhambra Unified  
Antelope Valley Union High  
Arcadia Unified  
Azusa Unified  
Baldwin Park Unified  
Bassett Unified  
Bellflower Unified  
Beverly Hills Unified  
Bonita Unified  
Burbank Unified  
Castaic Union Elementary  
Centinella Valley Union High  
Charter Oak Unified  
Claremont Unified  
Compton Unified  
Covina-Valley Unified  
Culver City Unified  
Downey Unified  
Duarte Unified

East Whittier City Elementary		William S. Hart Union High
Eastside Union Elementary		Wilsona Elementary
El Monte Union High		Los Angeles
El Rancho Unified		
El Segundo Unified	<b>MADERA</b>	Alview-Dairyland Union Elementary
Garvey Elementary		Chawanakee Unified
Glendale Unified		Chowchilla Elementary
Gorman Elementary		Chowchilla Union High
Hacienda La Puente Unified		Golden Valley Unified
Hawthorne		Madera Unified
Hermosa Beach City Elementary		Raymond-Knowles Union Elementary
Inglewood Unified		Yosemite Unified
Keppel Union Elementary		
La Canada Unified	<b>MARIN</b>	Dixie Elementary
Lancaster Elementary		Lagunitas Elementary
Las Virgenes Unified		Marin COE
Lawndale Elementary		Mill Valley Elementary
Lennox Elementary		Novato Unified
Little Lake City Elementary		Ross Valley Elementary
Long Beach Unified		San Rafael City Elementary
Los Angeles COE		San Rafael City High
Los Angeles Unified		Sausalito Marin City
Los Angeles Unified LAUSD		Tamalpais Union High
Los Nietos		
Lynwood Unified	<b>MARIPOSA</b>	Mariposa County Unified
Manhattan Beach Unified		
Monrovia Unified	<b>MENDOCINO</b>	Anderson Valley Unified
Montebello Unified		Arena Union Elementary
Newhall Elementary		Fort Bragg Unified
Norwakl-La Mirada Unified		Laytonville Unified
Palmdale Elementary		Potter Valley Community Unified
Palos Verdes Peninsula Elementary		Round Valley Unified
Paramount Unified		Ukiah Unified
Pasadena Unified		Willits Unified
Pomona Unified		
Redondo Beach Unified	<b>MERCED</b>	Delhi Unified
Rowland Unified		Dos Palos Oro Loma Joint Unified
San Gabriel Unified		Gustine Unified
Santa Monica-Malibu Unified		Hillmar Unified
SBE Lifeline Education Charter		LeGrand Union High
SBE School of the Arts and Enterprise		Livingston Union Elementary
South Pasadena Unified		Los Banos Unified
South Whittier Elementary		Merced City Elementary
Southeast ROP		Merced COE
Sulphur Springs Union Elementary		Merced Unified
Temple City Unified		Merced Union High
Torrance Unified		Weaver Union
Walnut Valley Unified		
West Covina Unified	<b>MODOC</b>	Modoc COE
Westside Union Elementary		Modoc Joint Unified
Whittier City Elementary		Surprise Valley Joint Unified
Whittier Union High		Tulelake Basin Joint Unified



<b>MONO</b>	Eastern Sierra Unified	<b>PLACER</b>	Ackerman Elementary Aubrun Union Elementary Eureka Union Placer COE Placer Union High Rocklin Unified Roseville City Elementary Roseville Joint Union High Western Placer Unified
<b>MONTEREY</b>	Alisal Union Elementary Carmel Unified Gonzales Unified Greenfield Union Elementary King City Union Elementary Monterey COE Monterey Peninsula Unified North Monterey County Unified Salinas City Elementary Salinas Union High Saint Rita Union Elementary Soledad Unified	<b>PLUMAS</b>	Plumas Unified
<b>NAPA</b>	Napa Valley Unified Saint Helena Unified	<b>RIVERSIDE</b>	Alvord Unified Banning Unified Beaumont Unified Coachella Valley Unified Corona-Norco Unified Desert Sands Unified Hemet Unified Jurupa Unified Lake Elsinore Unified Menifee Union Elementary Moreno Valley Unified Murrieta Valley Unified Nuvview Union Elementary Palm Springs Unified Palo Verde Unified Perris Elementary Perris Union High Riverside COE Riverside Unified San Jacinto Unified Temecula Valley Unified Val Verde Unified
<b>NEVADA</b>	Nevada COE Nevada Joint Union High Pleasant Ridge Union Elementary		
<b>ORANGE</b>	Anaheim City Anaheim Union High Brea-Olinda Unified Buena Park Elementary Capistrano Unified Centralia Elementary Cypress Elementary Fountain Valley Elementary Fullerton Elementary Fullerton Joint Union High Garden Grove Unified Huntington Beach City Elementary Huntington Beach Union High Irvine Unified La Habra City Elementary Los Alamitos Unified Magnolia Elementary Newport-Mesa Unified Ocean View Orange COE Orange Unified Placentia-Yorba Linda Unified Saddleback Valley Unified Santa Ana Unified Tustin Unified Westminster Elementary	<b>SACRAMENTO</b>	Center Joint Unified Elk Grove Unified Elverta Joint Elementary Folsom-Cordova Unified Galt Joint Union Elementary Galt Joint Union High Natomas Unified River Delta Joint Unified Sacramento City Unified Sacramento COE Sacramento Unified San Juan Unified Twin Rivers Unified

**SAN BENITO**

Hollister  
North County Joint Union Elementary  
San Benito COE  
San Benito High

Rancho Santa Fe Elementary  
San Diego COE  
San Diego Unified  
San Dieguito Union High  
San Marcos Unified  
San Ysidro Elementary  
SBC High Tech High  
South Bay Union Elementary  
Sweetwater Union High  
Vista Unified

**SAN BERNARDINO**

Adelanto Elementary  
Alta Loma Elementary  
Apple Valley Unified  
Baker Valley Unified  
Barstow Unified  
Bear Valley Unified  
Central Elementary  
Chaffey Joint Union High  
Chino Valley Unified  
Colton Joint Unified  
Cucamonga Elementary  
Etiwanda Elementary  
Fontana Unified  
Hesperia Unified  
Morongo Unified  
Mt. Baldy Joint Elementary  
Needles Unified  
Ontario-Montclair Elementary  
Oro Grande Elementary  
Redlands Unified  
Rialto Unified  
Rim Of The World Unified  
San Bernardino City Unified  
San Bernardino COE  
Silver Valley Unified  
Snowline Joint Unified  
Upland Unified  
Victor Elementary  
Victor Valley Union High  
Yucaipa-Calimesa Joint Unified

**SAN FRANCISCO**

San Francisco COE  
San Francisco Unified  
SBE Edison Charter Academy

**SAN JOAQUIN**

Escalon Unified  
Jefferson Elementary  
Lammersville Elementary  
Lincoln Unified  
Linden Unified  
Lodi Unified  
Manteca Unified  
New Hope Elementary  
New Jerusalem Elementary  
Ripon Unified  
San Joaquin COE  
Stockton City Unified  
Stockton Unified  
Tracy Joint Unified

**SAN LUIS OBISPO**

Lucia Mar Unified

**SAN MATEO**

Burlingame Elementary  
Cabrillo Unified  
Jefferson Elementary  
Jefferson Union High  
Millbrae Elementary  
Pacifica  
Ravenswood City Elementary  
Redwood City Elementary  
San Bruno Park Elementary  
San Carlos Elementary  
San Mateo COE  
San Mateo Union High  
San Mateo-Foster City Elementary  
Squoia Union High  
South San Francisco Unified

**SAN DIEGO**

Bonsall Union Elementary  
Cajon Valley Union Elementary  
Chula Vista Elementary  
Escondido Union Elementary  
Fallbrook Union Elementary  
Fallbrook Union High  
Grossmont Union High  
Jamul-Dulzura Union Elementary  
Julian Union High  
La Mesa-Spring Valley  
Lakeside Union Elementary  
National Elementary  
Oceanside Unified  
Poway Unified  
Ramona City Unified

**SANTA  
BARBARA**

Buellton Union Elementary  
College Elementary  
Hope Elementary  
Lompoc Unified  
Santa Barbara COE  
Santa Barbara Elementary  
Santa Barbara High  
Santa Maria Joint Union High

Juntura Elementary  
Redding Elementary  
Shasta COE  
Shasta Union High

**SISKIYOU**

Butte Valley Unified  
Dunsmuir Elementary  
Happy Camp Union Elementary  
Scott Valley Unified  
Siskiyou COE  
Siskiyou Union High

**SANTA CLARA**

Alum Rock Union Elementary  
Berryessa Union Elementary  
Cambrian Elementary  
Campbell Union Elementary  
Campbell Union High  
Cupertino Union  
East Side Union High  
Evergreen Elementary  
Franklin-McKinley Elementary  
Fremont Union High  
Gilroy Unified  
Los Altos Elementary  
Los Gatos-Saratoga Joint Union High  
Milpitas Unified  
Moreland Elementary  
Morgan Hill Unified  
Mountain View Whisman  
Mountain View-Los Altos Union High  
Mt. Pleasant Elementary  
Oak Grove Elementary  
Orchard Elementary  
Palo Alto Unified  
San Jose Unified  
Santa Clara COE  
Santa Clara Unified  
Sunnyvale  
Union Elementary

**SOLANO**

Benicia Unified  
Dixon Unified  
Fairfield-Suisun Unified  
Silveyville Primary  
Solano COE  
Travis Unified  
Vacaville Unified  
Vallejo City Unified

**SONOMA**

Bellevue Union Elementary  
Cotati-Rohnert Park Unified  
Geyserville Unified  
Gravenstein Union Elementary  
Healdsburg Unified  
Horicon Elementary  
Mark West Union Elementary  
Old Adobe Union Elementary  
Petaluma City Elementary  
Petaluma Joint Union High  
Santa Rosa Elementary  
Santa Rosa High  
Sonoma COE  
Sonoma Valley Unified  
Twin Hills Union Elementary  
West Sonoma County Union High  
Windsor Unified

**SANTA CRUZ**

Live Oak Elementary  
Pajaro Valley Unified  
Pajaro Valley Unified School  
San Lorenzo Valley Unified  
Santa Cruz City Elementary  
Santa Cruz City High  
Santa Cruz COE  
Scotts Valley Unified  
Soquel Union Elementary

**SHASTA**

Anderson Union High  
Cascade Union Elementary  
Enterprise Elementary  
Gateway Unified

**STANISLAUS**

Ceres Unified  
 Chatom Union Elementary  
 Denair Unified  
 Empire Union Elementary  
 Hughson Unified  
 Keyes Union  
 Modesto City Elementary  
 Modesto City High  
 Newman-Crows Landing Unified  
 Oakdale Joint Unified  
 Patterson Joint Unified  
 Riverbank Unified  
 Salida Union Elementary  
 Stanislaus COE  
 Stanislaus Union Elementary  
 Sylvan Union Elementary  
 Turlock Unified

**SUTTER**

Live Oak Unified  
 Sutter COE  
 Sutter Union High  
 Yuba City Unified

**TEHAMA**

Los Molinos Unified  
 Red Bluff Union Elementary  
 Tehama COE

**TRINITY**

Lewiston Elementary  
 Trinity COE

**TULARE**

Alpaugh Unified  
 Burton Elementary  
 Cutler-Orosi Joint Unified  
 Dinuba Unified  
 Earlimart Elementary  
 Exeter Union Elementary  
 Farmersville Unified  
 Lindsay Unified  
 Pixley Union Elementary  
 Pleasant View Elementary  
 Porterville Unified  
 Stone Corral Elementary  
 Strathmore Union Elementary  
 Terra Bella Union Elementary  
 Tulare City Elementary  
 Tulare COE  
 Tulare Joint Union High  
 Visalia Unified  
 Woodlake Union Elementary  
 Woodville Union Elementary

**TUOLOMNE**

Belleview Elementary  
 Toulomne County Superintendent  
 Twain Harte-Long Barn Union  
 Elementary

**VENTURA**

Conejo Valley Unified  
 Fillmore Unified  
 Hueneme Elementary  
 Moorpark Unified  
 Oak Park Unified  
 Ocean View Elementary  
 Ojai Unified  
 Oxnard Elementary  
 Oxnard Union High  
 Pleasant Valley  
 Rio Elementary  
 Santa Paula Elementary  
 Santa Paula Union High  
 Simi Valley Unified  
 Ventura COE  
 Ventura Unified

**YOLO**

Davis Joint Unified  
 Esparto Unified  
 Washington Unified  
 Winters Joint Unified  
 Woodland Joint Unified  
 Yolo COE

**YUBA**

Marysville Joint Unified  
 Plumas Lake Elementary  
 Wheatland Elementary  
 Wheatland Union High  
 Yuba COE

## EXCHANGE CERTIFICATED EMPLOYEE CREDENTIAL

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### General Qualifications and Professional Status

The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed or certificated employees. No exchange shall be made without the consent of the employee.

Consideration will be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee exchanged. However, it is not a requirement that an exchange-certificated employee be a teacher of the same subject or grade as the employee exchanged. If the service authorized is other than teaching, it is not a requirement that the service be at the same grade level or that the service be exactly the same as the employee exchanged.

Exchange employees cannot be employed by a school district in the state unless they hold the necessary valid credential or credentials issued by the Commission authorizing them to serve in a position requiring certification qualifications in the school district proposing to employ them. The Commission may establish minimum standards for the credentials of exchange certificated employees, *provided that no exchange certificated employee is required to pay any fee or other charge for valid credentials required for the position.*

### Requirements

A school district governing board that proposes to employ an exchange certificated employee must comply with the provisions outlined above and submit all of the following to the Commission office:

1. A completed application ([form 41-4](#)), and, if not previously submitted, a completed LiveScan receipt ([form 41-LS](#)). Out-of-state residents must submit two fingerprint cards (FP-258) in lieu of a LiveScan receipt. If submitting fingerprint cards, current [fingerprint processing fees](#) must accompany the application packet.
2. Satisfy the [basic skills requirement](#). See Commission leaflet [CL-667](#), entitled [Basic Skills Requirement](#) for additional information.
3. A completed copy of the Exchange Certificated Employee Verification of Information ([form CL-502](#)) on which the superintendent verifies **all** of the following requirements:
  - a. The position in which the governing board proposes to employ the applicant
  - b. The dates of proposed employment
  - c. The facts showing that the applicant is an employee of a public school as required above
  - d. The district has given due consideration to the general qualifications and professional status of the proposed exchange employee as compared to the general qualifications and professional status of the employee to be exchanged
  - e. The district has official verification from the proper authorities mentioned above that the applicant is fit to perform the services required in the position

### **Authorization for Service**

This credential authorizes the holder to serve in a position requiring certification qualifications as specified on the credential by the employing school district.

### **Term**

An exchange agreement may be made for up to three years. At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent, provided the governing board submits to the Commission facts showing that the holder meets all California minimum standards that would be required of an applicant for a credential authorizing that class or service.

To obtain information about available foreign teacher exchanges, please contact:

### ***Fulbright Teacher Exchange Program***

600 Maryland Avenue SW, Suite 3230

Washington, D.C. 20024

Or visit their website at [www.fulbrightexchanges.org](http://www.fulbrightexchanges.org)

*Reference: Title 5, California Code of Regulations, Section 80055.1*

## EMINENCE CREDENTIAL

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The Commission is authorized to grant an Eminence Credential (teaching or services) to an individual who is eminent in a specific endeavor and is recognized as such beyond the boundaries of his or her community, having demonstrably advanced his or her field, and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor.

Eminence credentials are only available at the recommendation of an employing agency. The employing agency must demonstrate how the eminent individual will enrich the educational quality of the employing agency. The employing agency's employment needs will not be considered as evidence for eminence. The candidate is required to attend the Commission meeting when his or her Eminence Credential is being considered. Individuals may not apply directly to the Commission for an Eminence Credential.

### REQUIREMENTS FOR THE EMINENCE CREDENTIAL

Consideration of an Eminence Credential will be based upon submission of **all** of the following by the employing agency:

1. Recommendation from the governing board of the employing agency, verified on form [CL-226](#), entitled *Recommendation for a Person of Eminence*
2. Verification of employment by the employing agency
3. Verification of the individual's eminence qualifications (see requirements below)
4. A letter from the employing agency stating how this individual will enrich the educational experience of the school district
5. Completed application ([form 41-4 \[pdf\]](#)), and, if not previously submitted to the Commission, a completed LiveScan receipt ([form 41-LS \[pdf\]](#)). Out-of-state residents must submit two fingerprint cards in lieu of a LiveScan receipt. If submitting fingerprint cards, current fingerprint processing fees must accompany the application packet in addition to the application processing fee. Fingerprint cards may be ordered by sending an email to the Commission at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov).
6. Application [processing fees](#)  
*The basic skills requirement is **not** required of Eminence Credential applicants.*

### THE APPLICATION PROCESS

Commission staff will initially review the application to determine if an individual meets the definition of eminence. If staff concludes that the individual meets the definition, staff will then forward the application to the Commission for review and action at the next available Commission meeting. Staff submission of an eminence application that appears to meet the guidelines does not ensure Commission approval.

If staff concludes the individual does not meet the definition of eminence, staff will deny the application. Upon denial of an application, the employing school district may request that staff reconsider its decision. The employing agency must submit new evidentiary material that was not available at the time of initial application relevant to the reason(s) for denial. If staff determines that the new information supports the definition of eminence, staff will forward the application to the Commission for review and action at the next available Commission meeting. If the new evidence does not provide additional support of eminence, the application will be placed on the Commission's consent calendar with a recommendation for denial.

## DOCUMENTATION REQUIREMENTS FOR VERIFYING EMINENCE

1. Evidence must be presented in **each** of the following areas:
  - a. *RECOGNIZED AS EMINENT BEYOND THE BOUNDARIES OF HIS OR HER COMMUNITY*

The individual's professional reputation, expertise, and influence will be considered in the review process and must extend beyond the boundaries of the local community. To meet this requirement the individual must be renowned outside of the individual's geographic community. More merit will be placed on international and interstate recognition in their area of endeavor than exposure within the individual's state or residence. Recognition beyond local boundaries does not include residential moves from state to state or country to country.
  - b. *DEMONSTRABLY ADVANCED HIS OR HER FIELD*

A person with exceptional knowledge in a particular field is not necessarily eminent in that field. To demonstrate advancement of the field the applicant must provide documentation of advanced degrees, distinguished employment within the endeavor, including evidence of research and authorship activities substantially contributing to their field of endeavor and indicate a high level of expertise. For example, when the eminence is for work in the arts, distinguished employment must be verified with evidence that the individual received top billings in films, productions, televised events or exhibitions, as applicable.
  - c. *ACKNOWLEDGED BY HIS OR HER PEERS BEYOND THE NORM FOR OTHERS IN THE SPECIFIC ENDEAVOR*

To meet this requirement the employing agency must submit **all** of the following documentation:

    - 1) Letters from former employers, professional colleagues and other experts in the field, relating to the individual's recognized expertise or position of prominence within the specific field
    - 2) Documents evidencing an extraordinary ability worthy of distinction, such as written advisory opinions from a peer group, national or international organization representing the field
    - 3) Evidence of a major, nationally or internationally recognized award. These awards should be of the type recognizing uncommon achievement in and advancement of a particular field of endeavor
    - 4) Evidence of any extremely significant contribution made to their field
    - 5) Authorship of a new or unusually successful method of educating children or members of the public in the individual's field of endeavor
    - 6) Extraordinary success in their field (commercial or humanitarian)
2. Documentation used in support of an application for eminence, as outlined in the above criteria, must be from (but are not limited to) the following:
  - a. Professional associations and organizations
  - b. Former and current employers
  - c. Professional colleagues (beyond those he or she currently works with)
  - d. Other (individuals or groups whose evaluations would support eminence)
3. Documentation may include (but is not limited to) the following:
  - a. advanced degrees (required for academic authorizations)
  - b. distinguished employment or performance in the specific field or endeavor
  - c. related study or experience
  - d. publications and/or articles published in established trade or professional journals



- e. evidence of leadership in state or national professional organizations
  - f. awards or honors attained for contributions to his or her field of endeavor
4. A letter from the candidate describing his or her accomplishments that support a claim of eminence

#### **PERIOD OF VALIDITY**

The first Eminence Credential is valid for two years. The second issuance is valid for three years. During the first five years of the Eminence Credential, the holder is restricted to service in the employing agency that requested the Eminence Credential. After the five-year period, the holder will qualify for a clear credential that is valid throughout California upon submission of an application ([form 41-4](#)) and application [processing fee](#).

#### **RENEWAL FOR THE SECOND ISSUANCE FOR THE REMAINDER OF THE PRELIMINARY**

After the completion of two years of service on the Eminence Credential the employing school district may request a renewal for the remaining three years of the five-year preliminary period with submission of the following:

1. Recommendation from the governing board of the employing agency for continued employment verified on form [CL-226](#), entitled *Recommendation for a Person of Eminence*
2. A letter from the employing agency stating this individual continues to enrich the educational experience of the students in the school district.
3. Completed application ([form 41-4 \[pdf\]](#)) and Application [processing fees](#).

#### **RENEWAL FOR THE ISSUANCE OF A CLEAR EMINENCE CREDENTIAL**

After completion of five years of service on a Preliminary Eminence Credential the employer may request a Clear Eminence Credential with submission of the following:

1. Recommendation from the governing board of the employing agency for the Clear Eminence Credential based on successful employment on the Eminence Credential verified on form [CL-226](#), entitled *Recommendation for a Person of Eminence*
2. A letter from the employing agency stating this individual enriched the educational experience of the students in the school district.
3. Completed application ([form 41-4 \[pdf\]](#)) and Application [processing fees](#).

*References: California Education Code, Sections 44262 and Title 5, California Code of Regulations, Section 80043 - 80045*

## ADMINISTRATIVE SERVICES CREDENTIAL FOR ADMINISTRATORS PREPARED IN CALIFORNIA

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California has a two-tier credential structure. A five-year preliminary credential is the first credential issued after an individual meets basic credential requirements. A clear credential is issued when all credential requirements have been completed.

The Administrative Services Credential authorizes the holder to provide the following services in grades 12 and below, including preschool, and in classes organized primarily for adults:

- Develop, coordinate, and assess instructional programs
- Evaluate certificated and classified personnel
- Provide students' discipline, including but not limited to, suspension and expulsion
- Provide certificated and classified employees discipline, including but not limited to, suspension, dismissal, and reinstatement
- Supervise certificated and classified personnel
- Manage school site, district, or county level fiscal services
- Recruit, employ, and assign certificated and classified personnel
- Develop, coordinate, and supervise student support services, including but not limited to extracurricular activities, pupil personnel services, health services, library services, and technology support services

An individual **must** hold an Administrative Services Credential to provide the following services in grades preschool, K-12 and adults:

- Evaluate the quality and effectiveness of instructional services at the school site level
- Evaluate of certificated personnel employed at the school site level, with the exception of the site administrator
- Student and certificated personnel employee discipline services at the school site level

### Individuals Prepared Outside of California

Individuals prepared out-of-state or in a country outside the United States or U.S. territories should refer to Commission leaflet [CL-574](#), entitled *Administrative Services Credentials for Individuals Prepared Out-of-State*.

### Requirements for the Five-Year Preliminary Credential

Individuals must satisfy **all** the following requirements:

1. Possess a valid prerequisite credential (see Terms and Definitions)
2. Complete **one** of the following:

- a. A Commission-approved program of specialized and professional preparation in administrative services resulting in the formal recommendation of the program sponsor or,
- b. A one-year Commission-approved administrative services internship program consisting of supervised in-service training resulting in the formal recommendation by the California college or university where the program was completed or,
- c. Achieve a passing score on The California Preliminary Administrative Credential Examination (CPACE), administered by Evaluation Systems, Pearson, or the School Leaders Licensure Assessment (SLLA), exam #1010, administered by Educational Testing Service (ETS).
  - Passing examination scores must be used for credentialing purposes within five years of the passing exam date
  - Individuals who pass one of the above examinations may apply directly to the Commission for the credential
  - Please include an original score report showing passage of the examination with the application
  - **California is NOT ACCEPTING the SLLA #1011 towards certification.**

**NOTE:** The CPACE has replaced the SLLA #1010 for use toward administrative certification. The last administration of the SLLA #1010 was February 26, 2011. For more information on administration of the CPACE (beginning June 16, 2011), see the exam test web site <http://www.cpace.nesinc.com/>.

3. Satisfy the [basic skills requirement](#). See Commission leaflet [CL-667](#), entitled *Basic Skills Requirement*, for additional information.
4. Complete three years of full-time experience (see Terms and Definitions)
5. Verify employment in an administrative position on [form CL-777](#) (Individuals who complete the requirements for the credential by the passage of an administrative examination, as outlined in item 2c above, are exempt from this requirement.)

An individual who has completed requirements 1–4 above but does not have an offer of employment in an administrative position may apply for a Certificate of Eligibility, which verifies completion of all requirements for the preliminary credential and authorizes the holder to seek employment as an administrator. Once securing an offer of employment, the holder of a Certificate of Eligibility may apply for the preliminary credential by submitting an application ([form 41-4](#)), a *Verification of Employment Form* ([CL-777](#)), and current [processing fee](#) to the Commission office.

### Term of the Preliminary Credential

The valid period of the Administrative Services Credential is limited by the expiration date of the prerequisite credential. The administrative credential will expire with and may be renewed with the prerequisite credential by submitting an application ([form 41-4](#)) and [processing fee](#). However, if the prerequisite credential is valid for the full five year period from the issuance date of the preliminary administrative credential, the administrative credential will be valid for the full five year period upon issuance. For this reason, it may take one complete renewal cycle to align the dates of the prerequisite and administrative credentials. By the end of the five-year preliminary period, the holder must meet the requirements for the clear credential.

## Requirements for the Clear Credential

Individuals must satisfy **all** of the following requirements:

1. Possess a valid Preliminary Administrative Services Credential (see Terms and Definitions)
2. Verify a minimum of two years of successful experience in a full-time administrative position in a California public school, nonpublic school, or private school of equivalent status, while holding the Preliminary Administrative Services Credential.
3. Complete **one** of the following:
  - a. Obtain the recommendation of a Commission-approved program verifying completion of an individualized program of advanced preparation designed in cooperation with your employer and the program sponsor
  - b. A State Board of Education-approved Administrator Training Program. Verification of program completion (Modules 1, 2 and 3) must be submitted with the individual's direct application to the Commission. (Information on the Administrator Training Program, including approved programs and providers, may be accessed through the California Department of Education (CDE) website at [www.cde.ca.gov](http://www.cde.ca.gov)).

**NOTE:** Individuals who wish to use the ATP to earn the Clear Administrative Services Credential must complete the program, the online survey required by CDE, and apply for the Clear Administrative Services Credential by **April 1, 2014**. This includes the printing of all Certificates of Completion (which require a superintendent signature when submitting to the Commission). Applications for the based on the ATP must be received at the Commission **no later than April 1, 2014**. The latest filing date that will be allowed under this process is **April 1, 2014**. Questions regarding the ATP should be directed to staff at the California Department of Education (See [Coded Correspondence 12-09](#)).

- c. Meet Mastery of Fieldwork Performance Standards through a Commission-approved program. Colleges and universities with approved programs leading to a Clear Administrative Services Credential may offer a streamlined assessment option to allow candidates to forego the course work component of the program and allow them to demonstrate their knowledge, skills and abilities through the assessment component of the program.
  - The assessment must result in formal recommendation for the credential and the application for the credential based on this evaluation must be submitted by the college or university that conducted the evaluation
- d. A Commission-approved alternative program based on Commission-adopted guidelines resulting in a formal recommendation from the program sponsor
  - The application must be submitted by the program sponsor via the online application submission process
- e. A Commission-approved performance assessment, when available

## Term of the Clear Credential

The term of the clear credential may not exceed five calendar years and may be limited to expire with the prerequisite credential (see Terms and Definitions). The clear credential is renewable online.

## Appeal for Extension

The holder of a Preliminary Administrative Services Credential who needs additional time to complete the ATP (option b above) requirements may be issued a two-year extension upon submission of an application ([form 41-4](#)) marked clearly as an appeal, the application [processing fee](#), and a letter on official letterhead from the ATP provider verifying enrollment.

Individuals who do not complete the ATP or additional requirements for the clear credential within this time period will need to contact an approved program for one of the other options to earn the clear credential. Appeals for two years to complete all requirements for the ATP and two years of administrative experience will no longer be issued after **April 1, 2012**. One year extensions may be issued after this date but will expire no later than **April 1, 2014, regardless of the date of issuance**.

Individuals not enrolled in the ATP who need additional time to complete program requirements for any of the remaining options (a, c, d, or e) outlined above may request a one-year extension by appeal. See [credential leaflet AL-3 Extension by Appeal for Credentials and Permits](#) for submission details.

## TERMS AND DEFINITIONS

### *Administrative Experience*

Two years of successful experience in a full-time administrative position in a California public school, nonpublic school, or private school of equivalent status, while holding the Preliminary Administrative Services Credential. Verification of experience must be on the district or employing agency letterhead and signed by the superintendent, assistant superintendent, director of personnel, or director of human resources. School or district personnel other than the applicant must verify all experience.

### *Experience*

Three years of successful, full-time experience in a public school, nonpublic school, or private school of equivalent status. This experience may be teaching, pupil personnel work, librarianship, health services, or clinical or rehabilitative services. Substitute or part-time service does not apply.

### *Full-Time Service*

Full-time service means service for at least a minimum of four hours per day for three-fourths of the total days in the school year. Substitute or part-time service does not apply.

### *Prerequisite Teaching Credential*

For the purposes of an Administrative Services Credential, a prerequisite credential is defined as:

- A valid California teaching credential requiring a bachelor's degree and a program of professional preparation, including student teaching; **or**
- A valid California Designated Subjects Teaching Credential, provided the holder also possesses a bachelor's or higher degree from a regionally-accredited college or university **or**
- A valid California Pupil Personnel Services Credential, Teacher Librarian Services Credential, Speech-Language Pathology Services Credential, Clinical or Rehabilitative Services Credential, or a School Nurse Services Credential (Clear or Professional Clear level only), requiring a bachelor's degree and a program of professional preparation, including field practice or the equivalent.
- Holders of the Preliminary School Nurse Services Credential or any of the other Health Services Credentials, such as the school physician, dentist, dental hygienist, optometrist, clinical psychologist, and psychiatric social worker, **do not** meet this requirement.

***Valid Preliminary Administrative Services Credential***

For the purposes of the Administrative Services Credential, the term “valid” means that the holder met the requirements to have held the preliminary credential which afforded the individual the opportunity to gain the necessary experience and to complete academic requirements to earn the clear credential. It does not mean that the document must be active date-wise when applying for the clear credential.

*Reference: California Education Code 44270, 44270.5; Title 5, California Code of Regulations 80054*

**[Click here for Professional Preparation Programs for Administrative Services Credentials](#)** or visit the Commission’s website at **[www.ctc.ca.gov](http://www.ctc.ca.gov)**

## DESIGNATED SUBJECTS ADULT EDUCATION TEACHING CREDENTIALS (FULL-TIME/PART-TIME)

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The requirements outlined in this leaflet apply to individuals who qualify for the Full-Time or Part-Time Designated Subjects Adult Education Teaching Credential under regulations in place prior to January 1, 2011. Individuals seeking a Preliminary or Clear Designated Subjects Adult Education Teaching Credential based on Assembly Bill (AB) 1374 which affects credentials issued on or after January 1, 2011 to individuals enrolled in programs accredited under the adult education program standards approved in November 2010, should refer to Commission leaflet [CL-697B](#), entitled *Designated Subjects Adult Education Teaching Credentials-Based on AB 1374*. For detailed information on the passage of AB 1374, see [Coded Correspondence 11-07](#).

**NOTE:** The final date for initial issuance of the *preliminary* credential earned under the requirements outlined in this leaflet is January 31, 2013. The final date for initial issuance of a *clear* credential earned under the requirements outlined in this leaflet is January 31, 2016. See the Commission website for a list of [Commission-approved program sponsors](#).

### THE FULL-TIME ADULT CREDENTIAL

The Preliminary or Clear Full-Time Designated Subjects Adult Education Teaching Credential authorizes the holder to teach the subjects named on the credential in courses organized primarily for adults. In addition, the holder may serve as a substitute in courses organized primarily for adults for not more than 30 days for any one teacher during the school year.

Designated Subjects Adult Education Teaching Credentials are issued to individuals who meet the requirements listed below and are recommended by a [Commission-approved program sponsor](#).

### Requirements for the Preliminary Credential (Full-Time)

1. Five years of experience and/or education directly related to each subject to be named on the credential (see Terms and Definitions)
2. High school diploma requirement by one of the following methods:
  - a. High school diploma
  - b. Diploma based on passage of the GED Test
  - c. Foreign equivalent of a high school diploma
3. Satisfy the [basic skills requirement](#). See Commission program leaflet [CL-667](#), entitled *Basic Skills Requirement* for additional information. Applicants for the Adult Credential in *non-academic subjects* (see chart later in this program leaflet) are exempt from the basic skills requirement.
4. Verification by a Commission-approved program sponsor that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the Level I/Level II programs of personalized preparation
5. Completed application ([form 41-4](#)) and application [processing fee](#)

6. Completed LiveScan receipt ([41-LS](#)), verifying fingerprints have been taken and fees have been paid, unless fingerprint clearance is already on file at the Commission
7. Recommendation by a [Commission-approved program sponsor](#)

### Period of Validity (Full-Time)

For individuals who have completed all requirements for the preliminary except for U.S. Constitution, the initial preliminary full-time credential will be valid for one year. The credential may be extended to its full five year term upon application, processing fee, and verification that the U.S. Constitution requirement has been met.

For individuals who have completed all requirements for the preliminary credential, the initial preliminary credential will be valid for no more than two years from the date of issuance of the credential unless the holder's employer receives form CL-787, entitled *Verification of Completion of Level I Requirements*, from the program sponsor through which the holder completed those requirements. Once the holder's employer receives this verification, the credential's validity period will automatically be extended for the remainder of the five year period from the date of issuance of the credential. **There is no need to apply for this extension.**

If the credential holder's ESD is not known to the program sponsor, form CL-787 will be sent directly to the credential holder for forwarding to the employer.

Once the clear credential is issued, it must be renewed online every five-year renewal cycle. There are no additional requirements to renew the clear credential.

### Requirements for the Clear Credential (Full-Time)

Individuals must satisfy **all** of the following requirements:

1. Possess a valid Preliminary Full-time Designated Subjects Adult Education Teaching Credential
2. Obtain verification by the ESD of the successful teaching of a minimum of one course in each of four terms within the five-year period of validity of the Preliminary Adult Education Teaching Credential (Two of these terms must be with one ESD. The teaching must have been to adult learners in the subject(s) authorized by the preliminary adult education teaching credential and must have occurred while holding the valid preliminary full-time adult education teaching credential.)
3. Obtain verification by a Commission-approved program sponsor that the applicant has completed all Level I and Level II requirements of a Commission-approved program of personalized preparation, including the use of computers in an instructional setting
4. Health education, including, but not limited to, the study of nutrition; the physiological and sociological effects of abuse of alcohol, narcotics, and drugs, and the use of tobacco. This requirement must also include training in cardiopulmonary resuscitation (CPR) that covers infant, child, and adult CPR skills.
5. U.S. Constitution requirement by one of the following methods:
  - a. Complete a course (at least two semester units or three quarter units) in the provisions and principles of the U.S. Constitution. Submit a photocopy of the course description for evaluation purposes.
  - b. Pass an examination in the provisions and principles of the U.S. Constitution given by a regionally-accredited college or university
6. Completed application ([form 41-4](#)) and application [processing fee](#)
7. Recommendation by a [Commission-approved program sponsor](#)



## THE PART-TIME ADULT CREDENTIAL

The Preliminary or Clear Part-Time Adult Education Teaching Credential authorizes the holder to teach not more than half-time in the subject named on the credential in courses organized primarily for adults. For the purpose of this credential, half-time for the holder of this credential who teaches in only one school district shall not exceed one-half of a full-time assignment for adult educators in that school district. Half-time for the holder of this credential who teaches in more than one school district shall not exceed one-half of the greatest number of hours considered to be a full-time assignment for adult educators in any one of the districts.

### Requirements for the Preliminary Credential (Part-Time)

Individuals must satisfy **all** of the following requirements:

1. Verify five years of experience and/or education related to each subject to be named on the credential. The experience and/or education requirements and the subjects that can be named on the part-time credential are the same as those specified for the full-time credential.
2. High school diploma requirement by one of the following methods:
  - a. High school diploma
  - b. Diploma based on passage of the GED Test
  - c. Foreign equivalent of a high school diploma
3. Satisfy the [basic skills requirement](#). See Commission program leaflet [CL-667](#), entitled *Basic Skills Requirement* for additional information. Applicants for the Designated Subjects Adult Teaching Credential in non-academic subjects are exempt from this requirement.
4. Verification by a [Commission-approved program sponsor](#) that the applicant has been fully apprised of the requirements for both the preliminary and clear credentials, including the Level I/Level II programs of personalized preparation
5. Completed application ([form 41-4](#)) and application [processing fee](#)
6. Recommendation by a [Commission-approved program sponsor](#)

### Period of Validity (Part-Time)

An initial Preliminary Part-Time Designated Subjects Adult Education Teaching Credential issued on the basis of the applicant's satisfaction of requirements listed above, authorizes service for no more than two years from the date of issuance of the credential unless the holder's employer (ESD) receives form CL-787, entitled *Verification of Completion of Level I Requirements*, from the program sponsor through which the holder completed those requirements. Once the holder's employer receives this verification, the credential's validity period will automatically be extended for the remainder of the five-year period from the date of issuance of the credential. **There is no need to apply for this extension.**

If the credential holder's ESD is not known to the program sponsor, form CL-787 will be sent directly to the credential holder for forwarding to the employer.

Once the clear credential is issued, it must be renewed online every five-year renewal cycle. There are no additional requirements to renew the clear credential.

### Requirements for the Clear Credential (Part-Time)

Individuals must satisfy **all** of the following requirements:

1. Possess a valid Preliminary Part-Time Adult Education Teaching Credential (see Terms and Definitions)

2. Obtain verification by the ESD of the successful teaching of a minimum of one course in each of four terms within the five-year period of validity of the preliminary adult education teaching credential (Two of these terms must be with one ESD. The teaching must have been to adult learners in the subject[s] authorized by the preliminary adult education teaching credential and must have occurred while holding the valid preliminary adult education teaching credential.)
3. Obtain verification by a Commission-approved program sponsor that the applicant has completed all Level I requirements of a program of personalized preparation, including the use of computers in an instructional setting
4. Health education, including, but not limited to, the study of nutrition; the physiological and sociological effects of abuse of alcohol, narcotics, and drugs, and the use of tobacco. This requirement must also include training in cardiopulmonary resuscitation (CPR) that covers infant, child, and adult CPR skills.
5. Completed application ([form 41-4](#)) and application [processing fee](#)
6. Recommendation by a [Commission-approved program sponsor](#)

### Transition from Full-Time/Part-Time Credentials

Assembly Bill (AB) 1374 (Chap. 36, Stats. 2010) was signed by the Governor on July 6, 2010 and became effective on January 1, 2011. AB 1374 amended Education Code §§44260.2 and 44260.3 related to the issuance of adult education credentials:

- Reduces the years of experience required for general subjects (formerly termed ‘non-academic’ subjects) from five years to three years;
- Reduces the term of the preliminary credential from five years to three years;
- Moves the U.S. Constitution requirement from the preliminary to clear credential;
- Deletes Education Code section 44260.8 related to the health education and computer education requirements and incorporates that language into EC section 44260.3 pertaining to the requirements for the clear credential; and
- Consolidates the ‘full-time’ and ‘part-time’ designators.

Holders of Life or Clear Designated Subjects Adult Education Teaching Credentials issued under previous regulations may choose to either maintain their documents or transition to adult education credentials issued under the provisions of AB 1374. Due to significant changes to the program standards and structure, the holder of a Life or Clear Designated Subjects Adult Education Teaching Credential issued under previous regulations may not qualify initially for the Clear Adult Education Teaching Credential under the new program standards and may be required to first obtain the Three-Year Preliminary Adult Education Teaching Credential.

Holders of Five-Year Preliminary (Full-Time or Part-Time) Adult Education Teaching Credentials may complete the renewal requirements printed on their documents or transition to an adult education credential issued under the provisions of AB 1374. Individuals who wish to transition to Three-Year Preliminary or Clear Adult Education Teaching Credentials issued via the provisions of AB 1374 should contact a [Commission-approved program sponsor](#) for assistance.

### Important Dates:

***Requested credential issue date of January 1, 2011*** – All Preliminary and Clear Adult Education Teaching Credential applications must be submitted to the Commission for processing by an approved program sponsor. The option of submitting applications through an employing school district is no longer available for adult education credential applications with a requested **issue** date of January 1, 2011 or later.

**January 31, 2013** – Last date for admittance to an ‘old’ adult education program and for initial issuance of Five-Year Preliminary Full-Time or Part-Time Adult Education Teaching Credentials based on five years of experience and/or education.

**January 31, 2016** – Last date for initial issuance of Clear Full-Time or Part-Time Adult Education Teaching Credentials under the ‘old’ program standards.

## **TERMS AND DEFINITIONS**

### **Experience**

Per Title 5, Section 80034(n), “experience” as it applies to Designated Subjects Adult Education Teaching Credentials, means full-time or part-time experience directly related to the subject to be named on the credential. Experience may be paid or not paid. No more than one year of experience shall apply toward meeting designated subjects credential requirements during any twelve calendar month period. 1000 clock hours shall be the minimum required for each year of experience. Part-time experience may be cumulated to equate to the required 1000 clock hours of experience.

### **Verification of Work Experience**

Title 5 Regulations require verification of five years of experience or its equivalent related to each subject to be named on the credential. Verification of experience means written confirmation of the applicant’s qualifying experience, signed by the applicant’s past or present employer(s) on company letterhead that attests to and includes **all** of the following:

1. Employer’s name, address, and telephone number
2. The working relationship of the person signing the verification to the applicant
3. Beginning and ending dates of employment
4. Complete description of duties
5. A statement as to whether or not the employment was full-time. If employment was less than full-time, include an accounting of the number of hours the applicant was employed.

If the applicant was self-employed or if the applicant’s experience was a vocational, verification shall include a statement, signed by the applicant under penalty of perjury, detailing the information described under *Requirements* (1-5 for full-time and 1-4 for part-time). Further substantiation is required in writing, by other person(s) having first-hand knowledge of the applicant’s self-employment or vocation, such as the applicant’s accountant, major supplier of goods, or major user of goods or services.

### **Valid Preliminary Adult Education Teaching Credential**

For the purposes of the Designated Subjects Adult Education Teaching Credential, the term “valid” means that the holder met the requirements to have held the preliminary credential which afforded the individual the opportunity to gain the necessary experience and to complete academic requirements to earn the clear credential. It does not mean that the document must be active date-wise when applying for the clear credential.

**[Click here for Professional Preparation Programs](#) or visit the Commission web site @ [www.ctc.ca.gov](http://www.ctc.ca.gov).**

*Reference: California Education Code Section 44260.2; Title 5, California Code of Regulations, Sections 80034, 80034.5, 80036, 80036.1, 80036.2, 80036.3, 80036.5, 80040.2, 80040.2.5, 80040.2.7, and 80567*

## NON-ACADEMIC SUBJECTS THAT MAY BE LISTED ON A CREDENTIAL

The program sponsor may only recommend for Designated Subjects Adult Education Teaching Credentials in non-academic subject areas in subjects that fall within the categories below.

Non-Academic Category**	Individual Categorical Subjects Listed on the Credential	
<i>Adults with Disabilities</i>	Adaptive Arts and Crafts Adaptive Computer Technology Adaptive Physical Education	Health (adults with disabilities) Self-Maintenance Skills (adults with disabilities)
<i>Health and Safety</i>	Cardiopulmonary Resuscitation Environmental Safety Fire Control and Safety First Aid	Health Education Nutrition Physical Fitness and Conditioning Safety Education
<i>Home Economics</i>	Arts and Crafts Clothing Construction Consumer Education Decorative Arts Dietetics and Food Management Nutrition	Food Preparation Home Management Interior Design Textiles Upholstery
<i>Older Adults</i>	Communication Skills Creative Arts Health (older adults) Performing Arts Physical Fitness	Public Affairs Retirement Planning Safety Self-Maintenance (older adults)
<i>Parent Education</i>	Parent Education Childbirth Education	Human Development Family Management
<i>Vocational Education</i>	Aeronautics Agriculture American Sign Language Bookkeeping and Accounting Building and Construction Trades Business Management Career Development Commercial Photography Computer Applications Computer Programming Computer Systems Operation Computer Technology Cosmetology	Court Reporting Electronics Technology Financial Services Health Occupations Industrial Technology Information Processing/Keyboarding Language Interpreter Law Enforcement Occupations Marine Technology Marketing Nursing Office Occupations Small Business Ownership/Management

Requested subjects that do not appear above will be placed within an existing subject, where appropriate. Additional subjects may be added in time to accommodate new or emerging subjects.

\*\*For descriptive purposes only—this category will not be listed on the credential.

## ACADEMIC SUBJECTS THAT MAY BE LISTED ON A CREDENTIAL

The program sponsor may only recommend for Designated Subjects Adult Education Teaching Credentials in academic subject areas that fall within the subject areas below.

Academic Subjects (Subject To Be Named On The Credential)	Course Work Required
<i>English as a Second Language</i>	A bachelor's degree or higher completed at a regionally-accredited college or university to include a degree major, certificate, or completion of 20 semester units or 10 upper division semester units in one or any combination of the following: Teaching English as a Second Language (TESL) Teaching English to Speakers of Other Languages (TESOL) Language other than English Linguistics Bilingual/Bicultural studies Second Language Acquisition
<i>Elementary and Secondary Basic Skills (includes basic education in grades 1-8): Arithmetic Reading Individualized high school learning lab/ G.E.D./contract class settings Citizenship</i>	A bachelor's or higher degree completed at a regionally-accredited college or university and completion of 20 semester units with at least 3 units in four of the following six areas: English Mathematics Science Social Sciences Fine Arts Language other than English
<i>Individual Subjects A Language Other than English (specify) English Fine Arts Life Science, including General Science Mathematics Physical Science, incl. General Science Social Sciences</i>	A bachelor's or higher degree completed at a regionally-accredited college or university and completion of 20 semester units or 10 upper division semester units in the subject to be taught.

## SUBJECT-RELATED EXPERIENCE

This chart is to be used to convert years of subject-related experience into education and/or training necessary to meet the course work and/or degree requirements for a Designated Subjects Adult Education Teaching Credential in a non-academic subject area.

Years of Subject-Related Experience Required	Education and/or Training
+ 5 years	High school diploma or equivalent
+ 4 years	24 semester units of college course work, including a minimum of 4 semester units in the subject to be taught
+ 3 years	48 semester units of college course work, including a minimum of 8 semester units in the subject to be taught
+ 2 years	72 semester units of college course work, including a minimum of 12 semester units in the subject to be taught
+ 1 year	96 semester units of college course work, including a minimum of 16 semester units in the subject to be taught
+ 0 years	Bachelor's degree or higher completed at a regionally-accredited college or university with 20 semester units, or 10 upper division semester units in the subject

**DESIGNATED SUBJECTS  
VOCATIONAL EDUCATION TEACHING CREDENTIAL  
(FULL-TIME AND PART-TIME)**

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On November 1, 2007, the Commission ceased issuing Designated Subjects Vocational Education Teaching Credentials on an initial basis and began issuing the Designated Subjects Career Technical Education Teaching Credential. This leaflet contains information pertaining only to the renewal of existing Preliminary Full-time or Part-time Vocational Education Teaching Credentials which require a recommendation by a Commission-approved program sponsor. Information regarding the Career Technical Education Teaching Credential may be found in Commission leaflet [CL-888](#). The final date for issuance of a clear credential earned under the requirements outlined in this leaflet is August 31, 2013. See the Commission website for a list of [Commission-approved program sponsors](#).

**FULL-TIME VOCATIONAL**

The Full-Time Vocational Education Teaching Credential authorizes the holder to teach the subjects named on the credential in grades K–12, and in classes organized primarily for adults, in technical, trade, or vocational courses which are part of a program of technical, trade, or vocational education. In addition, the holder may serve as a substitute in any vocational class for up to 30 days for any one teacher during the school year.

**Requirements for the Clear Credential (Full-Time)**

Individuals must satisfy **all** of the following requirements:

1. Possess a valid Preliminary Full-time Designated Subjects Vocational Education Teaching Credential
2. Verification by the employing agency of the successful teaching of a minimum of one course in each of four terms within the five-year period of validity of the preliminary vocational education teaching credential. Two of these terms must be with one ESD. The teaching must have been to learners at the grade level and in the subject(s) authorized by the preliminary vocational education teaching credential and must have occurred while holding the valid Preliminary Full-Time Vocational Education Teaching Credential.
3. Verification by a [Commission-approved program sponsor](#) that the applicant has completed all Level I and Level II requirements of a Commission-approved program of personalized preparation, including the use of computers in an instructional setting.
4. Health education, including, but not limited to, the study of nutrition; the physiological and sociological effects of abuse of alcohol, narcotics, and drugs, and the use of tobacco. This requirement must also include training in cardiopulmonary resuscitation (CPR) that covers infant, child, and adult CPR skills.
5. Completed application ([form 41-4](#))
6. Application [processing fee](#)
7. Recommendation by a [Commission-approved program sponsor](#)

### Period of Validity (Full-Time)

Individuals who have completed all requirements for the preliminary credential except U.S. Constitution will be issued a Preliminary Full-time Designated Subjects Vocational Education Teaching Credential, valid for one year from the date of issuance. In this situation, the credential may be extended to its full five-year term upon application ([form 41-4](#)), [processing fees](#), and verification that the U.S. Constitution requirement has been met.

Individuals who have completed all requirements for the preliminary credential, including U.S. Constitution, will be issued an initial preliminary credential, valid for no more than two years from the date of issuance unless the holder's employer receives form CL-787, entitled *Verification of Completion of Level I Requirements* from the program sponsor through which the holder completed those requirements. Once the holder's employer receives this verification, the credential's validity period will *automatically* be extended for the remainder of the five-year period from the date of issuance of the credential. **There is no need to apply for this extension.**

The program sponsor's verification of completion of Level I requirements is the only documentation required in this process. If the credential holder's ESD is not known to the program sponsor, form CL-787 will be sent directly to the credential holder for forwarding to the employer.

Once the clear credential is issued, it must be renewed online every five-year renewal cycle. There are no additional requirements to renew the clear credential.

### PART-TIME VOCATIONAL

The Part-Time Vocational Education Teaching Credential authorizes the holder to teach not more than half-time in the subject named on the credential in grades K–12, and in classes organized primarily for adults, in technical, trade, or vocational courses which are part of a program of technical, trade, or vocational education.

For the purpose of this credential, half-time for the holder of this credential who teaches in only one school district shall not exceed one-half of a full-time assignment for vocational educators in that school district. Halftime for the holder of this credential who teaches in more than one school district shall not exceed one-half of the greatest number of hours considered to be a full-time assignment for vocational educators in any one of the districts.

### Requirements for the Clear Credential (Part-Time)

Individuals must satisfy **all** of the following requirements:

1. Possess a valid Preliminary Part-Time Vocational Education Teaching Credential
2. Obtain verification by the ESD of the successful teaching of a minimum of one course in each of four terms within the five-year period of validity of the preliminary teaching credential. Two of these terms must be with one ESD. The teaching must have been to learners at the grade level and in the subject(s) authorized by the preliminary vocational education teaching credential and must have occurred while holding the valid preliminary credential.
3. Obtain verification by an program sponsor that the applicant has completed all Level I requirements of a Commission-approved program of personalized preparation, including the use of computers in an instructional setting

4. Health education, including, but not limited to, the study of nutrition; the physiological and sociological effects of abuse of alcohol, narcotics, and drugs, and the use of tobacco. This requirement must also include training in cardiopulmonary resuscitation (CPR) that covers infant, child, and adult CPR skills.
5. Completed application ([form 41-4](#))
6. Application [processing fee](#)
7. Recommendation by a [Commission-approved program sponsor](#)

### Period of Validity (Part-Time)

Individuals who have completed all of the requirements for the preliminary credential will be issued a document that is valid for no more than two years from the date of issuance unless the holder's employer receives form CL-787, entitled *Verification of Completion of Level I Requirements* from the program sponsor through which the holder completed those requirements. Once the holder's employer receives this verification, the credential's validity period will *automatically* be extended for the remainder of the five-year period from the date of issuance of the credential. **There is no need to apply for this extension.**

The program sponsor's verification of completion of Level I requirements is the only documentation required in this process. If the credential holder's ESD is not known to the program sponsor, form CL-787 will be sent directly to the credential holder for forwarding to the employer.

Once the clear credential is issued, it must be renewed online every five-year renewal cycle. There are no additional requirements to renew the clear credential.

### Transition from Vocational Education to CTE Teaching Credentials

Holders of Life or Clear Designated Subjects Vocational Education Teaching Credentials issued under previous regulations and statutes may choose to either maintain their documents or transition to the Designated Subjects Career Technical Education (CTE) Teaching Credential. Due to significant program changes, holders of these credentials may not qualify for the Clear CTE Teaching Credential under the new standards. For additional information, please see [Coded Correspondence 09-01](#).

[Click here for Professional Preparation Programs](#) or visit the Commission web site @ [www.ctc.ca.gov](http://www.ctc.ca.gov).

*Reference: Title 5, California Code of Regulations, Sections 80034, 80034.5, 80035, 80035.1, 80035.5, 80036.5, 80042, and 80569*



7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

**H**

CALIFORNIA TEACHERS ASSOCIATION et al.,  
Plaintiffs and Appellants,  
v.  
COMMISSION ON TEACHER CREDENTIALING  
et al., Defendants and Respondents.

No. D014459

Court of Appeal, Fourth District, Division 1, California.  
Jul 17, 1992.

[Opinion certified for partial publication. <sup>FN1</sup>]

FN1 Pursuant to California Rules of [Court, rule 976.1](#), this opinion is certified for publication with the exception of part III.

#### SUMMARY

A teachers association and a group of credentialed teachers filed a petition for a writ of mandate naming as respondents the superintendents of multiple school districts, the districts' respective school boards, a county board of education, a county superintendent of schools, other governing boards, and the Commission on Teacher Credentialing. The petition alleged that the teachers were regularly credentialed and had applied for vacant teaching positions, but that in place of the regularly credentialed teachers, the school districts had unlawfully hired individuals with only emergency credentials issued by the commission. Plaintiffs also challenged the commission's issuance of the emergency credentials. The trial court sustained demurrers to the petition and entered judgment dismissing the petition. (Superior Court of Imperial County, No. 69670, William E. Lehnhardt, Judge.)

The Court of Appeal affirmed. The court held that the language of [Cal. Code Regs., tit. 5, § 80026](#), which permits the issuance of emergency credentials when regularly credentialed persons are available but are not deemed qualified by the hiring school districts, provided the districts with discretion in determining whether a pool of credentialed employees was also qualified for particular positions. The court held that the trial court properly sustained the demurrers, since

the credentialed teachers were not necessarily qualified for the positions by virtue of their regular credentials alone. The court also held that under [Cal. Code Regs., tit. 5, § 80026](#), the districts properly submitted statements of need for the issuance of the emergency credentials to the commission, and the commission acted properly in issuing the credentials. The court held that the regulation, in permitting the issuance of the emergency credentials, was entirely consistent with [Ed. Code, § 44300](#), and Ed. Code, former § 44254 (emergency teaching credentials). (Opinion by Benke, J., with Todd, Acting P. J., and Froehlich, J., concurring.)

#### HEADNOTES

Classified to California Digest of Official Reports  
**(1)** Schools § 23--Teachers and Other Employees--Qualifications; Certificates--Hiring of Persons With Emergency Teaching Credentials Rather Than Persons With Regular Credentials.

The trial court properly sustained demurrers to a petition for a writ of mandate filed by a group of regularly credentialed teachers and a teachers association, after the teachers were not hired by school districts that instead hired individuals with emergency credentials. The teachers were not necessarily qualified for the positions by virtue of their regular credentials alone. [Cal. Code Regs., tit. 5, § 80026](#), permits the issuance of emergency credentials when regularly credentialed persons are available but are not deemed qualified by the hiring districts. The language of [§ 80026](#) provides school districts with discretion in determining whether a pool of credentialed employees is also qualified for particular positions, and nothing in the regulation provides any limitation on that discretion.

[See [Cal. Jur.3d, Schools, § 390](#) et seq.]

**(2a, 2b)** Schools § 23--Teachers and Other Employees--Qualifications; Certificates--Issuance of Emergency Teaching Credentials When Regularly Credentialed Teachers Are Available.

School districts properly submitted statements of need for the issuance of emergency teaching credentials to the Commission on Teacher Credentialing, and the commission acted properly in issuing the emergency credentials to persons hired by the districts, notwithstanding that regularly credentialed teachers had applied for the open positions. [Cal. Code Regs.,](#)

7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

[tit. 5, § 80026](#), permits the issuance of emergency credentials when regularly credentialed persons are available but are not deemed qualified by the districts. In permitting the issuance of the emergency credentials, the regulation is entirely consistent with [Ed. Code, § 44300](#), and Ed. Code, former § 44254 (emergency teaching credentials).

(3) Administrative Law § 30--Legislation or Rule Making--Necessity for Compliance With Enabling Statute.

Administrative regulations may not contravene the terms or exceed the scope of the statutes under which they have been adopted.

[See 8 **Witkin**, Cal. Procedure (3d ed. 1985) Extraordinary Writs, § 252.]

COUNSEL

Charles R. Gustafson, Beverly Tucker, Rosalind D. Wolf and Robert E. Lindquist for Plaintiffs and Appellants.

Daniel E. Lungren, Attorney General, Charlton G. Holland III, Assistant Attorney General, John H. Sanders and Jill P. Ingram, Deputy Attorneys General, Littler, Mendelson, Fastiff & Tichy, Richard J. Currier, C. Anne Hudson, Judith S. Islas, Horton, Knox, Carter & Foote and Frank A. Oswalt III for Defendants and Respondents.

**BENKE, J.**

In this case a group of regularly credentialed teachers unsuccessfully applied for teaching jobs in a number of Imperial County school districts. In place of the regularly credentialed teachers, the districts hired individuals who had received emergency credentials from the Commission on Teacher Credentialing (Commission). By way of a petition for a writ of mandate the regularly credentialed teachers challenged the Commission's issuance of the emergency credentials and the districts' decision to employ teachers who received the emergency credentials.<sup>FN2</sup> The trial court sustained demurrers to their amended petition without leave to amend.

FN2 The regularly credentialed teachers also alleged that in applying for teaching jobs they were entitled to procedural rights which would have prevented the districts from relying on rumors and innuendo about them. In an unpublished portion of this opinion we

find these claims have no merit.

We affirm. As we interpret the pertinent statute and administrative regulation, the availability of regularly credentialed teachers does not prevent the Commission from issuing emergency credentials and does not prevent districts from hiring individuals who have received emergency credentials.

Factual and Procedural Background

### 1. Initial Petition

On August 8, 1990, the California Teachers Association and four individuals filed a petition for a writ of mandate in the superior court. The petition named as respondents seven school boards, the superintendents of each of seven school districts, the Imperial County Board of Education, the Imperial County Superintendent of Schools and the Commission.

The petition alleged the four individuals were regularly credentialed teachers and that in the summer of 1989 they had applied for vacant teaching \*1472 positions in the seven school districts. According to the petition the school districts acted unlawfully in failing to hire the petitioners and instead hired individuals with emergency credentials issued by the Commission.

The respondents demurred to the petition and on October 15, 1990, their demurrers were sustained with 30 days leave to amend.

### 2. Amended Petitions

On November 13, 1990, the petitioners filed an amended petition. On December 5, 1990, before any response to the amended petition was made, the petitioners filed a second amended petition. The amended petitions added four individuals as petitioners, five additional governing boards and five additional superintendents as respondents. The amended petitions again alleged that each of the individual petitioners held a regular teaching credential issued by the Commission. The amended petitions added allegations that, as in 1989, in the summer of 1990 the individual petitioners applied for vacant teaching positions in the respondent school districts and the districts instead hired teachers with emergency credentials.

The respondents demurred to the amended complaints and their demurrers were sustained without leave to amend. A judgment dismissing the petition

7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

was entered and the petitioners filed a timely notice of appeal.

#### Issues on Appeal

On appeal petitioners, as they did below, argue the districts should have hired regularly credentialed teachers before resorting to teachers with emergency credentials.

#### I

Because, in the final analysis, our disposition of this case rests on our interpretation of the relevant statute and regulation, a brief review of the pertinent statutory and regulatory history is appropriate.

The Education Code of 1959, like its predecessor, gave the Commission the power to issue provisional credentials in accordance with regulations adopted by the Commission. (Stats. 1959, ch. 2, § 3, p. 909, Ed. Code, <sup>FN3</sup> former § 13117; see also Stats. 1943, ch. 71, p. 535.) In turn the Commission adopted section 611 of subchapter 3, title 5 of the former California Administrative Code which permitted issuance of provisional credentials when a \*1473 district submitted a statement of need to the Commission. The regulation required that the statement of need “indicate that no *qualified*, regularly certificated applicant of the type needed is available and that the applicant, if granted the provisional credential applied for, will be employed in a specified position.” (§ 611, subch. 3, tit. 5, former Cal. Admin. Code, italics added.)

FN3 All statutory references are to the Education Code unless otherwise specified.

In interpreting this regulation the court in *Jones v. Oxnard School Dist.* (1969) 270 Cal.App.2d 587, 591-592 [ 75 Cal.Rptr. 836], stated: “[I]t is appellant’s theory that being certificated she was per se ‘qualified’ so that the district was duty bound not to determine to the contrary or to file the statement of need. If such were the case, mandate or prohibition conceivably might lie. But to so read section 611 reduced the word ‘qualified’ in that section to surplusage. The fair meaning of the section as written empowers the appropriate management personnel acting for the district to determine whether a certificated applicant is otherwise qualified for employment. That being the case, the district cannot be mandated to exercise the power in a particular fashion.” (Fn. omitted.)

In 1976 the Legislature replaced section 13117 with section 44254. (Stats. 1976, ch. 1010, § 2, p. 3366, operative Apr. 30, 1977.) As enacted section 44254 provided in pertinent part: “Emergency credentials may be issued in accordance with regulations adopted by the commission.

“The terms, reasons, and justification for the issuance of such credentials shall be regularly reported to the Legislature, as well as their number, kind, and other pertinent information. Emergency credentials shall only be authorized when insufficient certified teachers are available.”

Pursuant to the power provided by section 44254 on December 16, 1977, the Commission adopted what are now [sections 80023 through 80026 of title 5, California Code of Regulations](#). (See Register 77, No. 51.) Section 80024 requires that applicants for emergency credentials must, in addition to fulfilling various academic requirements, submit “the Statement of Need described in [Section 80026](#).” [Section 80026](#), subdivision (c) in turn requires that a statement of need “[s]tate either that a credentialed person is not available, or that one or more credentialed persons are available, *but are not deemed qualified by the district, county superintendent of schools, or State agency, as applicable, to hold the position.*” (Italics added.)

In 1988 the Legislature repealed section 44254 and replaced it with [section 44300](#) which provides in pertinent part: “(a) *Commencing January 1, \*1474 1990, the commission may issue or renew emergency teaching or specialist permits* in accordance with regulations adopted by the commission ... provided that all of the following conditions are met:

“

.....

“(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

“(A) Documentation that the district has made a diligent search for, but has been *unable to recruit, a sufficient number of certificated teachers*, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

“(B) A declaration of insufficiency based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the district or the county board of education at a regularly scheduled meeting of the governing board or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

“(b) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).” (Italics added.)

Following enactment of [section 44300](#) the Commission did not alter the provisions of [5 CCR section 80026](#).

## II

(1) Initially on appeal the individual petitioners argue that by virtue of their regular credentials alone, they are “qualified” within the meaning of [title 5, California Code of Regulations, section 80026](#). In essence the petitioners argue the districts have no discretion under the regulation in determining whether they are qualified. They contend the respondent districts therefore acted unlawfully in 1989 and 1990 in submitting to the Commission statements of need in support of applications for emergency credentials and the Commission in turn acted unlawfully in issuing emergency credentials to individuals hired by the districts. The petitioners believe mandate should issue to compel the districts to hire the individual petitioners in place of the teachers who received what the petitioners believe were unlawful emergency credentials. \*1475

The petitioners' interpretation of [title 5, California Code of Regulations, section 80026](#), however, is flatly contradicted by the terms of the regulation which expressly permits issuance of emergency credentials when regularly credentialed persons are available “but are not *deemed* qualified by the district.” This language plainly provides the districts with discretion in determining whether the pool of credentialed employees is also qualified. (See [Jones v. Oxnard School](#)

[Dist., supra](#), 270 Cal.App.2d at pp. 591-592.)

The petitioners' reliance on [Taylor v. Board of Trustees](#) (1984) 36 Cal.3d 500, 509 [ 204 Cal.Rptr. 711, 683 P.2d 710], [Kalamaras v. Albany Unified School Dist.](#) (1991) 226 Cal.App.3d 1571, 1577-1578 [ 277 Cal.Rptr. 577], and [Royster v. Cushman](#) (1989) 213 Cal.App.3d 65, 70- 71 [ 261 Cal.Rptr. 458], is unpersuasive. Those cases deal with section 44918 which provides reemployment rights for substitute teachers who have served 75 percent of the school year. Unlike [title 5, California Code of Regulations, section 80026](#), section 44918 states: “For purposes of this section, ‘qualified to serve’ shall be defined to mean the possession of an appropriate credential plus completion of appropriate academic preparation or experience in the subject matter in which the vacant position occurs.” The cases the petitioners rely upon have interpreted this language as severely limiting a district's discretion in dealing with substitute teachers who have served three-quarters of a school year. (See e.g., [Taylor v. Board of Trustees, supra](#), 36 Cal.3d at pp. 508-509.)

Plainly the petitioners here are not substitute teachers who have served three-quarters of a school year and thereby obtained protection under section 44918. Rather they are applicants who have yet to serve in any capacity. More importantly for our purposes, unlike section 44918, nothing in [title 5, California Code of Regulations, section 80026](#) provides any limitation on a district's discretion. Rather the phrase “deemed qualified by the district” expressly provides districts the discretion withheld in section 44918.

(2a) In the alternative the petitioners argue that if [title 5, California Code of Regulations, section 80026](#) provides the districts with discretion in determining whether credentialed applicants are also qualified, the regulation is invalid because it contradicts the statutes which permit issuance of emergency credentials. We find no defect in the regulation.

(3) As the petitioners point out administrative regulations may not contravene the terms or exceed the scope of the statutes under which they have been adopted. (See [Coca-Cola Co. v. State Bd. of Equalization](#) (1945) 25 Cal.2d 918, 922 [ 156 P.2d 1]; [Whitcomb Hotel, Inc. v. Cal. Emp. Com.](#) (1944) 24 Cal.2d 753, 757-758 [ 151 P.2d 233, 155 A.L.R. 405];

7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

[Rosas v. Montgomery \(1970\) 10 Cal.App.3d 77, 87 \[88 Cal.Rptr. 907, 43 A.L.R.3d 537\].](#) \*1476

(2b) Here the statutes, former section 44254 and section 44300, are themselves silent with respect to the discretion districts have in determining the qualifications of credentialed applicants. Unlike the petitioners, we do not believe the term “insufficient certified teachers” in former section 44254 and the phrase “unable to recruit[] a sufficient number of certificated teachers” in [section 44300](#) require districts to hire unqualified credentialed teachers before submitting a statement of need. Indeed the reference in [section 44300](#) to the ability of district's to “recruit” sufficient numbers suggests the Legislature understood that the hiring process is not simply a matter of filling vacant positions with credentialed applicants but requires consideration of qualifications beyond possession of the appropriate credentials.

Our unwillingness to find any defect in [title 5, California Code of Regulations, section 80026](#) is based upon the history of the regulation and enabling statutes. In particular we note that, although enacted in 1988, the requirements of [section 44300](#) did not become operative as to the issuance or *renewal* of emergency credentials until January 1, 1990. On a practical level this of course means the 1989 vacancies the petitioners allege they should have filled were not subject to [section 44300](#). More importantly however, the reference to the renewal of emergency credentials and the delay in imposing the requirements added by [section 44300](#) was a clear expression by the Legislature that it was aware of the Commission's emergency credentialing practices in 1988 and was willing to accept those practices in their entirety until January 1, 1990.

Moreover the requirements which became effective January 1, 1990, in no way suggest any intention to alter the practice, discussed and approved more than 20 years ago in [Jones v. Oxnard School Dist., supra, 270 Cal.App.2d at pages 591-592](#), of issuing emergency credentials when the credentialed teachers available to a district do not meet the district's qualifications. Rather, with respect to the issuance of emergency credentials, the only alteration of prior practice was procedural. [Section 44300](#), subdivision (a)(3)(B), adds the requirement that a declaration of insufficiency be approved by the governing board of the district at a regularly scheduled meeting and [sec-](#)

[tion 44300](#), subdivision (b), permits the exclusive agent of certificated employees to object to approval of such a declaration.<sup>FN4</sup>

FN4 [Section 44300](#), subdivision (a)(3)(A), also requires districts submit documentation which shows they have made a diligent search for certificated teachers. This requirement is similar to the requirement set forth in [title 5, California Code of Regulations, section 80026](#), subdivision (b), that districts specify the names of three colleges or placement agencies they have contacted within two weeks of submitting a statement of need.

We believe the procedural additions are instructive. If, as the petitioners suggest, determination of need is simply the ministerial task of determining \*1477 whether credentialed applicants have applied for a vacancy, it made very little sense to require the governing board to pass on the question and provide an exclusive agent the opportunity to object. On the other hand, if, in determining the applicant pool is insufficient, discretion must be exercised as to the qualifications of the credentialed applicants, it makes a great deal of sense to subject such a decision to review by the governing board with an opportunity for employee representatives to object. Such a process affords the board an opportunity to review both the qualifications being required by district administrators and the administrator's determination those qualifications cannot be met by current applicants.

In sum then, [title 5, California Code of Regulations, section 80026](#) permits the issuance of emergency credentials when credentialed applicants do not meet a district's qualifications and, in doing so, is entirely consistent with former section 44254 and section 44300. Thus the respondent districts acted properly in submitting statements of need to the Commission and the Commission acted properly in issuing emergency credentials to persons hired by the districts.

III<sup>FN\*</sup>

FN\* See footnote 1, [ante, page 1469](#).

.....  
Disposition

7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163  
(Cite as: 7 Cal.App.4th 1469)

Judgment affirmed. Respondents to recover their costs of appeal.<sup>FN5</sup>

FN5 Although we have rejected the petitioners' arguments they are in no sense frivolous. Accordingly, the respondents' request for sanctions is denied. ( *In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 650 [ 183 Cal.Rptr. 508, 646 P.2d 179].)

Todd, Acting P. J., and Froehlich, J., concurred.

Appellants' petition for review by the Supreme court was denied October 1, 1992. Mosk, J., was of the opinion that the petition should be granted.

Cal.App.4.Dist.  
California Teachers Assn. v. Commission on Teacher Credentialing  
7 Cal.App.4th 1469, 10 Cal.Rptr.2d 126, 76 Ed. Law Rep. 163

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98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)



CALIFORNIA TEACHERS ASSOCIATION et al.,  
Plaintiffs and Appellants,

v.

GOVERNING BOARD OF THE GOLDEN VALLEY  
UNIFIED SCHOOL DISTRICT et al., Defendants  
and Respondents.

No. F037363.

Court of Appeal, Fifth District, California.  
May 13, 2002.

#### SUMMARY

An elementary schoolteacher and a teachers union filed a petition for a writ of mandate after the teacher, who had been qualified to teach under an emergency teaching permit and whose contract classified her as a probationary employee, was informed in a letter that she would not be employed as a teacher by defendant school district for the next school year. Plaintiffs contended the teacher was a probationary employee and thus was entitled to 30 days' notice and a hearing prior to termination ([Ed. Code, § 44948.3](#), subd. (a)). The trial court denied the petition and ruled that a teacher with only an emergency permit may not be classified as a probationary employee and, therefore, the statutory procedures of notice and a hearing do not apply to the dismissal of such a teacher. (Superior Court of Madera County, No. CV05840, Thomas L. Bender, Judge.)

The Court of Appeal reversed with directions. The court held that plaintiff was a probationary employee for the purpose of protections pertaining to dismissal for the coming school year and, as a result, she was entitled to 30 days' notice and a right to a hearing under [Ed. Code, § 44948.3](#), subd. (a). Plaintiff's position of teaching sixth grade math and science was a position requiring certification qualifications, and, under a literal construction of [Ed. Code, § 44915](#) (probationary employees are persons employed in positions requiring certification and not otherwise classified), she was entitled to be classified as a probationary employee for purposes of the dismissal procedures. Construing the statute in the context of the statutory framework led to the same conclusion. The

court also held that defendant had an implied obligation, under its contract to employ plaintiff as a probationary employee, to apply to the Commission on Teacher Credentialing for an emergency permit for plaintiff to teach during the upcoming school year, even if defendant had received a sufficient number of applications for teaching positions so that it could fill the positions with applicants who were fully credentialed and qualified to teach. (Opinion by Ardaiz, P. J., with Dibiaso and Cornell, JJ., concurring.)

#### HEADNOTES

① Mandamus and Prohibition § 74--Mandamus--Review--Construction of Statute.

Although a trial court's findings and judgment on a petition for a writ of mandate ordinarily are upheld if supported by substantial evidence, the trial court's construction of a statute is purely a question of law and is subject to de novo review on appeal.

② Statutes § 30--Construction--Language--Plain Meaning.

Courts construing a statute must ascertain legislative intent so as to effectuate a law's purpose. In the construction of a statute the office of the judge is simply to ascertain and declare what is contained therein, not to insert what has been omitted, or to omit what has been inserted. Legislative intent will be determined so far as possible from the language of statutes, read as a whole, and if the words are reasonably free from ambiguity and uncertainty, the courts will look no further to ascertain statutory meaning. The court should take into account matters such as context, the object in view, the evils to be remedied, the history of the times and of legislation upon the same subject, public policy, and contemporaneous construction. Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole.

③ Schools § 40--Teachers and Other Employees--Dismissal--Rights-- Contractual Probationary Employee--Teacher With Emergency Permit.

A teacher employed by a school district under a written contract that classified her as a probationary employee, and whose permit to teach was based on an emergency teaching permit, was a probationary em-

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

ployee for purposes of protections pertaining to dismissal for the coming school year and, as a result, she was entitled to 30 days' notice and a right to a hearing under [Ed. Code, § 44948.3](#), subd. (a), prior to dismissal. The teacher's position of teaching sixth grade math and science was a position requiring certification qualifications, and, under a literal construction of [Ed. Code, § 44915](#) (probationary employees are persons employed in positions requiring certification and not otherwise classified), the teacher was entitled to be classified as a probationary employee for purposes of the dismissal procedures. Construing the statute in the context of the statutory framework led to the same conclusion.

[See 7 Witkin, Summary of Cal. Law (9th ed. 1989) Constitutional Law, § 550; West's Key Number Digest, Schools ¶133.6(7).]

(4) Schools § 26--Teachers and Other Employees--Employment Contracts-- Probationary Teacher with Emergency Permit--Validity.

A school district had an implied obligation, under its contract to employ an elementary schoolteacher as a probationary employee, to apply to the Commission on Teacher Credentialing for an emergency permit for the teacher to teach during the upcoming school year, even if the district received a sufficient number of applications for teaching positions so that it could fill the positions with applicants who were fully credentialed and qualified to teach. A rule of law providing school districts with the unilateral flexibility of walking away from contracts with holders of emergency permits is not warranted under the Education Code.

(5) Schools § 26--Teachers and Other Employees--Employment Contracts-- Validity--Determination.

The issue whether a teacher satisfied the conditions precedent specified in her contract with the school district and thereby caused mutual contractual obligations to come into effect is analogous to the issue whether a teacher's breach of her contract is sufficient to terminate it. Accordingly, a determination that a school district no longer owes any obligations to a teacher under a contract is subject to the same procedures applicable to the termination of a teacher's contract during the school year, that is, the teacher may not be dismissed after the school year begins without prior written notice of dismissal and the right to a hearing pursuant to [Ed. Code, § 44948.3](#), subd. (a).

(6) Schools § 51--Teachers and Other Employees--Dismissal--Damages-- Mitigation--Backpay.

In determining the backpay to which a wrongfully dismissed teacher is entitled, the trial court should consider whether the school district carried its burden of proving that the teacher failed to mitigate his or her damages by seeking other employment through the exercise of reasonable diligence. Among the many factors relevant to the exercise of reasonable diligence are the timing of the teacher's dismissal relative to the usual hiring period for teachers and the level of competition for positions. If the teacher is found to have exercised reasonable diligence, then his or her award of backpay should be reduced by the amounts that the district affirmatively proves were earned from other sources during the relevant school year, provided that the reduction consists only of earnings from employment inconsistent with the original employment.

COUNSEL

Tuttle & McCloskey, Ernest H. Tuttle III and Kay M. Tuttle for Plaintiffs and Appellants.

Stroupe & de Goede and Bryan G. Martin for Defendants and Respondents.

**ARDAIZ, P. J.**

The California Teachers Association (CTA) and Tiffani Curran (Curran) filed a petition for a peremptory writ of mandate after Curran was informed in a letter dated August 3, 1999, that she would not be employed as a teacher by the Golden Valley Unified School District (Golden Valley) for the 1999-2000 school year. The trial court denied the petition and ruled a teacher with only an emergency permit may not be classified as a probationary employee and, therefore, the statutory procedures of notice and a hearing do not apply to the dismissal of such a teacher.

Curran appealed, contending (1) she was a probationary employee during the 1998-1999 school year who was not given a nonre-election notice under [Education Code section 44929.21](#)<sup>FN1</sup> and, therefore, was automatically rehired for the following school year; (2) by virtue of her written contract with Golden Valley classifying her as a probationary employee, she was entitled to the statutory procedures applicable to the dismissal of probationary employees; (3) if, al-



98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

ternatively, she should have been classified as a temporary employee instead of a probationary employee, Golden Valley was required to follow the statutory procedures applicable to the dismissal of a temporary employee; and (4) Golden Valley was estopped from denying Curran employment for the 1999-2000 school year because she relied upon its written offer and contract.

FN1 All further statutory references are to the Education Code, unless otherwise indicated.

We hold Curran's contract properly classified her as a probationary employee and she was entitled to prior written notice of dismissal and the right to a hearing. Accordingly, we reverse and remand.

#### Procedural Background

On March 6, 2000, CTA and Curran filed a petition for a peremptory writ of mandate against Golden Valley and its governing board requesting payment to Curran of backpay and benefits for the 1999-2000 school year, \*373 declaratory relief that Curran was wrongfully terminated, and attorney fees. Curran filed declarations and points and authorities in support of her petition. Golden Valley filed an answer, as well as declarations and points and authorities in opposition to the petition.

On June 14, 2000, and July 12, 2000, counsel presented oral argument to the trial court; no witnesses testified before the court. After the presentation of oral argument on July 12, 2000, the trial court stated on the record the reasons for its denial of the petition. CTA and Curran filed a notice of appeal from the trial court's decision.

#### Facts

During the 1998-1999 school year, Curran was employed by the Madera Unified School District under a written contract that classified her as a probationary employee. Her qualification to teach was based on an "Emergency Long Term Multiple Subject Teaching Permit" issued by the Commission on Teacher Credentialing of the State of California (CTC), which was valid from August 1, 1998, to September 1, 1999. She was assigned to teach sixth grade math and science at Webster Elementary School.

During the school year, Madera Unified School District underwent reorganization and Webster Elementary School became a part of the newly created Golden Valley Unified School District. Golden Valley began teaching operations as of July 1, 1999, the first day of the 1999-2000 school year.<sup>FN2</sup> On May 27, 1999, Golden Valley presented Curran with a letter and a "Certificated Employee Notice/Offer of Employment" relating to employment for the 1999-2000 school year. Curran saw the base salary in the offer was incorrect and told Golden Valley that she should have been placed in class 5, station 2, of the salary schedule. Golden Valley changed the salary amount and presented Curran with a revised offer dated June 15, 1999. Curran accepted the revised offer by signing and returning it to Golden Valley.

FN2 "The school year begins on the first day of July and ends on the last day of June." (§ 37200.)

The contract formed by the parties listed Curran's status as "Probationary (2)"<sup>FN3</sup> and contained the following provision: "Contingent upon fulfilling the requirements to obtain a valid California Teaching Credential or evidence that I have fulfilled all P18L requirements of my current credential and am enrolled in an approved CTC, college or university program, am \*374 enrolled in coursework that will qualify me for a Multiple Subjects Credential, and/or PASS The MSAT prior to August 16, 1999."

FN3 This designation means the teacher is in his or her second year of probationary service.

In July 1999, after Curran returned from her summer vacation, she met with the principal of Webster Elementary School to begin preparing for the new school year. The principal told Curran that she did not know if Curran would be working there because Curran had not fulfilled the contingencies in the contract. Subsequently, Curran received a letter from Golden Valley scheduling a meeting with the superintendent and the principal for July 27, 1999. The letter stated the purpose of the meeting was to establish if Curran had met the requirements of the contract and requested her to bring to the meeting (1) her test results from the Multiple Subject Assessments for Teachers (MSAT) of June 5, 1999, (2) a copy of her spring 1999 coursework, (3) her application for fall

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

1999 coursework at California State University at Fresno, (4) a receipt of tuition paid, and (5) the name of her credential adviser at the university.

At the July 27, 1999, meeting, Curran presented the requested documents and told the superintendent that she had not passed the MSAT test. The superintendent then stated Curran had not fulfilled the requirements of the contract and that Golden Valley could not hire any teacher with an emergency permit until teachers with full credentials had been interviewed. When the superintendent was told the contract did not require Curran to pass the MSAT, he asked for 72 hours to think about it and talk to the governing board.

On August 3, 1999, Golden Valley sent Curran a letter stating (1) Golden Valley decided not to employ her for the 1999-2000 school year, (2) “the District's offer of employment to you was contingent upon your fulfilling the requirements to obtain a California teaching credential,” (3) Curran did not complete many of the basic requirements to obtain a teaching credential, “including student teaching, additional coursework, passage of the [MSAT] and passage of the reading initiative objective test (RICA),” and (4) Golden Valley concluded it would not be in the best interest of Golden Valley to continue Curran's employment on an emergency certificate in light of the availability of fully credentialed applicants.

An attorney representing Curran sent a letter to Golden Valley expressing the view that Curran had fulfilled the contingencies in the contract and, as a result, was entitled to employment for the 1999-2000 school year. The dispute was not resolved and Curran filed her petition for a writ of mandate in March 2000. \*375

#### Discussion

When school districts are reorganized, the employment rights of “certificated employees” are protected under section 35555. When such employees are probationary, they “shall be employed by the district which thereafter maintains the school” where the employee worked prior to the reorganization and their “classification by such district shall be the same as it would have been had the school ... continued to be maintained by the district [that] formerly maintained it.” (§ 35555.)

In this case, the reorganization of Madera Unified School District and the creation of Golden Valley School District had progressed to the point where Golden Valley had entered into a written contract with Curran and the 1999-2000 school year had begun. Therefore, even if Curran was a certificated employee within the meaning of the provisions of section 35555, those provisions would no longer directly govern the employee/employer relationship between Curran and Golden Valley at the time of Curran's dismissal. By then, that relationship was defined by the written contract and the provisions of the Education Code generally applicable to the employment of teachers. Therefore, the issue presented is whether the dismissal of Curran violated her contractual or statutory rights. Curran's statutory claims center on [section 44915](#) and whether it required or permitted Golden Valley to classify her as a probationary employee.

#### I. Standard of Review

(1) Ordinarily, a trial court's findings and judgment on a petition for writ of mandate are upheld if supported by substantial evidence. ([Unnamed Physician v. Board of Trustees \(2001\) 93 Cal.App.4th 607, 618 \[94 Cal.App.4th 76a, 113 Cal.Rptr.2d 309\]](#).) However, the trial court's construction of a statute is purely a question of law and is subject to de novo review on appeal. (*Id.* at p. 619.) The principles governing the proper construction of a statute are well established and are set forth in [Neumarkel v. Allard \(1985\) 163 Cal.App.3d 457, 461 \[209 Cal.Rptr. 616\]](#): (2) “Courts must ascertain legislative intent so as to effectuate a law's purpose. [Citations.] 'In the construction of a statute ... the office of the judge is simply to ascertain and declare what is ... contained therein, not to insert what has been omitted, or to omit what has been inserted; ...' [Citation.] Legislative intent will be determined so far as possible from the language of statutes, read as a whole, and if the words are reasonably free from ambiguity and uncertainty, the courts will look no further to ascertain its meaning. [Citation.] ' ”The court should take into account matters such as *context*, the \*376 object in view, the evils to be remedied, the history of the times and of *legislation upon the same subject*, public policy, and contemporaneous construction.“ ' [Citations.] 'Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole.' [Citations.]”

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

II. Teachers With Emergency Permits May Be Classified by a School District as Probationary Employees.

As background on the importance of classification as a probationary employee, we observe it brings a teacher two primary benefits.<sup>FN4</sup> First, service as a probationary employee generally counts toward completing the two-year probationary period required before an employee is classified as permanent. (§ 44929.21, subd. (b).) Second, districts are restricted in the ways they may end the employment of a probationary employee.

FN4 Another benefit is the right to reemployment in certain situations. (See § 44957, subd. (a).)

Midyear dismissals of probationary employees generally must be for unsatisfactory performance or for cause and such a dismissal requires the district to give the employee 30 days prior written notice and the right to a hearing. (§ 44948.3, subd. (a).) The predecessors of this provision have protected probationary teachers for over 80 years. Former Political Code section 1609 gave school boards the power “[t]o dismiss probationary teacher during the school year for cause only ....” (Stats. 1921, ch. 878, § 1, p. 1665; see Stats. 1927, ch. 875, § 1, p. 1915; Stats. 1935, ch. 690, § 18, p. 1884, former School Code, § 5.680; Stats. 1943, ch. 71, p. 573, former § 13581; Stats. 1959, ch. 2, p. 948, former § 13442.)

When ending the employment of a probationary employee at the close of the school year, school districts are subject to fewer restrictions. A district may “choose not to reelect a probationary teacher for the ensuing school year without any showing of cause, without any statement of reasons, and without an administrative hearing or appeal, as long as the district gives notice to the teacher on or before March 15 of the employee’s second year of employment. (§ 44929.21(b); *Grimsley v. Board of Trustees* (1987) 189 Cal.App.3d [1440,] 1447-1448 [235 Cal.Rptr. 85].)” (*Board of Education v. Round Valley Teachers Assn.* (1996) 13 Cal.4th 269, 279 [52 Cal.Rptr.2d 115, 914 P.2d 193].) Similarly, under former Political Code section 1609, subdivision (i), a school district could notify a probationary teacher on or before the 10th of June that the teacher’s services would not be retained for the ensuing school year. (Stats. 1921, ch. 878, § 1, pp. 1665-1666.) \*377

This case does not directly involve the first benefit of probationary status, i.e., counting service toward completion of the mandatory two-year probationary period. That situation was addressed recently by the First District in *Summerfield v. Windsor Unified School Dist.* (2002) 95 Cal.App.4th 1026 [116 Cal.Rptr.2d 233] (*Summerfield*). (3) Instead, Curran seeks the benefit of the statutory provisions restricting dismissal. Curran contends she was a probationary employee for purposes of dismissal from employment and, as a result, she was entitled to 30 days’ notice and a right to a hearing under section 44948.3, subdivision (a). It is undisputed that Golden Valley did not give Curran such notice or right to a hearing prior to her dismissal.

Golden Valley argues Curran was not entitled to the notice and hearing given to probationary employees because that classification requires the teacher to be certificated, and never applies to a teacher holding an emergency permit from the CTC. In response, Curran presents two theories as to why she was entitled to be treated as a probationary employee. First, Curran asserts section 44915 required Golden Valley to classify her as a probationary employee. Second, Curran asserts the school districts chose to classify her as a probationary employee in the written contracts for the 1998-1999 and 1999-2000 school years, this classification was not prohibited by statute and, therefore, the classification fell within the freedom of contract allowed the parties by the Education Code.

The Education Code does not explicitly resolve this dispute. On one hand, the statutory provisions do not explicitly prohibit a teacher with an emergency permit from being classified as a probationary employee. On the other hand, no statutory provision explicitly delineates how teachers with emergency permits should be classified.<sup>FN5</sup> Consequently, we must determine whether the general rule set forth in section 44915 concerning when a teacher should be classified as a probationary employee applies to a teacher with an emergency permit.

FN5 In comparison, section 44885.5, subdivision (a), provides that certain persons employed by school districts as district interns shall be classified as probationary employees. (*Welch v. Oakland Unified School Dist.* (2001) 91 Cal.App.4th 1421, 1429 [111

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: **98 Cal.App.4th 369**)

[Cal.Rptr.2d 374](#)).

Neither party has cited, nor are we aware of, any published appellate decision that explicitly holds whether or not the general rule of [section 44915](#) applies to a teacher with an emergency permit. In one reported decision, a school district classified a teacher with an emergency permit as “probationary” and the court stated the classification was a mistake “while she continued to work under an emergency permit.” (*Summerfield, supra, 95 Cal.App.4th at p. 1035, fn. 6.*) However, that statement was dicta. Consequently, in construing the general rule for the classification of teachers set forth in [section 44915](#), we face an issue of first impression. \*378

A. *Literal Construction of Section 44915.*

[Section 44915](#) states: “Governing boards of school districts shall classify as probationary employees, those persons employed in positions requiring certification qualifications for the school year, who have not been classified as permanent employees or as substitute employees.”

Golden Valley did not classify Curran as a permanent or as a substitute employee. Therefore, under the plain language of [section 44915](#), if Curran was employed in a “position[ ] requiring certification qualifications,” then Golden Valley was required to classify her as a probationary employee.<sup>FN6</sup>

FN6 California Code of Regulations, title 5, section 5501, subdivision (c), recognizes four classifications—substitute, temporary, probationary and permanent. The classification of “temporary employee” is authorized by section 44920, but is inapplicable to the facts of this case because “temporary employees are only to be hired if there are long-term vacancies due to a teacher’s leave of absence.” (*Welch v. Oakland Unified School Dist., supra, 91 Cal.App.4th at p. 1431.*) Curran was not filling a long-term vacancy.

The phrase “position requiring certification qualifications” is defined in section 44001 to include “every type of service for which certification qualifications are established by or pursuant to Section 44000 to 44012, inclusive, Section 44065 and [the chapter on teacher credentialing, sections 44200 to 44374].” The chapter of the Education Code govern-

ing teacher credentialing<sup>FN7</sup> sets forth the certification qualifications for service as a grade school or high school teacher. There is little doubt, and Golden Valley concedes, that the position of teaching sixth grade math and science is a position requiring certification qualifications as opposed to a position not requiring certification qualifications. Consequently, under a literal construction of [section 44915](#), Curran was employed in a position requiring certification qualifications and, thus, was entitled to be classified as a probationary employee.

FN7 Chapter 2 (commencing with § 44200) of part 25 of division 3 of title 2 of the Education Code.

B. *Construction of Section 44915 in the Context of the Statutory Framework.*

Golden Valley asserts a literal interpretation is not appropriate because it is inconsistent with the way in which the Legislature has treated teachers with emergency permits throughout the Education Code. Golden Valley’s assertion is based on two premises. First, in enacting [section 44915](#) and its predecessors, the Legislature presupposed it would only be applied to certificated employees. Second, a certificated employee must have a credential listed in subdivision (b) of section 44251, not the “emergency permit” referenced in subdivision (c) of section 44251. (See \*379 *Jones v. Oxnard School Dist. (1969) 270 Cal.App.2d 587, 590 fn. 1 [75 Cal.Rptr. 836]* [parties refer to teachers holding provisional credentials as “noncertificated teachers”].)<sup>FN8</sup>

FN8 “Certificated person” is defined as “a person who holds one or more documents such as a certificate, a credential, or a life diploma, which singly or in combination license the holder to engage in the school service designated in the document or documents.” (§ 44006.)

When used as a noun, the word “certificate” means, “the document issued by a county board of education to license the holder to perform the service specified in the certificate.” (§ 44004.) The record presented on appeal by Curran does not contain a document issued by the county board of education. As currently defined, “credential” includes “a credential, certificate, life docu-

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: **98 Cal.App.4th 369**)

ment, life diploma, permit, certificate of clearance, or waiver issued by the [CTC].” (§ 44002, as amended by Stats. 2001, ch. 342, § 2.) Prior to the 2001 amendment, “credential” was defined as “a document issued by the State Board of Education or the Commission for Teacher Preparation and Licensing, authorizing a person to engage in the service specified in the credential.” (Former § 44002, added by Stats. 1976, ch. 1010, § 2, p. 3345.)

In considering whether to reject a literal construction of [section 44915](#), we examine the historical development of the provisions concerning (1) classification of teachers, (2) emergency and provisional credentials, (3) counting teacher's service towards attaining permanent classification, (4) the dismissal of teachers, and (5) minimum annual salaries for teachers.

#### 1. *Historical development from 1921 to 1959.*

In 1921, the Legislature (1) authorized school boards to classify teachers as substitute, probationary or permanent; (2) specified the manner in which teachers of each classification could be dismissed; and (3) required persons who had “been successfully employed as teachers by the district for two consecutive school years” to be classified as permanent teachers. (Stats. 1921, ch. 878, § 1, pp. 1665-1666, enacting former Pol. Code § 1609, subs. (c), (d), (e), (h), (i) & (j).) At that time, emergency or provisional credentials were not authorized.

In 1927, former Political Code section 1609 was amended and employment “in positions requiring certification qualifications” was required for an employee to be classified as substitute, probationary or permanent. (Stats. 1927, ch. 875, § 1, p. 1915, amending former Pol. Code, § 1609, subs. (c), (d) & (e).) The same phrase is used in the current versions of section 44917 (substitute employees), [section 44915](#) (probationary employees) and [section 44929.21](#), subdivision (b) (permanent employees).

World War II created a shortage of qualified teachers for the public schools of California because of the entrance of men and women into the military service and war industry. (Stats. 1943, ch. 815, § 6, p. 2615.) The Legislature responded by authorizing the issuance of emergency credentials. \*380 (Stats. 1943,

ch. 815, § 1, p. 2614, adding former School Code, § 5.127-1.) To prevent service under an emergency credential or war emergency credential from counting towards attaining classification as a permanent employee, a specific exclusion was enacted. (Stats. 1943, ch. 71, p. 559, enacting Ed. Code; former § 13099.2, added as urgency measure by Stats. 1943, ch. 417, § 2, p. 1956.)

The enactment of this exclusion was necessary only if the Legislature believed that service under an emergency credential could include employment “in position[s] requiring certification qualifications.” No other exclusions affecting teachers with emergency credentials were enacted; in particular, the Legislature did not exclude teachers serving under an emergency credential from (1) the provisions concerning classification as a probationary teacher and the dismissal of such a teacher (Stats. 1943, ch. 71, pp. 559, 573, adding former §§ 13101, 13581-13583), or (2) the minimum salary requirements for persons employed “full time in a position requiring certification qualifications.” (Stats. 1943, ch. 71, p. 580, adding former § 13842.1.) The existence of the specific exclusion and the absence of an enactment excluding emergency credential holders from being classified as probationary employees implies the Legislature intended teachers holding emergency credentials to be eligible for probationary classification and the benefits of that classification, except the benefit of counting that service towards attaining permanent status.

In 1947, the Legislature authorized the issuance of provisional credentials to give persons teaching under emergency credentials the opportunity to qualify for regular credentials. The minimum standard for a provisional general elementary credential was a valid emergency general elementary credential, two years successful experience as a teacher under an emergency general elementary credential, the completion of at least 60 semester units of college work with a C or better average, and any other requirements prescribed by the State Board of Education. (Stats. 1947, ch. 329, § 1, p. 893, adding former § 12130.1.) Paralleling the provisions of former section 13099.2 then in effect governing emergency credentials, the Legislature enacted former section 13099.3 which stated that service under a provisional credential did not count toward attaining permanent classification (Stats. 1947, ch. 329, § 5.1, p. 893, adding former § 13099.3.), <sup>FN9</sup> but the Legislature did not exclude

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

teachers serving under a provisional credential from (1) the provisions governing the classification of teachers as probationary and \*381 protecting probationary teachers from unauthorized dismissal or (2) the provisions governing minimum salary. (Stats. 1947, ch. 1026, § 1, p. 2289, adding former § 13842.) As with the wording and structure of the provisions concerning emergency credentials, the wording and structure of the provisions concerning provisional credentials imply the holder of a provisional credential was eligible for probationary classification.

FN9 Former section 13099.3 provided, “Service by a person under a provisional credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.” (Stats. 1947, ch. 329, § 5.1, p. 893.)

The foregoing implications of legislative intent were strengthened in 1951 when the Legislature amended the minimum pay provisions and set a separate minimum annual salary for persons employed “full time in a position requiring certification qualifications and serving under other than an emergency credential or provisional credential.” (Stats. 1951, ch. 1157, §§ 1, 2, pp. 2939-2940, amending former §§ 13842, 13842.1.) These amendments are further recognition by the Legislature that teachers serving under an emergency credential or provisional credential were subject to the rules generally applicable to teachers employed in “positions requiring certification qualifications,” unless a specific exclusion was enacted. Again, no provision was enacted to exclude teachers serving under an emergency or provisional credential from classification as a probationary teacher or from benefiting from the restrictions on dismissal of probationary teachers.

In 1953, the Legislature repealed former sections 12130.1, 12131.2 and 12138 concerning minimum standards for provisional and emergency credentials. (Stats. 1953, ch. 1372, § 3, p. 2952.) In their place, the Legislature enacted former sections 12060, 12061 and 12062. Those sections only authorized the issuance of provisional credentials in accordance with regulations adopted by the State Board of Education and empowered it to prescribe the minimum standards for such credentials. (Stats. 1953, ch. 1372, § 2, p. 2952.) No authorization was given for emergency creden-

tials.

## 2. *Historical development of statutory framework after 1959.*

In 1959, the Legislature reenacted the Education Code. The sections authorizing the issuance of provisional credentials, i.e., former sections 12060, 12061 and 12062, became former sections 13117, 13118 and 13119. (Stats. 1959, ch. 2, p. 909, enacting former §§ 13117, 13118 & 13119.) The history of the legislation concerning provisional credentials and the change in nomenclature to emergency credentials and then emergency permits, which took place from 1959 through the 1988 enactment of section 44300, is set forth in [California Teachers Assn. v. Commission on Teacher Credentialing \(1992\) 7 Cal.App.4th 1469, 1472-1474 \[10 Cal.Rptr.2d 126\]](#), and will not be detailed here.

The statutory language requiring school districts to “classify as probationary employees, those persons employed in positions requiring certification \*382 qualifications for the school year, who have not been classified as permanent employees or as substitute employees” was not altered by the 1959 legislation and remains intact today as [section 44915](#). (See Stats. 1943, ch. 71, p. 559, enacting former § 13101; Stats. 1959, ch. 2, p. 937, enacting former § 13334.)

After 1943, while the provisions concerning emergency credentials and provisional credentials were often the subject of legislative action and the language concerning the classification of employees as probationary was not changed, the exclusion of service by teachers holding provisional credentials from the general rule of counting service towards attaining a permanent classification was amended once. Under the Education Code of 1959, former section 13099.3 was repealed without change as former section 13331. (Stats. 1959, ch. 2, p. 937, adding former § 13331.) The language of former section 13331 became the first paragraph of section 44911. A second paragraph was added in 1982 (Stats. 1982, ch. 1388, § 6, p. 5295), and section 44911 now reads in full:

“Service by a person under a provisional credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

“This section shall not be applicable to teachers granted a one-year emergency credential under the conditions specified in subdivision (b) of Section 44252 and subdivision (h) of Section 44830.”

The term “provisional credentials” as used in section 44911 was construed recently to include emergency permits and, as a result, the first paragraph of section 44911 was held to exclude the service of a teacher holding an emergency permit from counting in computing the teacher’s progress towards permanent status. ( [Summerfield, supra, 95 Cal.App.4th at pp. 1031-1032.](#)) As stated above, this exclusion in section 44911 would not be necessary unless service by teachers with emergency permits was otherwise eligible to be counted towards permanent status. Because only service as a probationary employee counts towards permanent status (§ 44929.21, subd. (b)), the existence of the exclusion in section 44911 implies that teachers with emergency permits can be classified as probationary employees.

The enactment of the second paragraph of section 44911 <sup>FN10</sup> also implies the Legislature intended teachers with emergency permits to be eligible for classification as probationary employees. The second paragraph contains an \*383 exception to the exclusion set forth in the first paragraph of section 44911. The First District concluded the exception applies only to service by teachers credentialed in another state who are serving under an emergency credential pending completion of a basic skills proficiency test. ( [Summerfield, supra, 95 Cal.App.4th at pp. 1031-1032.](#)) The net effect of the exception to the exclusion is to place teachers within the scope of the exception back under the general rule of [section 44929.21](#) concerning counting service towards attaining permanent status. The exception does not set forth a positive rule; rather it is stated as an exclusion to the exclusion. Thus, teachers within the scope of the exception can only reap its benefits *if they were within the general rule in the first instance*. Because only employees classified as probationary employees are within the general rule, it follows that teachers holding emergency permits and satisfying the other conditions of the exception may be classified as probationary employees. In contrast, Golden Valley’s position that every teacher with an emergency permit is precluded from being classified as a probationary employee renders the second paragraph of section 44911 nugatory.

FN10 The legislative history concerning the second paragraph of section 44911 is discussed in [Summerfield, supra, 95 Cal.App.4th at page 1031.](#)

Accordingly, we construe [section 44915](#) to allow a teacher serving under an emergency permit to be classified as a probationary employee. This construction harmonizes [section 44915](#) with [sections 44911](#) and [44929.21](#) rather than rendering [section 44911](#) superfluous. As a consequence of this construction, teachers serving under an emergency permit who satisfy the requirements of [section 44915](#) are entitled to the statutory protections governing the dismissal of a probationary employee.

The foregoing analysis leads to the rejection of Golden Valley’s argument that teachers serving under an emergency permit cannot be given probationary status because of the anomalous possibility that they could achieve permanent status if rehired after two years of service. [Section 44911](#) precludes this anomaly. Our statutory analysis also causes us to reject the argument that the Legislature presupposed [section 44915](#) would not apply to the holders of emergency permits. <sup>FN11</sup> While there is no question the Legislature has created many distinctions between teachers with a preliminary or \*384 life credential and teachers with an emergency permit (see, e.g., § 44300), the existence of these distinctions does not compel a statutory construction that renders [section 44911](#) nugatory. Rather, the existence of the explicit distinctions implies the Legislature is capable of enacting a separate rule for holders of emergency permits when deemed appropriate.

FN11 While we agree with the First District’s analysis of [section 44911](#) set forth in [Summerfield, supra, 95 Cal.App.4th 1026](#), we disagree with the dicta in footnote 6 (*id.* at p. 1035), which states it was a mistake to classify the teacher as a probationary employee while she worked under an emergency permit. As we have discussed, if a holder of an emergency permit cannot be classified as a probationary employee, then [section 44911](#) is superfluous and the First District’s detailed analysis of its provisions was unnecessary. Footnote 6 should be viewed in its factual context and narrowly interpreted to mean

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: 98 Cal.App.4th 369)

service under an emergency permit may not be counted towards the two-year probationary period, unless the second paragraph of [section 44911](#) applies.

We recognize the existence of public policy arguments for and against giving emergency permit holders the same protections concerning midyear dismissals provided to probationary employees holding a preliminary or life credential. Also, public policy considerations could justify protecting emergency permit holders from unilateral midyear dismissals yet excluding them from the automatic reelection provisions generally applicable to second year probationary employees. However, the question before us is not whether, as a matter of policy, our construction of the statutes achieves the optimal balance of competing societal interests. Our role is confined to construing the statutes in a manner that effectuates the apparent intent of the Legislature. The current Legislature is free to weigh the competing public policies affected by this decision and amend the statutes to strike a different balance among those policies.

### III. Golden Valley Was Implicitly Required to Apply for the Emergency Permit.

(4) Golden Valley argues its employment of Curran was prohibited by section 44300, subdivision (a)(3)(A), because it could not legitimately provide the CTC with a declaration of need to justify the CTC issuing an emergency permit to Curran for the 1999-2000 school year in light of the more than 25 applications Golden Valley received from teachers who were fully credentialed and qualified to teach.<sup>FN12</sup> Golden Valley asks, in effect, for a rule of law that would allow school districts to minimize their risk and uncertainty by signing contracts with teachers holding emergency permits in the early phases of the recruiting period for the upcoming school year and then continue to search for fully credentialed teachers to replace the emergency permit holders and upgrade the faculty. However, a rule of law providing school districts with the unilateral flexibility of walking away from contracts with holders of emergency permits is not warranted under the current provisions of the Education Code. (See generally Wonnell, *Expectation, Reliance, and the Two Contractual Wrongs* (2001) 38 San Diego L.Rev. 53, 63-66). \*385

FN12 The declaration of the Golden Valley's superintendent filed with the trial court is not

so specific as to indicate how many, if any, of the applicants were qualified for the position held by Curran.

The logical implication of section 44300 is that the diligent search by a school district must be performed before entering into a contract with a teacher holding an emergency permit. Furthermore, Golden Valley's obligation to apply for the emergency permit is imposed by implication under the contract, because such an obligation is necessary to carry the contract into effect. (*Civ. Code, § 1656; Tarquinio v. Franklin-McKinley School Dist.* (1979) 88 Cal.App.3d 832, 836 [152 Cal.Rptr. 108].) Accordingly, we reject the argument that Golden Valley was prohibited by statute from applying for an emergency permit for Curran. (See *California Teachers Assn. v. Commission on Teacher Credentialing, supra*, 7 Cal.App.4th 1469.)

### IV. Applicability of Procedures Governing Midyear Dismissals of Probationary Employees

(5) As a probationary employee, Curran could not be dismissed after the school year began without prior written notice of dismissal and the right to a hearing pursuant to [section 44948.3](#), subdivision (a). Golden Valley argues that there was no employment relationship to terminate because Curran had not fulfilled the conditions precedent in its offer of employment. We conclude the issue of whether a teacher satisfied the conditions precedent specified in the contract with the school district and thereby caused mutual contractual obligations to come into effect is analogous to the issue of whether a teacher's breach of a covenant in the contract was sufficient to terminate the contract. Accordingly, a determination that a school district no longer owes any obligations to a teacher under a contract should be subject to the same procedures applicable to the termination of a teacher's contract during the school year.

Because Curran was not given written notice and a right to a hearing on the issue of whether she complied with the conditions in her contract, we conclude her petition for a peremptory writ of mandate should have been granted.

### V. Proceedings on Remand

(6) On remand, the trial court shall grant the petition for peremptory writ of mandate and shall make the findings of fact and conclusions of law it deems necessary to determine the appropriate relief. The



98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

(Cite as: **98 Cal.App.4th 369**)

prayer in the petition requests reinstatement with backpay and benefits or, alternatively, \***386** backpay and benefits for the 1999-2000 school year. The prayer also requests declaratory relief, attorney fees under [Government Code section 800](#) or [Education Code section 44944](#), subdivision (e), and costs of suit.

Because the 1999-2000 school year is over and Curran has no enforceable right to employment by Golden Valley in subsequent school years, she is entitled to backpay for the 1999-2000 school year only and is not entitled to reinstatement. (See [Tarquinio v. Franklin-McKinley School Dist., supra, 88 Cal.App.3d at p. 836.](#))

The trial court should consider whether Golden Valley has carried its burden of proving that Curran failed to mitigate her damages by seeking other employment through the exercise of reasonable diligence. (See [Mass v. Board of Education \(1964\) 61 Cal.2d 612, 627-629 \[39 Cal.Rptr. 739, 394 P.2d 579\].](#)) Among the many factors relevant to the exercise of reasonable diligence are the timing of Curran's dismissal relative to the usual hiring period for teachers and the level of competition for positions. The declaration of the superintendent of Golden Valley stating that the district received more than 25 applications from teachers who were fully credentialed and qualified to teach may reflect upon the level of competition.

If Curran is found to have exercised reasonable diligence, then her award of backpay should be reduced by the amounts that Golden Valley affirmatively proves were earned from other sources during the 1999-2000 school year (see [Unzueta v. Ocean View School Dist. \(1992\) 6 Cal.App.4th 1689, 1700-1701 \[8 Cal.Rptr.2d 614\]](#)), provided that the reduction consists only of earnings from employment inconsistent with the original employment. ( [California School Employees Assn. v. Personnel Commission \(1973\) 30 Cal.App.3d 241 \[106 Cal.Rptr. 283\]](#) [earnings of wrongfully discharged school bus driver from night or weekend work which would not have been inconsistent with school employment could not be deducted].) From January 31, 2000, through May 26, 2000, Curran was employed by Clovis Unified School District as a temporary, long-term substitute teacher at Tarpey Elementary School and was paid \$6,228, of which \$768 was earned by extra-duty assignments as a coach. The trial court should consider whether the

coaching duties and some or all of the substitute teaching duties were inconsistent with Curran's employment at Golden Valley.

Finally, the trial court should consider Curran's claim to lost benefits and whether the CTA and Curran have established they are entitled to statutory attorney fees.

#### Disposition

The judgment in favor of Golden Valley and its governing board is reversed and the superior court is directed to (1) vacate the order denying the \***387** peremptory writ of mandate, (2) enter an order granting the writ, and (3) determine the appropriate relief for Curran and the CTA. Costs on appeal are awarded to appellants.

Dibiaso, J., and Cornell, J., concurred.

Respondents' petition for review by the Supreme Court was denied August 28, 2002. Baxter, J., did not participate therein. \***388**

Cal.App.5.Dist.

California Teachers Assn. v. Governing Bd. of the Golden Valley Unified School Dist.

98 Cal.App.4th 369, 119 Cal.Rptr.2d 642, 164 Ed. Law Rep. 818, 02 Cal. Daily Op. Serv. 4128, 2002 Daily Journal D.A.R. 5225

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State Of California  
 California Commission On Teacher Credentialing  
 Box 944270  
 1900 Capitol Avenue  
 Sacramento, CA 94244-2700

Telephone:  
 (916) 445-7254 or (888) 921-2682  
 E-mail: credentials@ctc.ca.gov  
 Web site: www.ctc.ca.gov

## VERIFICATION OF EMPLOYMENT AS AN EDUCATION SPECIALIST

To be Completed by Employing Agency

### 1. PERSONAL INFORMATION

Applicant's Full Legal Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

### 2. EMPLOYING AGENCY

Title of Education Specialist Position \_\_\_\_\_

Date of Initial Employment (mm/dd/yy) \_\_\_\_\_

County of Employment \_\_\_\_\_

Name of Employing Agency \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (     ) \_\_\_\_\_ - \_\_\_\_\_

Name of Immediate Supervisor \_\_\_\_\_

Position \_\_\_\_\_

\_\_\_\_\_  
 Signature of Employer or Designee

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Printed Name of Employer or Designee

\_\_\_\_\_  
 Title

### 3. TENTATIVE PLAN FOR DEVELOPING THE INDIVIDUALIZED INDUCTION PLAN

Name of Support Provider(s) Assigned to New Specialist \_\_\_\_\_

Position Held by Support Provider(s) \_\_\_\_\_

Credential(s) Held by Support Provider(s) \_\_\_\_\_

Employing Agency (if different from teacher) \_\_\_\_\_

Institution Tentatively Selected for Development of Individualized Induction Plan and

Completion of Professional Clear Level II Program \_\_\_\_\_

**I understand I must develop an Individualized Induction Plan during the first 120 days of employment on my Preliminary Level I Education Specialist Credential with the Level II institution and employer designee.**

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

Submit this form with Level I application; copies to Level II institution and support provider.



## PRESS RELEASE

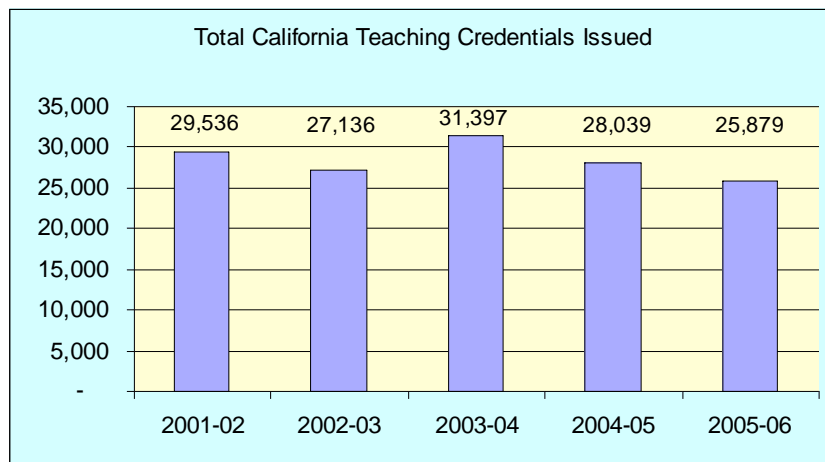
FOR IMMEDIATE RELEASE  
THURSDAY, MAY 3, 2007

CONTACT:  
MARILYN ERRETT (916) 445-7912

### Teacher Supply Dips

SACRAMENTO – California saw an 8% decrease in the number of newly credentialed teachers overall last year according to a report by the Commission on Teacher Credentialing (Commission).

"The combination of an overall downward trend in credential production and an increase in emergency permits is worrisome in terms of promoting greater teacher quality. Those of us who run teacher education programs owe it to our K-12 partners to step up production of highly qualified candidates," noted P. David Pearson, Chair of the Commission and Dean of the Graduate School of Education at the University of California, Berkeley.



The annual report, *Teacher Supply in California*, is issued pursuant to legislation, AB 471 (Scott, Chapt. 381, Stats. of 1999). The legislation requires the Commission to report to the Governor and the Legislature on the number of teachers who received

credentials, certificates, permits and waivers. *Teacher Supply in California* provides policy makers with an essential tool for analyzing how current statutes and policies impact teacher recruitment, teaching incentives and teacher preparation.

Other findings from the report:

- California universities prepare 87% of the newly credentialed teachers in the state. Teachers prepared in other states who become credentialed in California comprised 12% of newly credentialed teachers. The remaining 1% of teachers was prepared through school district internship programs.
- Of teachers prepared by the three segments of higher education, California State University (CSU), University of California (UC) and Private/Independent Universities—CSU prepared 54% of the new teachers; Private/Independent Universities prepared 41% and UC programs prepared 5% of new teachers.
- Total enrollments in university programs leading to credentials are also down by 4%; however, enrollments in programs that recommend credentials for high school teachers are up by 3%.
- Numbers of newly credentialed special education teachers increased by 16%.
- Permits authorizing “emergency” service in the public schools increased by 16% last year ending a five-year trend of decreasing reliance on partially certificated teachers in California schools.

Since 2001-02, California has seen a 76% decrease in the number of emergency teaching permits issued, and an 84% decrease in the number of credential waivers issued. Taking into account the total number of certificated teaching staff in California’s schools and the number of emergency type teaching permits issued, the percentage of teachers on emergency type permits has increased from 2.5% in 2004-05 to 2.9% in 2005-06.

The full *Teacher Supply* report can be accessed on the Commission website at: [http://www.ctc.ca.gov/reports/TS\\_2005\\_2006.pdf](http://www.ctc.ca.gov/reports/TS_2005_2006.pdf)

###

Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, CA 95814-4213



# **CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

## **Minutes of the December Commission Meeting**

**December 3-4, 2003**

**Commission Offices, 1900 Capitol Avenue, Sacramento**

### **COMMISSION MEMBERS ATTENDING**

Margaret Fortune, Public Representative, Chair (Absent Wednesday, December 3)

Lawrence Madkins, Teacher, Vice-Chairman

Kristen Beckner, Teacher

Chellyn Boquiren, Teacher (Absent Wednesday, December 3)

Beth Hauk, Teacher

Leslie Littman, Designee, Office of the Superintendent of Public Instruction

Alberto Vaca, Teacher

Os-Maun Rasul, Non-Administrative Services Credential Holder

Elaine Johnson, Public Representative

Steve Lilly, Faculty Member

### **COMMISSION MEMBERS ABSENT**

Alan Bersin, Administrator

### **EX-OFFICIO REPRESENTATIVES**

Sara Lundquist, California Postsecondary Education Commission

Karen Symms Gallagher, Association of Independent California Colleges and Universities

Athena Waite, University of California

Bill Wilson, California State University

### **COMMISSION STAFF PRESENTING**

Sam Swofford, Executive Director

Mary Armstrong, General Counsel, Director, Professional Practices Division

Janet Vining, Staff Counsel, Professional Practices Division

Kimberly Hunter, Staff Counsel, Professional Practices Division

Lee Pope, Staff Counsel, Professional Practices Division

Dale Janssen, Director, Certification, Assignment & Waivers Division

Elizabeth Graybill, Interim Director, Professional Services Division

Leyne Milstein, Director, Information Technology & Support Management Division

Crista Hill, Manager, Fiscal & Business Services

Michael McKibbin, Consultant, Professional Services Division

Marilyn Fairgood, Consultant, Professional Services Division

Rod Santiago, Consultant, Professional Services Division

Teri Clark, Consultant, Professional Services Division

Suzanne Tyson, Assistant Consultant, Professional Services Division

Cheryl Hickey, Consultant, Professional Services Division

Karen Sacramento, Assistant Consultant, Professional Services Division

Amy Jackson, Administrator, Professional Services Division  
Diane Tanaka, Assistant Consultant, Professional Services Division  
Kathleen Beasley, Proceedings Document Recorder

### **Wednesday, December 3, 2003**

#### **CLOSED SESSION ITEMS**

The Commission granted the following Petitions for Reinstatement:

1. Karie Orendorff
2. Ronald Pegula

The Commission denied the Petition for Reinstatement in the matter of Mark Raisler.

The Commission rejected the Administrative Law Judge's Proposed Decision and called for the transcript in the matter of Victor Vizcarra.

### **Thursday, December 4, 2003**

#### **GENERAL SESSION**

The general session was called to order by Chair Fortune. Roll was taken and everyone joined in the Pledge of Allegiance.

#### **APPROVAL OF THE NOVEMBER 2003 COMMISSION MINUTES**

A motion to approve the November 2003 Commission minutes with one correction (addition of June 3, 2004 meeting date for Commission on page 20466 under Old Business) was made (Madkins), seconded (Vaca) and carried without dissent. Commissioner Johnson abstained since she was not present at the November meeting.

#### **APPROVAL OF THE DECEMBER 2003 AGENDA**

A motion to approve the agenda for the December 2003 meeting with in-folder items (pertaining to FPPC-1, GS-10 and Public Hearing 1) was made (Madkins), seconded (Littman) and carried without dissent.

#### **APPROVAL OF THE DECEMBER 2003 CONSENT CALENDAR**

A motion to approve the December 2003 Consent Calendar was made (Madkins), seconded (Rasul) and carried without dissent. Ex-Officio Representative Symms Gallagher asked that her name and some figures be corrected in the included Paraprofessional Teacher Training Program report.

#### **CONSENT CALENDAR**

For your approval, the following items have been placed on the Consent Calendar for the December 3-4, 2003 meeting of the California Commission on Teacher Credentialing:

#### **RECOMMENDATIONS OF THE COMMITTEE OF CREDENTIALS**

Education Code section 44244.1 allows the Commission to adopt the

recommendation of the Committee of Credentials without further proceedings if the individual does not request an administrative hearing within a specified time.

**AMEZCUA, Araceli** Los Angeles, CA

The expired Pre-Intern Certificate is **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

**AVANI, Kari L.** Sunnyvale, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**BERGQUIST, Kimberly** Pleasanton, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**CARLIN, Michael L.** Moreno Valley, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**DANI, Albert I.** King City, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of one hundred eighty (180) days** for misconduct pursuant to Education Code section 44421.

**DILLON, James M.** Hollister, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of ninety (90) days** for misconduct pursuant to Education Code section 44421.

**DOUGLAS, Jacquelyn F.** Chicago Park, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**EDU, Maurice E. B.** Fontana, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**FLOURNOY, James I.** Bass Lake, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**GAMBRELL, Cathy** Los Angeles, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**GAUNCE, Joanne J.** Palm Desert, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**HOERR, Robert P.** Fresno, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**HOWARD, Brett J.** Long Beach, CA

Mr. Howard is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

**HOY, Thomas A.** Chico, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

**JAQUETTE, Roger** Orange, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

**KRUCZYNSKI, Lawrence J.** South San Francisco, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

**McPHERSON, Sean B.** Redondo Beach, CA

Mr. McPherson is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

**MOEN, Robert E.** Port Hueneme, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.



**MULBERRY, Samuel J.** Oakland, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of forty-five (45) days** for misconduct pursuant to Education Code section 44421.

**QUARLES, Michael A.** Visalia, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**SANCHEZ, Raymundo** Orange Cove, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

**VU, Thien H.** Los Angeles, CA

Mr. Vu is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

#### **CONSENT DETERMINATIONS**

**IRBY, Nyieshia T.** Inglewood, CA

The Proposed Consent Determination, which allows Ms. Irby to **withdraw** her application, is adopted.

**KING, Patsy T.** Sacramento, CA

The Proposed Consent Determination, which stipulates that Ms. King's credentials are **suspended for a period of sixty (60) days**, however, **the suspension is stayed with an actual thirty (30) day suspension**, is adopted.

**MEYER, Timothy E.** Sherman, CA

The Attorney General's Proposed Consent Determination, which allows Mr. Meyer to **withdraw** his application, is adopted.

**ORMSBY, Gregory L.** El Cajon, CA

The Proposed Consent Determination, which stipulates that Mr. Ormsby's credentials are **revoked**, however, **the revocation is stayed** and Mr. Ormsby is placed on **probation for a period of three (3) years**, is adopted.

**PANTLE, Timothy** Fair Oaks, CA

The Proposed Consent Determination, which stipulates that Mr. Pantle's credentials are **revoked**, however, **the revocation is stayed** and Mr. Pantle's credentials are **suspended for a period of ninety (90) days**, after which time, he is placed on **probation for a period of two (2) years**, is adopted.

**STRAND, David K.** Chico, CA

The Attorney General's Proposed Consent Determination, which stipulates

that Mr. Strand's application is **granted** and **revoked**, however, the **revocation is stayed** and Mr. Strand is placed on **probation for a period of three (3) years**, is adopted.

**TITLER, Stephanie A.** Los Angeles, CA

The Proposed Consent Determination, which stipulates that Ms. Titler's application is **granted** and **revoked, however, the revocation is stayed** and Ms. Titler is placed on **probation for a period of two (2) years**, is adopted.

#### **PRIVATE ADMONITION**

Pursuant to Education Code section 44438, the Committee of Credentials recommends one (1) private admonition for the Commission's approval.

#### **REQUESTS FOR REVOCATION**

The Commission may revoke credentials upon the written request of the credential holder pursuant to Education Code sections 44423 and 44440.

**HERNANDEZ, Felipe** Indio, CA

Upon his written request, pursuant to Education Code section 44423, his Multiple Subject Teaching Credential is **revoked**. This does not constitute consent for purposes of Education Code section 44440(b).

**KINDER, Craig** Irvine, CA

Upon his written request, pursuant to Education Code section 44423, his Single Subject Teaching Credential is **revoked**.

#### **WITHDRAWAL OF APPLICATION**

**TRAN, Christopher** Fontana, CA

Pursuant to his request and while allegations of misconduct were pending, Mr. Tran's application is **withdrawn**. This does not constitute consent for purposes of Education Code section 44440(b).

#### **DIVISION OF PROFESSIONAL PRACTICES**

##### **MANDATORY ACTIONS**

All certification documents held by and applications filed by the following individuals are mandatorily revoked or denied pursuant to Education Code sections 44346, 44346.1, 44424, 44425 and 44425.5, which require the California Commission on Teacher Credentialing to mandatorily revoke the credentials held by individuals convicted of specified crimes and to mandatorily deny applications submitted by individuals convicted of specified crimes.

**ANDRADE, Marcia J.** La Quinta, CA

**BEUS, Robert P.** San Diego, CA

**MAJESKO, John J.** Tehachapi, CA

**MESA, David R.** Fullerton, CA

**PHELPS, Barbara F.** Camarillo, CA

**RANDALL, Shelly A.** Sierra Madre, CA

**SCHROEDER, Robert L.** Manteca, CA

**SPENCER, Roger D.** Torrance, CA

**TROTTER, Chris A.** Fresno, CA

**VALENZUELA, Limber J.** San Diego, CA

#### **AUTOMATIC SUSPENSION**

All certification documents held by the following individual were automatically suspended because a complaint, information or indictment was filed in court alleging he committed an offense specified in Education Code section 44940. His certification documents will remain automatically suspended until the Commission receives notice of entry of judgment pursuant to Education Code section 44940(d) and (e).

**COTTON, Steve W.** Rocklin, CA

#### **NO CONTEST SUSPENSIONS**

All credentials held by the following individuals were suspended, pursuant to Education Code section 44424 or 44425, because a plea of no contest was entered to an offense specified in the above sections of the Education Code. The credentials will remain suspended until final disposition by the Commission.

**MEDEEN, Darryl J.** Los Angeles, CA

#### **CERTIFICATION, ASSIGNMENT & WAIVERS DIVISION**

##### **DENIAL OF CREDENTIAL WAIVER REQUESTS**

The Appeals and Waivers Committee having reviewed these waiver requests has recommended they be denied. The employing districts have not asked for reconsideration of the Committee's decisions.

- Rahmon Kelani/Contra Costa County
- Brenda J. Richard/Sequoia Union High School District
- Ruth Veronica Pachas/San Jose Unified School District
- Tymeshia Beeks/Rossier Park Jr./Sr. High School (NPS)
- Irma Claire Cruz Sales/San Jose Unified School District

- Debbie Draper/Antioch Unified School District
- Timothy Curry/Byron Union Elementary School District
- Willora Gail Jordan/Turlock Joint Elementary School District
- Catharina St. Marie/Sacramento City Unified School District
- Yvonne Gee/Kernville Union Elementary School District
- Eric Alfaro/Los Banos Unified School District
- Todd Bonesteele/Rossier Park Jr./Sr. High School (NPS)

## **PROFESSIONAL SERVICES DIVISION**

### **APPROVAL OF PROFESSIONAL TEACHER INDUCTION PROGRAMS**

The Induction Program Review panel has judged that the following proposed Professional Teacher Induction Programs meet all applicable standards established by the Commission and recommends the program for approval by the Commission.

#### **The 6 programs of professional teacher induction being recommended for approval at this time are the:**

- Anaheim City School District Beginning Teacher Support and Assessment Induction Program
- Anaheim Union High School District Beginning Teacher Support and Assessment Induction Program
- Bellflower School District Beginning Teacher Support and Assessment Induction Program
- Mount Diablo Unified School District Beginning Teacher Support and Assessment Induction Program
- Riverside Unified School District Beginning Teacher Support and Assessment Induction Program
- San Bernardino Unified School District Beginning Teacher Support and Assessment Induction Program

### **APPROVAL OF SUBJECT MATTER PREPARATION PROGRAMS SUBMITTED BY COLLEGES AND UNIVERSITIES**

The program review panels have judged that the following proposed programs meet all applicable standards established by the Commission and recommend the program for approval by the Commission.

#### **Subject Matter Programs:**

Languages Other Than English: French

- San Francisco State University

Professional Preparation Programs:

- La Sierra University

### **APPROVAL OF THE REPORT TO THE LEGISLATURE ON THE PROGRESS OF THE CALIFORNIA SCHOOL PARAPROFESSIONAL TEACHER TRAINING PROGRAM**

The 2003 Report to the Legislature on the progress of the California School Paraprofessional Teacher Training Program provides an update on the 42

programs that provide assistance to paraprofessionals seeking to become certified teachers in California classrooms. To date, the PTPP program has trained 605 fully credentialed teachers. A copy of this report is in Appendix A of this agenda item.

### **APPROVAL OF THE REPORT TO THE LEGISLATURE ON THE CALIFORNIA MATHEMATICS INITIATIVE FOR TEACHING**

This report provides the Legislature with information about the implementation of the California Mathematics Initiative for Teaching established by AB 496 (Lempert), including the administration of the loan forgiveness program and development of supplementary authorization standards as directed by this statute. Also included is a recommendation regarding the continuation, modification or termination of the loan forgiveness program. Staff recommends that the Commission adopt this report and direct that the report be forwarded to the Legislature prior to January 1, 2004. A copy of this report is in Appendix B of this agenda item.

### **APPROVAL OF A PROPOSED CONTRACT AMENDMENT FOR THE SINGLE SUBJECT ASSESSMENTS FOR TEACHING**

The current contract for administration of the Single Subject Assessments for Teaching expires with the 2003-04 testing year. Commission staff seeks to amend this contract to extend the service period until August 31, 2005 while the Commission completes the transition to the California Subject Examinations for Teachers (CSET). This action would continue to provide teacher candidates with subject matter testing options for completion of subject matter competence requirement for Single Subject Teaching Credentials in agriculture, art, business, French, health science, home economics, industrial and technology education, music, physical education, and Spanish. There is no fiscal impact to the Commission as all test administration costs for the Single Subject Assessments for Teaching are compensated for by revenue from examinee fees as required by Education Code §44298.

### **ANNUAL CALENDAR OF EVENTS**

The annual calendar of events was provided as an information item.

### **CHAIR'S REPORT**

Chair Fortune noted the shared Dec. 5 birthday of Commissioners Boquiren and Hauk.

### **EXECUTIVE DIRECTOR'S REPORT**

Dr. Swofford shared with the Commission that long-time State and Commission employee Edna Lee is retiring. She began working for the State in 1950 and the Commission in 1992. A noted gardener and flower arranger as well as a valued employee, Ms. Lee will be missed for the beautiful floral displays she contributed to the Commission's lobby and special events.

Dr. Swofford noted the birthday of Wilma Wittman, a long-time friend to the

Commission and former Commissioner.

To mark the final Commission meeting for Chair Fortune, Dr. Swofford her with a special edition of Alice's Adventures in Wonderland, representing the challenges of leading the Commission through the uncertain territory and changing rules of the past year under the No Child Left Behind Act. He said Chair Fortune always sought to find the policies and decisions that would benefit children the most.

### **REPORT ON MONTHLY STATE BOARD MEETING**

A summary of the State Board of Education November meeting was provided in the agenda materials. The Board has disseminated regulations that define highly qualified teacher for public comment; chose to not take over any schools that failed to make progress under the Immediate Intervention/Underperforming Schools Program; and voted to replace some of the more difficult math and English questions on the High School Exit Exam with questions designed to test more basic skills.

### **GS-10: TIMELINE TO DISCONTINUE THE ISSUANCE OF EMERGENCY PERMITS**

Dale Janssen, Director, Certification, Assignment and Waivers Division, reported that staff met with stakeholders to discuss options for discontinuing the issuance of emergency permits. Stakeholders included representatives of CTA, CFT, Los Angeles Unified School District, ACSA, Tri-County Personnel Directors and Pajaro Valley Unified School District, PASSCo-CCSESA, Hesperia Unified School District, CSBA, State Board of Education, Long Beach Unified School District, School District Personnel Administrators of San Bernardino and San Diego Counties and the state Assembly.

Three options were discussed with the stakeholders and they offered a fourth one for dealing with the NCLB requirement that teachers be NCLB-compliant by July 1, 2006. They are:

Option 1: Emergency permits would no longer be issued or renewed after July 1, 2004 and existing permits would be allowed to expire at their normal time.

Option 2: New emergency permits would no longer be issued; however, existing permits could be renewed for up to two years as long as requirements were met so that holders could complete efforts to become fully credentialed.

Option 3: This plan maintains the status quo for the 2004-05 school year (issuing both permits and renewals). No new permits would be issued in 2005-06, but renewals could be made. All would expire on June 30, 2006.

Option 4 (crafted by the stakeholders): The status quo would be maintained for 2004-05. In 2005-06, permits would continue to be available with the

understanding that employers would ensure that permit holders be aware that the time to complete their work for a credential is capped at June 30, 2006. An alternative document would be developed that would replace emergency permits to would take care of unanticipated staffing needs as they arose.

In addition to the in-folder item describing the options, the Commission received a letter from California Teachers of English to Speakers of Other Languages supporting Option 4.

Commissioner Lilly asked if under Option 4 there would be a criterion that permits would only be issued to those with a reasonable expectation of completing credential requirements by June 30, 2006. Mr. Janssen replied that the employer and the employee would both be aware that the deadline would mean the person could not be rehired unless they completed the credential, but that there is the possibility districts would hire someone who had no reasonable expectation of completing requirements in time.

Commissioner Johnson expressed concern that a structure is being built that encourages teachers to be pulled into the classroom early without completing student teaching. Mr. Janssen said the proponents of Option 4 could speak to her concerns.

The Commission invited public comment. Speakers, all of whom thanked the Commission and staff for working closely with them on the issue, included:

**Carolina Pavia, Los Angeles Unified School District**, who reported on continued progress in the district. Since she spoke to the Commission in November, emergency permit holders were reduced from 1,106 to 1,013. Overall, the district has achieved an 83 percent reduction in 18 months. She said despite the progress and the anticipated continuation of that progress, districts still need flexibility and she asked the Commission to adopt Option 4. She responded to Commissioner Johnson's concern about student teaching by noting that many prospective teachers today can no longer afford to complete their student teaching without having a paying job.

**Andrea Ball, Long Beach Unified School District**, who recommended Option 4 because of the flexibility provided to districts. She said her district has reduced the number of emergency permits by meeting with each holder and mapping out a plan for them to become credentialed. Option 4 allows the flexibility for people to complete the process.

**Joy Carter, Orange County Department of Education and 27 school districts in Orange County**, who urged adoption of Option 4. She said time is needed to develop a system that will cover emergencies in the future. During the 2002-03 school year, Orange County schools had 408 multiple subject emergency permit holders and that has been reduced to 140 this school year. Nonetheless, emergencies do happen and a system needs to be

created that will address them. Option 4 addresses the issue.

**Kathryn Benson, Pajaro Valley Unified School District and Tri-County Personnel Directors**, who supports Option 4. She said districts must hire throughout the year when situations arise and it is difficult to find a fully credentialed teacher in mid-year who is not already working. She says Option 4 continues to provide districts with an alternative to rotating 30-day substitutes, while also recognizing the requirements of NCLB. She said Option 4 should not be viewed as a way to avoid meeting the requirements of NCLB but as a way to support the flexibility that districts need to do so.

**Merrilee Johnson, Glenn County Office of Education, CCSESA and PASSCo**, who said she has been closely involved with NCLB implementation in Glenn County and updating the Local Education Agency plan. She said she has understood the federal posture to be one of accountability but also reasonableness about what can be achieved. She said Option 4 is a reasonable alternative that allows districts to reach the goal of having highly qualified teachers.

**Sharon Robison, Association of California School Administrators**, who said her organization also supports Option 4 because it provides flexibility while also meeting the intent of NCLB. Emergencies will always exist, she said, and Option 4 provides for the development of a mechanism that will deal with those. She provided an example of a district near Vandenberg Air Force Base that might lose a teacher during the year when an enlisted spouse is transferred. Another example is a district that might need a part-time music teacher but cannot find a fully credentialed teacher willing to work part time. Still other districts might locate a talented person who qualified for the internship program but cannot enter it until an open enrollment period. She said her organization will be glad to work with the Commission on developing an alternative document to deal with these types of situations.

**Bruce Kitchen, school district personnel and human resources administrators for San Bernardino and San Diego Counties**, who said an alternative to emergency permits must be created because districts will always face unexpected staffing issues. He said Option 4 provides the most realistic timeframe for developing a new system. It is in harmony with the State Board of Education requirements for school districts to submit NCLB compliance plans.

**Stephanie Farland, California School Boards Association**, who said emergencies will arise and each district has different needs. There would be no alternative if permits are eliminated without developing a different system. She said 2006 is the date in LEA plans to have qualified teachers so it makes sense for the Commission action to align with that date. Option 4 provides the districts with flexibility, while holding districts accountable and continuing to focus on student achievement and the ability of a district to



meet student needs.

**Ana Valencia, Unified Teachers Los Angeles**, who represents 45,000 teachers, librarians and professionals in the Los Angeles Unified School District. She encouraged the Commission to adopt the most flexible option, which is Option 4. She said the reality is that there is a need for emergency permits. She said the union is working closely with the district to ensure that emergency permit teachers enter teacher preparation programs.

**Scott Schmerelson, a principal in the Los Angeles Unified School District**, who said teachers are human beings and as such are subject to life-changing events, like illness, accidents and pregnancy. He said it is difficult to find the best substitute teacher in situations like these and then know that after 30 days, the person must be replaced. He asked for a limited number of emergency permits so that districts can address true emergencies. He said the Commission's actions to date have been effective in forcing permit holders to get into programs and districts are relying less and less on emergency permits. But districts still need flexibility when they do have an emergency.

Chair Fortune asked Ms. Pavia, Ms. Ball, Ms. Farland and Mr. Schmerelson to return to the table to take questions from Commissioners.

Commissioner Johnson asked Mr. Janssen about what documentation is needed for a student teacher to be in a classroom. Mr. Janssen said there is a certificate of clearance that covers fingerprint results but it does not authorize teaching. If a district compensates the person or places them in an intern program, then they have to have some kind of Commission permit. Thus, if a district hires someone away from student teaching, they must have them on an intern certificate or in an intern program to be compliant with the law.

Vice Chair Madkins said that in his experience as a classroom teacher who sometime supervises student teachers who are on the district rolls as a substitute, the person who is already in the classroom - that is, the student teacher qualified to be a substitute - is often the best person to continue with the class when an emergency need arises.

Commissioner Lilly said he is prepared to support Option 4 but continues to question if it makes sense to issue emergency permits to individuals who cannot conceivably complete requirements in time for the June 30, 2006 deadline.

Ms. Pavia responded that sometimes individuals have done all of the coursework and just needs one last requirement to receive a credential. Commissioner Lilly pointed out that such a person would likely qualified by June 30, 2006. His concern is with someone granted an emergency permit who is missing several or many of the requirements.

Mr. Janssen said that during the discussion of Option 4, stakeholders talked about employers determining who can meet requirements within a year but that districts wanted flexibility.

Commissioner Boquiren asked if there will be some mechanism for ensuring that those given the emergency permits will clearly understand the limitations and requirements. Ms. Ball said it is definitely in the best interests of the districts to make sure that emergency permit holders know what they must do to become fully credentialed and to understand the timeline.

Mr. Janssen said the difference between Option 3 (which does not allow new permits in 2005-06) and Option 4 is the flexibility a district has to get an emergency permit for someone who is close to completing their credential. He agreed with Ms. Ball that districts have an interest in making sure individuals understand the requirements.

Ex-Officio Representative Symms Gallagher asked if the alternative process was going to define what an emergency means. She said that would seem to be an important part of the option. She said the Commission needs to discuss with stakeholders what truly is an emergency and what solution will be acceptable and within the provisions of NCLB. Chair Fortune asked stakeholders at the table to discuss the emergency concept.

Mr. Schmerelson said to some degree the Commission has to trust school districts and principals to use good judgment and not play games. He said emergencies include things like illness, family illness, accidents and pregnancies. Ms. Pavia agreed, but said there are also time lapses when a person cannot get into an intern program but could be teaching and that a placeholder document is needed until the program opening date. Ms. Ball provided the example of a teacher who was in a serious car accident, but also said districts have difficulty when they need to find a teacher after the school year has already started and most credentialed teachers are already employed.

Commissioner Lilly said that there are varied interpretations of emergency and that when Commission staff and stakeholders begin to form a definition, the Commission should be provided with their proposal as early as possible to give plenty of time for discussion and consideration. He said he will be looking for a definition of emergency that is considerably tighter than the current system provides and that does limit what can be called an emergency.

Ex-Officio Representative Waite said that the stakeholder group should also discuss special education needs.

Commissioner Hauk said she would be interested in seeing a provision that would require districts to seek a long-term person rather than rely on 30-day

substitutes as she has seen some districts do.

Chair Fortune said that before the Commission begins to craft a solution, it would be a good idea to have a full time of inquiry to explore the alternatives.

Vice Chair Madkins asked those at the table if they understood that the alternative will not fill the void left by eliminating emergency permits. He said he doesn't want anyone to think the Commission will simply create another document that will do the same thing that emergency permits now do. He said he supports Option 4 because he can see a need for a safety net, but that whatever takes the place of emergency permits will not be the same.

Ms. Pavia said that stakeholders do understand that. Ms. Farland said that stakeholders also recognize that when districts abuse the current process, it makes it difficult to come to the Commission and compellingly argue that a new system is needed. But there is a fine line, she said, between the district's responsibility for hiring needs and what is best for the student and the Commission's responsibility for accountability and NCLB compliance. She said that districts are already held accountable by NCLB and the coordinated compliance review. She said that even though there are bad-apple districts that make the rest look bad, the reality is that a safety net is needed. She said districts are ready to work with the Commission on creating a more rigorous system so abuse can't happen.

Chair Fortune asked Mr. Janssen to confirm that Option 3 provides only one more year of new emergency permits while Option 4 provides two years, but that both have all permits expiring on June 30, 2006. Mr. Janssen agreed. She asked about statutory changes and Mr. Janssen replied that all of the options may require clean-up changes because current law provides emergency permits for one full year, rather than the shortened period that the June 30, 2006 deadline would require.

Chair Fortune also asked Mr. Janssen to address what the Commission's current documentation requirements are for emergency permits and a district's due diligence in looking for a fully qualified teacher. He said that the districts annually file a declaration of need that estimates the number of emergency permits that they will need. Chair Fortune asked if the declaration of need or the LEA report mentioned in testimony provides a higher level of due diligence. Mr. Janssen said he is not familiar with the LEA plans. Dr. Swofford said the plans are not within the Commission's purview but that it would be helpful to see one to see what the documents contain and how that might align with what the Commission wants to do.

Chair Fortune asked Ms. Pavia to describe the plan. She said last year's report was the first year and it was unclear what was required because many of the provisions of NCLB had not yet been clarified. Ms. Merrilee Johnson said the plan has five goals: math and reading proficiency, English language

learners' achievement level, highly qualified teachers, safe environment and students graduating from high school. In regard to the highly qualified teachers piece, her county assessed how many emergency permits districts were using, what needed to be done to move people into intern programs and how that would be accomplished by June 2006. She said districts are accountable for what they describe in the plan, and that it is in their best interest to demonstrate they have done everything possible to find qualified teachers.

Chair Fortune said there seems to be consensus that the Commission needs to find a way for districts to demonstrate that there has been due diligence to find a qualified teacher. An alternative document should not only narrowly define emergency but also set out requirements for how districts document emergency needs and their efforts. In terms of timing, the alternative system needs to be developed in a timely way that provides for a transition from emergency permits to a true emergency-staffing document. She asked for a sense of the Commission about the options.

Commissioner Beckner said it is important to recognize the Commission is not the employing agency and that the Commission should work in concert with districts, guiding them toward NCLB compliance. She said Option 4 appears to be the best way to go, providing a longer timeline and more flexibility. She said she looks forward to the discussion on the definition of an emergency but added that she believes that to some degree, districts must be trusted to do the right thing.

Commissioner Beckner moved that the Commission adopt Option 4; Commissioner Johnson seconded the motion. Superintendent Designee Littman asked if the motion included the language in Option 4 that clarified the responsibility of districts; Commissioner Beckner said it did.

At Chair Fortune's request, Mr. Janssen clarified that in 2005-06 an initial issuance of emergency permits would be done with the understanding by both employers and employees that the permit holder should have high expectation of completing the credentialing process by June 30, 2006. Similarly, renewals should also be done with that expectation. The option also provides for the development of an alternative document that would be implemented after emergency permits are eliminated on June 30, 2006. Commissioners Beckner and Johnson said those elements were part of their motion.

Superintendent Designee Littman said she wants to insure that rural schools are included in the stakeholders who work on developing the new system since they have special needs. Mr. Janssen said they have been and will continue to be.

Commissioner Lilly asked if the motion could be amended with a friendly amendment to provide a timeline, with the Commission seeing the proposal

by May 2004. Commissioner Beckner asked if the deadline was doable. Dr. Swofford said the situation requires meeting with stakeholders and legislators and suggested that staff could return with a timeline on how to move forward.

Ex-Officio Representative Lundquist said she would like to see the discussion include not only what is an emergency but also what is not an emergency. She said she would not expect an exhaustive list, but that separate delineations would be helpful. Ex Officio Representative Symms Gallagher said she thinks the focus should be on what the alternatives are for a district in different situations.

Ex Officio Representative Wilson said one situation that no one has discussed is what a district does when a teacher gives notice at the end of the school year, the district looks for a replacement during the summer - but one is not found. He questioned whether that is an emergency and said those types of questions will need to be answered.

Chair Fortune said the purpose of the stakeholder conversations will be to find a way to preserve flexibility yet really be disciplined about finding qualified teachers. She asked if Members of the Commission agreed that the concept of documenting due diligence needs to be included. Commissioner Johnson said that originally requests for emergency permits came to the Commission; now they come through the district and they seem to be a bit more blurry about need. She said she favors revisiting the process and looking for something that will work well for districts and the Commission. Dr. Swofford said that staff can accept the direction to look at the documentation issue, as well as what constitutes an emergency.

Chair Fortune called for the motion, after noting that staff direction includes a developing a timeline and exploring the issue of documenting due diligence. The motion carried without dissent.

Before moving to the public hearing, Dr. Swofford noted that Secretary for Education Riordan and the Governor's Office sent congratulations and thanks to Commission members for all of their hard work, and in particular to those whose terms are now expiring. Chair Fortune presented a plaque to Commissioner Boquiren for serving on the Commission from 2000-2003, noting her dedication to high standards for teacher preparation. Vice Chair Madkins then presented Chair Fortune with a plaque for her service, noting her leadership, insight and hard work during the past year and throughout her tenure on the Commission.

**PUB-1: PUBLIC HEARING: PROPOSED AMENDMENT OF SECTIONS 80049, AND DELETION OF SECTIONS 80632, 80632.1, 80632.2, 80632.3, 80632.4 AND 80632.5 TO TITLE 5 CALIFORNIA CODE OF REGULATIONS PERTAINING TO PUPIL PERSONNEL SERVICES**

Dr. Joe Dear, Consultant, Professional Services Division, reviewed the

proposed changes, which are based on Standards of Quality and Effectiveness for Developing and Evaluating Credential Programs of Professional Psychology, School Social Work and Child Welfare and Attendance Services adopted by the Commission in December 2000. The changes make the requirements for counseling, psychology and social work comparable to national standards. They include:

- School counselor: changes from a minimum of 30 semester units of post-baccalaureate study to 48 units, with the minimum number of field experience clock hours going from 450 to 600.
- Social worker: changes minimum number of field experience clock hours from 450 to 1,000.
- School psychologist: changes field experience clock hours from 540 (including practica) to 1,200 hours of field experience plus a minimum of 450 clock hours of practica.
- Child welfare and attendance specialist: changes from field experience clock hours of 90 to 150.

Dr. Dear said notices were sent to stakeholders and that the Commission received a total of 15 written responses - 10 in support, three in opposition and two with no position.

Commissioner Johnson asked if field experience for a school psychologist meant time on campus and Dr. Dear replied that it does. Commissioner Johnson asked if that is paid time and Dr. Dear replied that it oftentimes is, but sometimes not. She asked about the practica; Dr. Dear said it is time spent with colleagues, fellow students and professors practicing and preparing for the field experience.

Chair Fortune opened the hearing from public comment. The following people spoke:

**Sharon Robison, ACSA**, who said the increased number of field work hours may make it difficult for districts to fill psychologist positions that are already hard to staff. She asked the Commission to consider a two-step process where a candidate who completed the current requirement could be hired under a provisional credential and then complete the rest of the hours within some set timeframe.

Vice Chair Madkins asked if Ms. Robison had examples of other programs that worked similarly. She replied she did not. He asked if districts would want to use such an option. She said she believed they would because of the desperate need for school psychologists.

Ex Officio Representative Lundquist asked if she was seeking the two-step process for all of the categories or just psychologists. Ms. Robison said for all. She said that her organization feels the changes are a huge increase and that ACSA does not support the changes. But if the Commission is going to adopt

the changes, then ACSA is seeking the two-step approach to make it more workable.

Vice Chair Madkins said he is always interested in portability; if the changes represent the national standards, why shouldn't they be adopted?

Ms. Robison said national standards in general are "nirvana" or the optimum condition, but that it is not always possible to meet a standard. She said they should be goals to aspire to rather than barriers to districts hiring needed professionals.

**Dr. Steve Rock, California Association of School Psychologists and an assistant professor at CSU Sacramento**, who said his organization - which had been counted as having stated no opinion - wants to go on record as strongly supporting the changes. He said they are actually minimal training standards that will bring California standards in line with other states.

**Delores Curry, President, California School Counselors Association**, who said her organization supports the regulations that would affect school counselors. She said some preparation programs, such as Cal State Northridge, have already implemented the changes and that it has not discouraged enrollment. She said the change will enhance the professionalism and credibility of school counselors.

**Dr. Ellen Curtis Pierce, Chapman University**, who said the university - originally listed as having no position - also is in support of the changes and believes it is important for the state to match national standards.

Chair Fortune closed the public hearing after receiving no further requests for public comment.

Commissioner Johnson asked if the changes were the result of a panel that considered the matter for 21 months. Dr. Dear replied that they are.

Commissioner Lilly said he had concerns, similar to Ms. Robison's, about the scale of change. He asked if there is compelling evidence that the current requirements are inadequate. He also noted that if the requirements are increased, there may be fewer individuals qualified for jobs that are already difficult to fill. He said he was intrigued by Ms. Robison's two-step process, which sounds analogous to the Tier1/Tier 2 professional administrative credentialing process.

Dr. Dear said the standards are actually recognized as bare minimum by many professionals and that the vast majority of universities have already been moving their programs in this direction for the past three years. Since the Commission adopted the standards three years ago, most of the universities have met or exceeded the requirements.

Commissioner Boquiren asked if enrollment has been affected at universities that have implemented the new standards. Dr. Dear said he has not heard about any negative impact from the universities, who would be likely to bring it up as an issue if it were occurring. Three institutions have said the standards are too high, but only one program has been dropped and two have been added under the new standards - so no negative impact has been seen.

Dr. Swofford noted that these changes were thoroughly discussed and addressed several years ago and that there was no negative feedback at the time. It has not been a controversial issue with the institutions, which have moved forward to comply. He agreed with Dr. Dear that the institutions would have spoken up if there had been a negative impact on program enrollment.

Commissioner Rasul said he works closely with LaVerne University in the Bay Area and that they have seen no negative impact on enrollment or candidates. He moved to adopt the changes; Commissioner Johnson seconded the motion. The motion carried without dissent.

Before convening a committee session, the Commission paused to hear from Greg Geeting, assistant executive director of the State Board of Education. Speaking on behalf of Board President Reed Hastings, Geeting commended Chair Fortune for her accomplishments during her tenure at the Commission. He said her leadership was instrumental in creating a cooperative partnership between the two agencies that was essential to the state's ability to respond to NCLB. He praised her for consistently and diligently following the path of doing what is best for children.

In return, Chair Fortune thanked Mr. Geeting and asked him to carry her appreciation to President Hastings.

## **FISCAL PLANNING AND POLICY COMMITTEE OF THE WHOLE**

Commissioner Boquiren convened the Fiscal Planning and Policy Committee of the Whole.

### **FPPC-1: Update on the Fiscal Year 2003-04 Budget**

Leyne Milstein, Director, Information Technology and Support Management Division, provided the Commission with copies of Executive Orders from the new Governor that freeze the regulatory process for 180 days and freeze hiring. Both impact the Commission.

Under the regulatory freeze, all agencies are directed to cease processing regulations for 180 days, postpone action on any regulations that are not yet effective and provide reports that re-assess the regulatory impact of any proposed regulations. Agencies are to report on any regulations that have been adopted, changed or repealed since January 1999. The Commission



proceeded with the public hearing that it just completed only because it had already issued notices before the Executive Order was filed. Those regulations will now be held for 180 days.

The hiring freeze specifically gives leeway to agencies that are not relying on the General Fund; however, those non-General Fund agencies that are in danger of incurring a deficit are not exempted. The Commission staff is working with the Department of Finance to resolve its budget challenges, which would allow it to pursue an exemption from the hiring freeze.

Ms. Milstein also reported that the Senate adopted a different bond proposal from the Governor's, proposing one that has a faster, 7-year payback period. This would necessitate higher annual payments, which would in turn put further pressure on current expenditures.

Commissioner Johnson asked if the Commission will be directed to rescind some regulations. Ms. Milstein said that any action to be taken is still under consideration but that her understanding is that the Governor's order was most targeted at regulations that affect business and the cost of doing business in California. Dr. Swofford agreed but noted that the Executive Order speaks to both businesses and individuals, casting a very wide net. At this point, the order is also holding up the State Board's NCLB regulations.

#### **FPPC-2: First Quarter Report of Revenues and Expenditures for Fiscal Year 2003-04**

Crista Hill, Manager, Fiscal and Business Services Section, reported on the revenues and expenditures for the Commission during the first quarter of the fiscal year. At this point in the year, receipts appear low because of the lag time between receipt and depositing funds and expenditures appear high because of the practice of encumbering the entire amount for year-long contracts at the beginning of the year. However, expenditures and revenues are about where they are expected to be at this time of year.

#### **FPPC-3: Update on the Teacher Credentialing Service Improvement Project**

Darren Addington, Manager, Enterprise Technology and Support Services Section, reported that the Teacher Credentialing Service Improvement Project continues to show success. Both Phase 1 (online credential status) and Phase 2 (online renewal and payment) have been functioning for some time. The site attracts 800 visitors per day and more than 2,600 credential holders renew online every month.

The project is currently in Phase 3, which entails designing an automated processing and reporting system that replaces all of the Commission's legacy database software and hardware. This phase, which is expected to become operational next spring, is moving into the testing phase. A budget-caused delay in obtaining hardware was resolved when the Department of Finance worked with the Commission to get vendors IBM and Hewlett-Packard to

reduce their prices.

Commissioner Lilly asked about paperless transmission of credential documents. Mr. Addington replied that it is part of Phase 3 and will be implemented in the spring.

### **PREPARATION STANDARDS COMMITTEE OF THE WHOLE**

Commissioner Johnson convened the Preparation Standards Committee of the Whole.

#### **PREP-1: A Report on Teacher Development Programs**

Suzanne Tyson, Consultant, Professional Services Division, presented a report on the status of four teacher development programs: paraprofessional, pre-intern, intern and BTSA. Each program has the same goal of increasing the number of qualified teachers, but each targets distinct populations with different developmental needs.

Ms. Tyson provided a brief summary about each program:

- The paraprofessional program addresses candidates who are already in the classroom as teacher aides and who are vested in the community and know the working conditions. Retention rates tend to be high.
- The pre-intern program helps hard-to-staff districts move toward the NCLB goals by providing subject matter preparation for teachers and then moving them into the intern program. Twenty-nine percent of all those in the intern programs come from the pre-intern program.
- The intern program is an alternative to student-teaching based programs. It is an alternative route that benefits those who serve as the teacher of record while completing program requirements. It is a particularly good path for career changers, as well as different ethnic and gender groups.
- BTSA, co-sponsored by the Commission and the Department of Education, is designed to address the needs of teachers in their first two years of teaching. It is the Commission-designated preferred option for meeting the requirements of a professional credential.

Ex Officio Representative Lundquist complimented staff on an outstanding report that is well written and clear. She suggested that it be included in briefing materials for new commissioners. She said she was glad to note that there is funding flexibility between the pre-intern and intern programs to address fluctuation in need. Mike McKibbin, consultant, Professional Services Division, noted the flexibility is there for the paraprofessional program as well.

Dr. Swofford said the comments in support of the programs are appreciated. In light of the NCLB requirements, it will be interesting to see if incentive dollars can be re-directed to the programs for sustainability. With the approaching retirement age of many teachers, there is an ongoing need for continuing to expand the teacher workforce. He said it is important to find the funding sources to keep these programs alive.

Commissioner Johnson asked about the relationship between the paraprofessional program and the requirements of NCLB. Marilyn Fairgood, consultant, Professional Services Division, said that program coordinators meet and assess each person's needs (in terms of the number of units they need to complete) before enrolling them in the program. She said she believes requirements include having a certain amount of classroom experience. Beth Graybill, director, Professional Services Division, clarified that to be NCLB compliant, the paraprofessionals have to have two years of study, an associate of arts degree, or have passed a rigorous assessment.

Ex Officio Representative Lundquist said the paraprofessional program has the additional benefit of providing enhanced employability to the participants even if they never advance to certified teachers because of the added education level that they obtain.

Ex Officio Representative Wilson asked if there is data about the number of BTSA-eligible teachers who do not participate in BTSA - not because of lack of funding but because of their own choice. Teri Clark, consultant, Professional Services Division, said she does not have firm data and that BTSA is a voluntary program. There were about 21,000 participants this year. Ex Officio Representative Wilson said his figures show that about 25 percent of first-year teachers don't participate. He also asked about the impact on student achievement of teachers going through the induction process. Ms. Clark said that studies are under way but that there is no data at this time.

The report was for information only.

## **PREP-2: Proposal for Revision of the Commission's Accreditation Policies and Procedures**

Dr. Swofford shared some of the reasons behind the need to undertake a review of the current accreditation system. First, the Education Code requires the Commission to undertake regular and ongoing review of the system to assure quality. Second, the Commission is operating with limited resources and funding that has supported accreditation in the past has been substantially diminished. The current system requires a substantial investment by both the Commission and the institutions, who are also facing budget pressures. Therefore, it seems prudent to explore ways to accomplish the mission of accreditation in a way that ensures quality but is also cost effective. Third, the system is operating in a different environment today because of NCLB and the upcoming reauthorization of the Higher Education Act. There is an obvious trend to the use of quantifiable data to support conclusions about programs. These external forces should be looked at in terms of their impact on accreditation. He added that the intent is to fully discuss the review over time with the field, but the intent of the agenda item is to bring the matter to the Commission and receive guidance on how staff should proceed.

Beth Graybill, Interim Director, Professional Services Division, agreed with Dr. Swofford that there are forces in play - both driving ones and constraining ones - that affect the accreditation system. Overall, there is the driving force for greater accountability from policy makers and the constraining force of budget and resource limitations. Staff, led by Cheryl Hickey, consultant, Professional Services Division, has been looking at the accreditation system in light of these forces.

Ms. Hickey reminded the Commission that in December 2002 Commissioners voted to delay accreditation visits then scheduled for 2003-04 for two reasons: to allow institutions and the Commission to focus on implementation of SB 2042 initial program accreditation and, as noted in the agenda item at that time, to give the Commission and the Committee on Accreditation (COA) time to research and consider other options for an accreditation system.

Ms. Hickey said the agenda item today is to begin one of many discussions that should take place about accreditation and should be viewed only as a starting place, with staff seeking direction. She said staff does not have a preconceived notion about what a revised system would look like. The activities to date have focused on looking at the strengths of the current system and seeking out opportunities for improvement. She said staff intends to work closely with COA.

In the agenda item, staff suggested four general policy goals for Commission consideration and listed seven elements of the existing accreditation that were addressed in an evaluation report. The evaluation, known as the AIR Report, presents useful information but is narrow in scope since it was only intended to review the present system and not necessarily review all options. The recommendations from the report are on pages 35 through 38 of the agenda materials.

Rod Santiago, Consultant, Professional Services Division, reviewed the current legislative mandate and the role of COA. Under the statutes, the Commission is responsible for adopting, implementing and modifying the framework for accreditation. The Commission also is expected to establish program standards, do initial accreditations, appoint members to the COA, resolve appeals and be responsible for allocating resources. The COA is responsible for carrying out Commission policies, making accreditation decisions, determining comparability of standards submitted, establishing guidelines for reviews and producing an annual report to the Commission.

Marilynn Fairgood, Consultant, Professional Services Division, said that the annual average cost of all accreditation activities is about \$200,000, with the average cost of a site visit almost \$10,000. Between them, the sites and the Commission bear the costs.

Ms. Hickey presented four policy goals for developing a revised accreditation system, a proposed timeline for revision, and conceptual changes to the key elements of the existing accreditation system.

Commissioner Johnson invited public comment. Dr. Beverly Young from the California State University System said she had comments about both the process and the content of the proposal. She said that the proposal presented by staff includes recommendations that are contrary to recommendations by both the AIR report and COA. She said the staff recommendations de-emphasize the qualitative elements of accreditation. While she recognizes the need to supplement those with more quantitative data, lessening the qualitative aspect is a concern. She said the seven elements advocate an increased role by Commission staff and go beyond the scope of a regular review.

Dr. Young also objected to the proposed timeline because it indicates that staff would begin development of a new system but not expect to seek public input until April. She said that brought her to the issue of process. She felt that both the agenda material and the presentation indicate that the Commission has exclusive authority to revise the system. She said that both the Education Code and the existing framework require the Commission to consult with COA, IHEs and other organizations. She said the framework governs the Commission's authority in this process and that it says the Commission will maintain the framework without changes until there is evidence that significant modification is warranted - and then that determination is made by the Commission with the concurrence of UC, CSUS, independent colleges and the COA. She said no such consultation has occurred. She said even staff presenting goals and plans without consultations is inappropriate.

Dr. Young argued that the action item should be changed or withdrawn and that there should be a public process to review the AIR report, followed by an agreement by the three systems to proceed with any changes.

In her final remarks, Dr. Young said that she was testifying in the spirit of trying to restore a positive working relationship and that the IHEs have a long history of working collaboratively with the Commission to reach a shared goal of doing what is best. Referring to similar testimony she gave six months ago on a different issue, she said she is getting tired of having to remind the Commission staff about the importance of collaborative work.

Dr. Swofford said he does not believe there is any disagreement with the need to work collaboratively but that staff cannot go forward with any discussions until the Commission has first given permission and directed them to proceed. He said the process does not begin with seeking stakeholder guidance, but with the Commission determining how it wants staff to proceed on an issue. He said the proposal is in its formative stage and that the intent was to bring it to the Commission for authorization to

proceed with discussions.

Commissioner Johnson said that she heard consensus on the need to have a healthy process to examine changes that may be needed in response to an altered policy environment, but that what staff intended is not what has been perceived. Instead, there appears to be the perception that something is already much further along in development than was intended. She said that Dr. Swofford is correct that staff cannot move forward without a design or idea about what work need to be done. But she said the last thing the Commission would want to do is move ahead with action that would seem to exclude stakeholders from a process that affects them so centrally. She suggested that the Commission direct staff to allow discussion to take place to rethink the goals of accreditation, what the AIR report says and what a system revision might include.

Ex Officio Representative Wilson said he thought Commissioner Johnson's idea was good. Since an Executive Order has frozen action on regulations for 180 days, there should be no compelling need to rush.

Vice Chair Madkins said he sees no problem with staff seeking Commission direction first before going out to stakeholders. He said some of the Commission's best work has been in going out and coordinating with stakeholders and that he expects that to continue. But he said he doesn't buy the idea that the staff and Commission can't get their in-house thinking in order before asking for input, as Dr. Young's criticism seems to imply. He said if the Commission doesn't have an understanding itself about what it ought to be doing, then it is difficult to know what to ask stakeholders. He said the purpose of the item was to bring the concept to the Commission and see where it wants to start. He said he doesn't see that as cutting stakeholders out of the process.

Ms. Hickey said that staff doesn't want to be put in the position of doing something contrary to what the Commission wants reflected. She said staff is not trying to exclude anyone but instead is trying to understand where the Commission stands at this time.

Dr. Swofford reiterated again that the world has changed dramatically with the fiscal crisis. The Commission had a process in place, which was deferred at least partly because there is no money. The question is what can IHEs expect down the road. He noted that in other states, IHEs pay independent bodies for accreditation reviews. The state has used an accreditation process that is subsidized through fees that have been reduced. In addition, the Commission has suffered cuts in positions and reductions in its budget. All of these are curtailing the ability of the Commission to do what IHEs have expected it to do in regards to accreditation. That's why the issue has been brought to the Commission; staff needs guidance on how to move forward with the issue. He said the Commission staff is not trying to sidestep its partnership with COA; that's why the AIR report was shared with COA. He

said Commission staff is only trying to get direction from the Commission.

Commissioner Lilly said he is concerned that there has not been prior discussion about the possibility of the state and Commission fiscal condition having a differential impact on the accreditation piece of the business conducted by the Commission. If the Commission can no longer afford the current accreditation process, he said he would like to see such a discussion take place within a broader budget analysis context. He also said he understands that staff needs to seek direction from the Commission before proceeding with an issue. But he said when an item includes goals, activities and a timeline that does not include input until next April, he believes the item goes too far. He said the emergency permit process earlier in the meeting shows how important it is to get stakeholder input; the end result is better policy. He said there needs to be stakeholder involvement before the Commission adopts goals for a process.

Ms. Milstein reminded the Commission that part of the December 2002 action to curtail accreditations was a discussion of the Commission's capacity to continue standard operating procedures in the face of declining revenue and budget cuts. She said the Commission's action reflected the opportunity to use resources to finish approval of the programs under SB 2042 and then come back to see how operations might be changed in light of diminishing resources. In addition, FPPC 3, presented in August 2003 also documented the impact of declining resources on both accreditation and department-wide operations. She said she felt that a thorough analysis was offered and will take additional opportunities to further explain changes as they have been necessitated.

Chair Fortune indicated that she believes, contrary to Dr. Young's comments, that the Commission and staff have worked hard to be inclusive. She said it is her sense that it is appropriate for staff to come to the Commission and ask for permission to go forward.

Commissioner Lilly commented that he agreed that Ms. Milstein has presented budget information but that he believes there has been no specific discussion about the need to change accreditation procedures because of budget issues.

Dr. Young asked to further comment. She said that she tried to use a liberal interpretation that the item is just staff asking for direction but that it is difficult to do so when the item includes four goals and a timeline with input slotted in April. She said that the issue of collaboration is not exclusive to this item; the issue has been growing for some time. She argued that if staff were just seeking direction, the item would have just been for information rather than for action.

Commissioner Johnson said there seems to be agreement that the process has to start somewhere but that there is disagreement about where the

starting point is. Dr. Swofford said that staff could be given direction through an action item that tells them to work with COA, institutions and other stakeholders and come back with information on the ideas that are generated.

Ex Officio Representative Wilson said that he does not believe that anything was done intentionally but that there are certain sensitivities that constituency groups have when one starts talking about accreditation. He said he favors the kind of process that Dr. Swofford outlined.

Vice Chair Madkins said the Commission shouldn't be assaulted for trying to get a process started. He said he has no objection to including people, but that the Commissioners around the table need to decide for themselves how the process should start.

Commissioner Beckner said that it appears more time needs to be taken on the issue. She said she wants to ensure that the Commission continues its work in the collaborative nature that she believes was intended by staff.

Dr. Swofford said tabling the item does not move the issue forward. He advised that an action would need to be taken that would direct staff to move forward with a review process. Such an action would not set up a prescriptive scenario of what the outcome will be but instead solicits input.

Vice Chair Madkins proposed a two-part motion: that the item be received as an information item and that staff be directed to begin a review of the accreditation system and come back with input on how the system might be revised. Commissioner Beckner seconded the motion. No time frame was set in order to give staff flexibility to meet with all of the relevant stakeholders.

Ex Officio Representative Lundquist asked for the opportunity to review the AIR report.

Commissioner Johnson reminded the Commission that the 2042 reform process began with the question of what a credentialing system would look like if it could be designed from scratch. Perhaps the same initial approach would work with accreditation - if the system could be reformed, what would it look like and what would the end result be. Using this as a first principle might put everyone on the road to a system that can be agreed upon rather than starting from a place of tension.

The vote was taken and the motion carried without dissent.

## **PERFORMANCE STANDARDS COMMITTEE OF THE WHOLE**

Commissioner Lilly convened the Performance Standards Committee of the Whole.

### **PERF-1: Recommended Passing Standards for the California**



## **Subject Examinations for Teachers (CSET): Sciences (Specialized) Subtests IV in Biology, Chemistry, Earth and Planetary Science, and Physics**

Diane Tanaka, Assistant Consultant, Professional Services Division, presented the recommended passing standards for the new CSET exams for the science subtests in biology, chemistry, Earth/planetary science and physics. She noted that there were two errors in the agenda materials: 1) the fiscal impact and policy issue summaries were switched; and 2) on page 10, the number of panel members should have been 35.

She reminded the Commission that in April 2003, the Commission adopted a policy establishing a single subject credential in science in four sub-areas for those with specific expertise in science who wanted to teach only in one area. There are three approved options for obtaining these credentials: exam (CSET subtest) or one of two coursework options. Since then, the Commission staff has been working with the test contractor to establish the exam option. Independent panels made up of a cross-section of 35 educators participated in standard-setting studies. The recommended passing standards are presented in a table on page 20 of the agenda materials that pertain to this item.

A motion to adopt the recommendation was made (Littman), seconded (Vaca) and carried without dissent.

### **REPORT OF CLOSED SESSION**

The Commission granted the following Petitions for Reinstatement:

1. Karie Orendorff
2. Ronald Pegula

The Commission denied the Petition for Reinstatement in the matter of Mark Raisler.

The Commission rejected the Administrative Law Judge's Proposed Decision and called for the transcript in the matter of Victor Vizcarra.

### **REPORT OF APPEALS AND WAIVERS COMMITTEE**

Commissioner Lawrence Madkins called the meeting of Appeals and Waivers Committee to order at approximately 3:19 p.m., Wednesday, December 3, 2003.

#### **A&W-1: Minutes of the November 5, 2003, Meeting of the Appeals and Waivers Committee - (Action)**

It was moved, seconded, and carried (Vaca/Johnson) that the minutes of the Appeals and Waivers Committee meeting of November 5, 2003, be APPROVED

#### **A&W-2: Waivers: Consent Calendar - (Action)**

It was moved, seconded, and carried (Johnson/Vaca) that the Committee APPROVE the 296 waiver requests on the Consent Calendar.

**A&W-3: Waivers: Conditions Calendar - (Action)**

It was moved, seconded, and carried (Johnson/Beckner) that the Committee APPROVE the 53 waiver requests on the Conditions Calendar with specific conditions attached.

**A&W-4: Waivers: Denial Calendar - (Action)**

It was moved, seconded, and carried (Hauk/Vaca) to recommend preliminary denial of the 63 Waiver Requests on the Denial Calendar. These waiver requests will be brought to the Commission for action at the January 2004 meeting.

**Adjournment**

The meeting of the Appeals and Waivers Committee was adjourned at approximately 3:24 p.m., Wednesday, December 3, 2003.

**COMMISSION MEMBER REPORTS**

Commissioners Beckner and Hauk both expressed their appreciation for the hard work and fellowship of Chair Fortune and Commissioner Boquiren during their tenures. Commissioner Boquiren thanked the Commissioners in turn for being not only colleagues but also mentors.

**AUDIENCE PRESENTATIONS**

At Chair Fortune's invitation, the new liaison from CTA, Kathy Harris, came forward and introduced herself.

**OLD BUSINESS**

The quarterly agenda for January, February and March 2004 was presented for information only.

**NEW BUSINESS**

None.

**ELECTIONS OF THE COMMISSION CHAIR AND VICE CHAIR FOR 2004**

Dr. Swofford reminded the Commission that at the November meeting Commissioner Madkins was nominated as Chair and Commissioner Johnson as Vice Chair. No nominations were received by mail. He asked for further nominations; there were none. He closed the nominations for both offices and asked each to deliver statements.

Vice Chair Madkins said that it is an honor to be considered for Chair and pledged to continue the Commission's commitment to open and respectful dialogue with all members of the education community. Issues that will continue to engage the Commission include the implementation of NCLB and the possible reform of the Commission's accreditation system. He said he plans to provide strong and effective leadership as the Commission navigates through these and other issues.

Commissioner Johnson said she also is honored to be considered for Vice Chair. She said the Commission operates best when there is a rich dialogue, with the Commissioners listening to and responding to education stakeholders. She said she wants to see the Commission continue to grow as an organization that is fully committed to sound public policy. She said she will do her best to foster the strength already present by supporting the new chairman, the executive director and staff.

The roll was then taken for each office. Both were elected by unanimous vote.

**ADJOURNMENT**

The meeting adjourned. The next meeting will be held on January 8, 2004 at the California Commission on Teacher Credentialing Office, 1900 Capital Avenue, Sacramento, California.

270 Cal.App.2d 587, 75 Cal.Rptr. 836  
**(Cite as: 270 Cal.App.2d 587)**



SADIE L. JONES, Plaintiff and Appellant,  
 v.  
 OXNARD SCHOOL DISTRICT et al., Defendants  
 and Respondents.

Civ. No. 32970.

Court of Appeal, Second District, Division 1, Cali-  
 fornia.  
 Mar. 11, 1969.

#### HEADNOTES

**(1)** Appeal § 967--Review--Judgment on Demurrer.

In reviewing the sustaining of a demurrer to a complaint, an appellate court is required to construe the complaint liberally to determine whether, assuming the facts pleaded to be true, a cause of action has been stated.

**(2)** Schools § 77--Actions--Judicial Control Over Official Acts.

In an action arising out of defendant school district's failure to hire plaintiff (an allegedly qualified certificated teacher), the complaint failed to state a cause of action where it, in effect, called for judicial review of the district's administrative action in filing statements of need under Cal. Admin. Code, tit. 5, § 611, with the State Board of Education in order to hire noncertificated teachers at a time when it had plaintiff's application on file, and where use of the words "qualified regularly certified applicant" in § 611 was required to be construed to empower the appropriate management personnel acting for the district to make a discretionary determination of whether certificated applicant was otherwise qualified for employment. See **Cal.Jur.2d, Rev.**, Schools, §§ 217, 218.

**(3)** Schools § 78--Judicial Control Over Official Acts--Mandamus.

The action of a school board in filing a statement of need for a noncertificated teacher with the State Board of Education (Cal. Admin. Code, tit. 5, § 611) was not within the definition of quasi-judicial activity so as to be within the ambit of [Code Civ. Proc., § 1094.5](#) (administrative mandamus); it was but a preliminary step by one governmental agency (district) enabling another (the State Board) to act; nor was

there available in the law any other method of review of the accuracy of either the district's determination under the section that no qualified, certificated applicant was available or the necessarily included determination that one whose application was on file with the district was not qualified.

**(4)** Schools § 67--Liability of Officers and Employees.

In an action arising out of failure of a school district to hire plaintiff (an allegedly qualified certificated teacher), the trial court properly sustained the demurrer of defendant district officials and defendant superintendent of schools, where liability of such defendants was predicated upon allegations that they improperly and unlawfully induced the district to deny plaintiff's application for employment and wrongfully, falsely, fraudulently, maliciously, and unlawfully executed statements of need for noncertificated teachers under Cal. Admin. Code, tit 5, § 611, and where the sole factual charging allegation was that the individual defendants caused such statements of need to be filed in spite of the existence of an employment application by plaintiff who was both qualified and certificated, which allegation could not attach liability to the authorized exercise of discretion by the individual defendants under the facts alleged.

See **Cal.Jur.2d, Rev.**, Schools, § 135.

**(5)** State of California § 57--Liability--Immunity--Discretion of Employees.

Discretionary action by administrative government personnel taken within the scope of their authority is privileged against tort liability, but "discretionary" is to be given a flexible definition which balances the harm that may be caused by inhibition upon the governmental function against the desirability of providing redress for wrong that may have been done.

**(6)** Schools § 73--Actions--Pleadings.

In an action arising out of failure of school district to hire plaintiff (an allegedly qualified certificated teacher), a conclusion of law that defendants' conduct was unlawful could not be said to render the complaint sufficient against a general demurrer in the absence of factual allegations from which liability could be determined, where there was nothing in the complaint which tended to notify defendants of the basis of the claim against them except allegations with respect to

270 Cal.App.2d 587, 75 Cal.Rptr. 836  
(Cite as: 270 Cal.App.2d 587)

certification.

#### SUMMARY

APPEAL from a judgment of the Superior Court of Ventura County. Ben F. Ruffner, Judge. Affirmed.

Action against a school district and certain of its officials for denying plaintiff's applications for employment. Judgment of dismissal after general demurrer to first amended complaint was sustained with leave to amend but was not amended, affirmed.

#### COUNSEL

Cohen & Alexander and Charles W. Cohen for Plaintiff and Appellant.

Herbert L. Ashby, County Counsel, and Dorothy L. Schechter, Assistant County Counsel, for Defendants and Respondents.

#### THOMPSON, J.

Appellant originally filed her verified complaint on May 1, 1962, alleging that she was a qualified certificated elementary school teacher and that she had been denied a teaching position by the respondent school district at the inducement of the individual respondents because of her Negro ancestry. The complaint in two counts sought damages against the individual respondents and injunctive relief against the school district. A general demurrer to the complaint was sustained upon the basis that: (1) action by the individual respondents was privileged; and (2) appellant was barred from proceeding against the district by reason of not having exhausted the remedies granted by the California Fair Employment Practices Act.

Appellant then filed her verified first amended complaint, the pleading now before us. The first amended complaint is also framed in two counts, one pertaining to the school year 1960-1961 and the other to the school year 1961-1962. It is in essence the same as the original complaint except that it omits reference to racial discrimination. The pleading alleges the official position of the individual respondents. It states that appellant was a qualified elementary school teacher and the holder of a general elementary teaching credential; that she registered her credential with the Ventura County Superintendent of Schools; and

that she applied for a teaching position with the respondent Oxnard School District. The charging allegations are that: (1) the individual respondents "improperly and unlawfully" induced the district not to enter into an employment contract with appellant for each of the school years; (2) the district "improperly and unlawfully" denied appellant's application for employment "in that Plaintiff [appellant] was a qualified regularly certificated \*590 applicant, ready, willing and available to accept such a teaching position ..."; (3) the district employed a number of elementary school teachers who were not duly certificated "in violation of law which provides for the hiring of noncertificated teachers upon applications accompanied by a statement of need signed by the District Superintendent of Schools and approved by the County Superintendent of Schools or by the head of the State Board of Education, indicating that no qualified regularly certificated applicant of the type needed is available and that the applicant, if granted the provisional credential applied for, will be employed in a specified position"; and (4) that the individual respondents "wrongfully, falsely, fraudulently, maliciously and unlawfully" executed a number of such statements of need.

The trial court sustained a general demurrer to the first amended complaint with leave to amend. Appellant did not amend, the action was dismissed, and this appeal followed.

(1) We, as required of us by the law, construe the first amended complaint liberally to determine whether, assuming the facts pleaded to be true, a cause of action has been stated. (*Gressley v. Williams*, 193 Cal.App.2d 636 [ 14 Cal.Rptr. 496].) We conclude it has not.

#### The District

(2) The complaint asserts an obligation upon the district to employ appellant and to refrain from employing provisionally credentialed or noncertificated teachers <sup>FN1</sup> so long as appellant's application for employment was on file.

FN1 Appellant and respondents have used the term "noncertificated teachers" as meaning teachers provisionally credentialed pursuant to California Administrative Code (1960) title 5, section 611.

270 Cal.App.2d 587, 75 Cal.Rptr. 836  
(Cite as: 270 Cal.App.2d 587)

The factual support of that assertion consists solely of the propositions that appellant was a qualified, certificated teacher who had filed an application for employment with the district which, while rejecting her application, took the step of a statement of need which enabled it to employ provisionally credentialed teachers without certificates.

Appellant does not assert that her certificate gave her a vested right to employment by the district. (*Matteson v. Board of Education*, 104 Cal.App. 647, 655 [ 286 P. 482].) She does argue that the respondents improperly created competition in the labor market in which she was competing by falsely attesting to documents which permitted other teachers to be provisionally certified by the state board of education \*591 and thus available for employment by the district. That argument is based upon subchapter 3, [title 5, of the Administrative Code](#). The subchapter established the standards for issuance of provisional credentials by the state board of education. During the relevant period, section 611 of that subchapter dealt with the issuance of initial provisional certificates for full-time service. It required the submission of letters verifying teaching experience, transcript of college and university training, and a statement by the applicant of intent to undertake no less than a specified amount of further academic training. Section 611 also required, by subparagraph 4, the submission of a statement of need signed by the county or district superintendent of schools which “shall indicate that no qualified, regularly certificated applicant of the type needed is available and that the applicant, if granted the provisional credential applied for, will be employed in a specified position. ...” It is appellant's contention that by reason of section 611, she has stated a cause of action against the district when she alleges that the facts were contrary to the content of the statement of need, i.e., that a qualified certificated teacher in the person of appellant was available to the district.

The vice in appellant's argument is that it calls for judicial review of an administrative action of the district which is not so reviewable. Appellant does not attack the propriety of the action of the state board of education in issuing the provisional credentials, which permitted other persons to be employed in the positions sought by her. She has elected not to make the state board a party to the action. Her attack is against intermediate action by the local district which led to

the ultimate decision of that board.

That attack can succeed only if the district refused to exercise a discretion that it was required to exercise or if it failed to act as enjoined by law. Neither situation is present here. There is no contention that respondents failed to exercise a discretion which the law required of them. Rather, it is appellant's theory that being certificated she was per se “qualified” so that the district was duty bound not to determine to the contrary or to file the statement of need. If such were the case, mandate or prohibition conceivably might lie.<sup>FN2</sup> But so to read section 611 reduced the word “qualified” in that section to surplusage. The fair meaning of the section as \*592 written empowers the appropriate management personnel acting for the district to determine whether a certificated applicant is otherwise qualified for employment. That being the case, the district cannot be mandated to exercise the power in a particular fashion.

FN2 We express no opinion on this point.

As traditional mandate of [Code of Civil Procedure section 1085](#) is inapplicable, so is administrative mandamus of [section 1094.5](#). (3) The action in filing the statement of need is not within the definition of quasi-judicial activity so as to be within the ambit of the latter section. It is but a preliminary step by one governmental agency (the district) which enables another (the state board) to act. Neither is there available in the law any other method of review of the accuracy of either the district's determination that no qualified, certificated applicant was available or the necessarily included determination that appellant was not qualified.

No concept of due process here requires that we find a method of judicial review where none is provided by the statute. We are not dealing with a vested procedural or substantive right of appellant to employment by the district. (*Board of Education v. Wilkinson*, 125 Cal.App.2d 100 [ 270 P.2d 82]; *Matteson v. Board of Education*, 104 Cal.App. 647 [ 286 P. 482].) We are concerned rather with an administrative decision vested by law in an agency of a coordinate branch of government possessed of a particular expertise. (See *Board of Education v. Weiland*, 179 Cal.App.2d 808 [ 4 Cal.Rptr. 286].) Recognition of the limitations of judicial authority precludes review under the circumstances here.

270 Cal.App.2d 587, 75 Cal.Rptr. 836  
(Cite as: 270 Cal.App.2d 587)

#### The Individual Respondents

(4) The complaint names each of the individual respondents as the occupant of an official position in the district or, in the case of respondent Triggs, as Ventura County Superintendent of Schools. Liability of those respondents is predicated upon their “improperly and unlawfully” inducing the district to deny appellant's application for employment and their “wrongfully, falsely, fraudulently, maliciously and unlawfully” executing statements of need. The quoted descriptive words are, in the context used, conclusions of law. (*Hancock v. Burns*, 158 Cal.App.2d 785 [ 323 P.2d 456]; *Meyer v. Board of Public Works*, 51 Cal.App.2d 456 [ 125 P.2d 50].) The sole factual charging allegation is that the individual respondents caused statements of need to be filed in spite of the existence of an employment application by \*593 appellant who was both qualified and certificated. The allegation seeks to attach liability to an authorized exercise of discretion by the individual respondents. It cannot do so under the facts alleged.

The case at bar originated before the California Tort Claims Act of 1963. (5) The applicable rule then as now was that “discretionary” action by administrative governmental personnel taken within the scope of their authority is privileged against tort liability. “Discretionary” is, however, to be given a flexible definition which balances the harm that may be caused by inhibition upon the governmental function against the desirability of providing redress for wrong that may have been done. (*Johnson v. State of California*, 69 Cal.2d 782 [73 Cal.Rptr. 240, 447 P.2d 352].) The potential of harm in the judiciary exercising hindsight in the determination of qualification of applicants for employment in the executive branch is great. Analogizing to similar situations in which the Supreme Court has held the doctrine of immunity applicable, we conclude that the potential bars liability here. (See *Hardy v. Vial*, 48 Cal.2d 577 [ 311 P.2d 494]; *Lipman v. Brisbane Elementary School Dist.*, 55 Cal.2d 224 [ 11 Cal.Rptr. 97, 359 P.2d 465] <sup>FN3</sup> in which discretionary conduct of supervisory personnel leading to the discharge of governmental employees was held privileged against tort liability.)

FN3 Cited with approval in *Johnson v. State of California*, *supra*.

General Demurrer to Conclusions of Law

(6) Appellant argues that although the complaint may be bereft of factual allegations from which liability upon any of the respondents may be determined, the pleading is sufficient against general demurrer because of the conclusion of law stated in it: that the respondents' conduct was unlawful. The argument finds support in isolated language of some decisions. (See *San Christiana Inv. Co. v. City & County of San Francisco*, 167 Cal. 762, 769 [ 141 P. 384, 52 L.R.A. N.S. 676].) It does not, however, save the pleading considered here. The applicable principle is that the “conclusion of law-ultimate fact” dichotomy is not an absolute but that the fair import of language used in the pleading must be received to determine whether the adversary has been fairly apprised of the factual basis of the claim against him. (2 Chadbourn, Grossman, and Van Alstyne, California Pleading (1961) § 1227, p. 428.) Here there is nothing in the complaint which tends to \*594 notify respondents of the basis of the claim against them except the allegations with respect to certification. Under the most liberal of tests, such a complaint is vulnerable to general demurrer. <sup>FN4</sup>

FN4 Since we have found the complaint otherwise defective, we do not reach respondent's contention that the allegations of racial discrimination contained in the original complaint must be considered as continuing and thus to constitute a bar to the action by reason of appellant having failed to exhaust the administrative remedies granted her by the Fair Employment Practices Act.

The judgment is affirmed.

Wood, P. J., and Fourt, J., concurred.

Cal.App.2.Dist.  
Jones v. Oxnard School Dist.  
270 Cal.App.2d 587, 75 Cal.Rptr. 836

END OF DOCUMENT

# *Professional Growth Manual*

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*For Multiple Subject, Single Subject, Services, and Specialist Credentials*



*The California Commission  
on Teacher Credentialing is  
committed to ensuring that those  
who educate the children of this  
state are academically talented  
and professionally prepared.*

**State of California  
Commission on Teacher Credentialing**



## California Commission on Teacher Credentialing

Alan Bersin	<i>Chairperson</i>
Sam Swofford, Ed.D.	<i>Executive Director</i>
<b><i>Commissioners</i></b>	<b><i>Position</i></b>
Alan Bersin	<i>Administrator</i>
Chellyn Boquiren	<i>Teacher</i>
Margaret Fortune	<i>Public Representative</i>
Beth Hauk	<i>Teacher</i>
Elaine C. Johnson	<i>Public Representative</i>
Carol Katzman	<i>Public Representative</i>
Lawrence Madkins	<i>Teacher</i>
Alberto Vaca	<i>Teacher</i>
Marilyn Whirry	<i>Designee, Office of Superintendent of Public Instruction</i>
Vacant	<i>Faculty Member</i>
Vacant	<i>Non-Administrative Services Credential</i>
Vacant	<i>Public Representative</i>
Vacant	<i>School Board Member</i>
Vacant	<i>Teacher</i>
Vacant	<i>Teacher</i>
<b><i>Ex Officio Members</i></b>	<b><i>Representing</i></b>
Carol Bartell	<i>Association of Independent California Colleges and Universities</i>
Joyce Justus	<i>Regents, University of California</i>
David Leveille	<i>California Postsecondary Education Commission</i>
Bill Wilson	<i>California State University</i>

# *Professional Growth Manual*

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*For Multiple Subject, Single Subject, Services, and Specialist Credentials*





## TABLE OF CONTENTS

---

Introduction .....	2
Glossary of Terms .....	3
What is Needed to Renew a Professional Clear Credential .....	4
<i>Professional Growth</i> .....	4
<i>Professional Service</i> .....	4
<i>Submission of Materials</i> .....	4
Five Steps to Renew Your Professional Clear Credential .....	5
<i>Obtain a Professional Growth Advisor</i> .....	5
<i>Plan Your Activities</i> .....	5
<i>Complete Your Activities and Keep Records</i> .....	5
<i>Complete the Professional Service Requirement</i> .....	5
<i>Renew Your Credential</i> .....	5
Professional Growth Requirement .....	6
<i>Professional Growth Goals</i> .....	6
<i>Selecting a Professional Growth Advisor</i> .....	6
<i>Professional Growth Activities</i> .....	8
<i>Domains of Professional Growth for Multiple or Single Subject Credential Holders</i> .....	8
<i>Domains of Professional Growth for Services and Specialist Credential Holders</i> .....	9
<i>Categories of Acceptable Activities</i> .....	10
Professional Service Requirement .....	15
Credential Holders in Special Situations .....	16
<i>Substitute Teachers</i> .....	16
<i>Credential Holders Not Currently Employed in Public Schools</i> .....	16
<i>Multiple or Single Subject Credential Holders Working in Other States or Countries</i> .....	17
<i>Services and Specialist Credential Holders Working in Other States or Countries</i> .....	17
Extension of Time to Complete Professional Growth Requirements .....	18
Persons Who Finish Professional Growth and Service Early .....	19
Professional Clear Credential Holder’s Responsibilities and Rights .....	20
Appeal Procedure .....	22
Answers to Frequently Asked Questions by Credential Holders .....	23
Information for Professional Growth Advisors .....	26
Answers to Frequently Asked Questions by Professional Growth Advisors .....	28
Professional Growth Plan and Record Instructions .....	29
Professional Growth Plan and Record Form .....	31
Verification of Successful Service Form .....	33

## INTRODUCTION

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ince its inception in 1970, the Commission on Teacher Credentialing has supported and encouraged the professional development of all educators. An educator's growth is valued as a mark of professional stature and as a source and a stimulant of student growth and achievement. The Commission believes that "learning students" are most likely to be found in the presence of "learning teachers" and other educators.

The Commission strongly believes that an individual educator's professional growth should be guided by goals and priorities that relate to enhanced competence, performance, and effectiveness in the education of students and that it should be planned as cohesive sequences of activities. The Commission also believes that professional educators benefit from a collegial process of consultation regarding their professional goals, priorities, and needs. Such collegial consultation should be available for educators when they conceive and develop their professional

growth plans. Individual educators should consult with professional colleagues or advisors regarding their growth goals, priorities, and plans throughout the professional growth process.

The California *Professional Growth Manual For Multiple Subject, Single Subject, Services, and Specialist Credentials* has been published to explain, interpret, and clarify state laws and regulations pertaining to professional clear credentials. This manual relates to professional clear credential holders of multiple and single subject teaching credentials and to holders of services and specialist credentials. If your credential states **Professional Clear** on the face of it, this manual is for your use.

If you hold more than one professional clear credential, you need to complete only one set of renewal requirements. The activities and service may relate to one or more of the credentials held. If you hold both a professional clear multiple subject, single subject, services, or specialist credential and a professional clear designated subjects credential, you are required to complete the more stringent standard of activity requirements and successful service.



## GLOSSARY OF TERMS

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Key terms that appear throughout this manual are defined below.

*Preliminary Credential* refers to a credential that has academic requirements to be verified before its status can be changed to professional clear. Professional growth is not required for the preliminary credential.

*Clear Teaching Credential* refers to a teaching credential with no further academic requirements to be verified that was issued prior to September 1, 1985. Professional growth and successful service are not required of holders of these clear credentials.

*Professional Clear Teaching Credential* refers to a clear Multiple or Single Subject Teaching Credential that was issued after August 31, 1985, as the recipient's first clear basic teaching credential, and that is subject to the renewal requirements of California Education Code Section 44277.

*Clear Services or Specialist Credential* refers to a services or specialist credential with no further academic requirements to be verified, issued prior to July 1, 1994. Professional growth and successful service are not required of holders of these clear credentials. Services credentials include Administrative, Library Media Teacher, Health, Clinical or Rehabilitative, and Pupil Personnel. Specialist credentials include Agriculture, Bilingual Crosscultural Instruction, Early Childhood Education, Health Science, Mathematics, Reading and Language Arts, and Special Education.

*Professional Clear Services or Specialist Credential* refers to a clear services or specialist credential that was issued after June 30, 1994, and is subject to renewal requirements of Title 5, Article 7, California Code of Regulations.

*Permanent Credential* refers to a professional, professional clear, clear and life credential.

*Credential Holder* refers to a person who holds a professional clear teaching, services, or specialist credential.

*Employing Agency* refers to an entity whose employees are required to hold valid teaching, services, and specialist credentials that are subject to professional growth and service requirements.

*Professional Growth* refers to participation in activities that contribute to a credential holder's competence, performance, or effectiveness in the profession of education.

*Professional Growth Advisor for Multiple or Single Subject Teaching Credentials* refers to a holder of a permanent teaching or services credential who has been designated by an employing agency to advise credential holders regarding their professional growth and development.

*Professional Growth Advisor for Services and Specialist Credentials* refers to a holder of a valid services or specialist credential or an instructor in the area of expertise in an approved credential program at the postsecondary level who is selected by the credential holder to give advice regarding professional growth and development.

*Professional Service Requirement* refers to successful service in a certificated position or another professional capacity in a preschool, elementary school, middle school, or secondary school for the equivalent of at least one-half of a school year through the five-year renewal cycle.

*Renewal Cycle* refers to the five-year period commencing with the date that appears on a professional clear credential; for the initial issuance or late renewals, the renewal cycle continues through the end of the same month, five years later.



## WHAT IS NEEDED TO RENEW A PROFESSIONAL CLEAR CREDENTIAL

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To renew a Multiple Subject, Single Subject, Services, and Specialist Professional Clear Credential, you must complete the following three requirements at five-year intervals:

### Professional Growth

Complete an individual program of professional growth activities that consists of a minimum of 150 clock-hours of participation in activities that contribute to competence, performance, or effectiveness in the profession of education. This requirement is referred to as the professional growth requirement, and is explained on page 6. See pages 31 and 32 for the Professional Growth Plan and Record form.

### Professional Service

Serve successfully in a certificated position or in another professional capacity in a public or private preschool, elementary school, middle

school, or secondary school for the equivalent of at least one-half of a school year. This requirement is referred to as the professional service requirement, and is explained on page 15. See page 33 for the Verification of Successful Service form.

### Submission of Materials

Submit to the Commission a completed Renewal & Reissuance Application form (41-REN) with the self-verification section completed and the current processing fee. You do not need to submit the Professional Growth Plan and Record or the Verification of Successful Service forms with your application for renewal; however, the Commission reserves the right to request submission of these forms for auditing purposes any time within one year following submission of the application.



## FIVE STEPS TO RENEW YOUR PROFESSIONAL CLEAR CREDENTIAL

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### **Obtain a Professional Growth Advisor**

The key to the professional clear renewal is working with a professional growth advisor. The advisor serves as your mentor, helping you to set goals that will be valuable to your growth. The advisor also discusses professional growth activities that will contribute to your competence, performance, or effectiveness as an educator. The advisor verifies you have completed your professional growth activities.

### **Plan Your Activities**

Formulate a set of goals with your advisor and complete items 7–8 on the Professional Growth Plan and Record. Choose activities that will potentially meet your goals and complete items 11–14. Your advisor must sign item 20 certifying that your initial plan meets state laws and regulations.

### **Complete Your Activities and Keep Records**

As you complete your professional growth activities, you should meet with your advisor to discuss your progress. Fill in item 17 accurately with reasonable verification of time spent so your advisor can complete item 18. You may amend your goals and activities during the five-year renewal cycle. Discuss the changes with your advisor and have the advisor complete items 9–10 and 15–16 on the growth plan. Once you have completed the required 150 hours, sign item 21 and have your advisor sign item 22.

### **Complete the Professional Service Requirement**

You must serve successfully in a certificated position or in another professional capacity for the equivalent of at least one-half of a school year during the five-year renewal cycle. Your employer needs to complete the Verification of Successful Service form verifying you have met this requirement.

### **Renew Your Credential**

Verify that everything is complete on the Professional Growth Plan and Record form and on the Verification of Successful Service form. You will need to complete a Renewal & Reissuance Application form (41-REN), not included in this manual, with the self-verification section completed and the current processing fee. You do not need to submit the Professional Growth Plan and Record or the Verification of Successful Service forms with your application for renewal; however, the Commission reserves the right to request submission of these forms for auditing purposes any time within one year following submission of the application.

Application forms may be ordered by voice mail by phoning the Commission at (916) 445-7254 or (888) 921-2682.

Mail the completed **original** application in the last year of the five-year renewal period. For credential holders renewing more than one professional clear credential, submit a separate application and fee for each credential (but you need to complete only one set of renewal requirements).





## PROFESSIONAL GROWTH REQUIREMENT

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**Article 5, California Code of Regulations, Section 80556(b).** To be eligible to be a professional growth advisor for teaching type credentials, a person must hold a valid permanent\* California teaching or services credential, and a baccalaureate degree from an accredited institution of postsecondary education. An employing agency that designates one or more professional growth advisors may establish additional qualifications for advisors.

\* A permanent California credential is either a professional, professional clear, clear, or life credential.

To renew a professional clear credential, you must plan a program of professional growth activities in consultation with a professional growth advisor. Each activity in the program must satisfy five standards. Before you begin any activities, your advisor must certify that the activities satisfy the standards. Once the activities have been completed, your advisor must verify the time spent on them.

The first step in planning your growth plan is to select a professional growth advisor. The second step is to set your goals. The third step is to plan your activities. Each activity must meet the standards outlined on page 8. The planned activities must meet the domains of professional growth and be appropriate to the categories of professional growth.

Regardless of how many professional clear credentials you hold, you need to complete only one set of professional growth activities in each five-year renewal cycle. You may choose activities applicable to any of your credentials and may complete one Professional Growth Plan and Record form for all your credentials.

### Professional Growth Goals

*Section 8 on the Growth Plan*

All activities must contribute to your competence, performance, or effectiveness as an educator.

Every goal selected must meet this standard. Your goals may relate to teaching, specialist, or services credentials or to authorizations that you currently hold or ones you are trying to attain. The goals and activities that you select should potentially lead to your growth and improvement as an educator, to the overall improvement of your school, or to education as a profession. Routine planning, extracurricular activities, and personal improvement activities should not be included in your credential renewal goals or used as activities.

### Selecting a Professional Growth Advisor

#### **Holders of Multiple Subject and Single Subject Teaching Credentials**

If you are employed in California, you should choose your professional growth advisor from the list provided by your employer. If you are unable to find a suitable advisor from the list, you may request that your employer approve someone of your choice who has agreed to help you by serving as your advisor. An advisor must hold a baccalaureate degree from an accredited institution and a valid permanent California teaching or services credential. The employing agency may require additional qualifications.

► *Credential Holders Not Currently Employed in Public Schools or Residing Out of State or Country—see pages 16–17.*

Optional methods of obtaining a professional growth advisor include the following:

1. You may ask another employing agency to appoint an advisor from their approved list.
2. You may ask the Commission to approve the qualifications of a person you suggest to be your advisor. Send a signed and dated request naming the person you wish to have approved and a copy of his or her qualifying credential.

Promising groups of potential advisors include principals, mentor teachers, other teachers, appropriately credentialed persons who have retired from service as teachers or administrators, college or university personnel who hold credentials, and staff members in teacher centers and other regional service organizations in education.

3. If you are unsuccessful in obtaining a professional growth advisor after trying all methods mentioned above, you may request that the Commission serve as your advisor. As you will not receive the benefit and support that face-to-face contact provides, we ask that you use the Commission as the last alternative. Mail your request, with the Professional Growth Plan and Record form found in this manual, to

**Professional Growth Advisor  
Commission on Teacher Credentialing**  
P.O. Box 944270  
Sacramento, CA 94244-2700

### **Holders of Services and Specialist Credentials**

**Title 5, California Code of Regulations, Section 80556.1(b)** *Eligibility to be a professional growth advisor for service or specialist credential holders requires satisfaction of one of the following: (1) The advisor holds a valid (clear or professional clear) specialist or services credential, and a baccalaureate degree from an accredited institution of postsecondary education; (2) Those who instruct in the area of expertise in an approved credential program at the post-secondary level may serve as professional growth advisors; (3) Alternatively, the professional service or specialist credential holder may choose an advisor in the area of his or her teaching credential provided that the provisions of Section 80556 have been met.*

The responsibility for selecting an appropriate professional growth advisor rests with you. A

collegial model of advising is recommended. Although the employing agency may help identify potential professional growth advisors, you are not required to pick your advisor from their list. You may select a certificated professional or an instructor in the credential area who is most able to contribute to your growth. The regulations also allow you to select more than one professional growth advisor, if appropriate.

- ▶ *Credential Holders Not Currently Employed in Public Schools or Residing Out of State or Country—see pages 16–17.*
- ▶ *Persons who are renewing more than one professional clear credential develop one professional growth plan. These individuals may work with one advisor or more than one advisor in the development of that plan.*

Potential sources of credential advising:

1. You may select a colleague who holds a specialist or services credential in your own credential area. For example, if you are renewing an administrative services credential you can select another administrator.
2. You may select an advisor from a district's approved list of credential advisors, providing that person holds a credential in at least one of the areas of your credential renewal.
3. You may ask a qualified person from a nearby district or local county office of education to serve as your advisor.
4. You may select an instructor who teaches in your credential area at your local college. That person does not need to hold the credential, but should teach classes related to your credential area.
5. You may contact professional organizations to see if they can suggest someone in your area who would be willing to serve as your advisor.



## PROFESSIONAL GROWTH REQUIREMENT *(continued)*

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If you are unable to obtain an advisor, you may contact the Commission on Teacher Credentialing as indicated on page 7.

### **Professional Growth Activities**

#### *Section 11 on the Growth Plan*

You must decide if each activity will contribute to your competence, performance, or effectiveness in one or more of the domains of professional growth. To satisfy the credential renewal requirements of state law and regulations, your professional growth program must satisfy each of the following standards.

#### **Professional Growth Program Standards**

- Each activity must be likely to contribute to your competence, performance, or effectiveness in one or more of the domains of professional growth described on pages 8–10.
- Each activity must begin after the issuance date of the initial five-year professional clear credential or the issuance date of the subsequent renewal of this credential.
- Each activity must be of high quality and consistent with your professional growth goals, as stated in item 8 of the Professional Growth Plan and Record.
- Each activity must be included in one or more of the categories of professional growth activities described on pages 10–14.
- Your Professional Growth Plan and Record must ultimately include activities in at least **two** of the categories on pages 10–14.

You should identify activities that satisfy these standards on your Professional Growth Plan and Record, items 11 through 14. Your professional growth advisor should complete item 15, initial item 16, and sign item 20 of the plan if the activities listed in items 11 through 14 fulfill all of these standards.

Once a professional growth plan has been developed and the form signed by your advisor, you may add more activities to items 11 through 14. Added activities must also meet the standards. If they do, your advisor should certify the added activities by completing items 15 and 16.

Whether an activity is of high quality and will contribute to your competence, performance, or effectiveness should be decided collaboratively by you and your advisor **before** the Professional Growth Plan and Record is signed, and **before** an amendment is initialed. The standards provide you and your advisor considerable latitude to exercise professional judgment and discretion as activities are being planned. The success of the professional renewal program depends largely on the careful selection of professional growth activities. Thoughtful planning must occur when activities are selected and approved by your advisor, because you will not be penalized after completing an approved activity if it proves to be of little merit.

### **Domains of Professional Growth for Multiple Subject and Single Subject Credential Holders**

#### *Section 13 on the Growth Plan*

The substance or content of each activity must clearly fit one or more of the following domains of professional growth for **multiple or single subject** teaching credentials.

1. A subject or subjects the credential holder teaches, or reasonably expects to teach, in kindergarten or in grades 1 through 12.
2. A field of specialization in which the credential holder serves, or reasonably expects to serve, in kindergarten or in grades 1 through 12. Examples of fields of specialization include

(but are not limited to) bilingual education, crosscultural education, and special education. Professional growth activities that lead to additional credentials and authorizations are allowed and encouraged.

3. Concepts, principles, and methods of effective teaching, curriculum, and evaluation in kindergarten or in grades 1 through 12. Examples include (but are not limited to) learning about classroom management, inquiry strategies, curriculum improvement, and diagnostic assessment of pupil progress.
4. Concepts and principles of physical, intellectual, social, and emotional development among children and youth. Examples include (but are not limited to) learning about research on motor development, theories of intellectual growth, or ways to foster students' ethical development.
5. Concepts and principles of human communication, learning, motivation, and individuality. Examples include (but are not limited to) learning about language structure, theories of the psychology of human learning or motivation, and studies of individual differences in humans.
6. Languages and cultural backgrounds of groups of children and youth who attend California schools.
7. Concepts and principles of effective relationships among schools, families, and communities. Examples include (but are not limited to) learning about community involvement in education and strategies for conducting parent conferences.
8. Roles, organization, and operation of public education and of institutions that promote public education. Examples include (but are not limited to) learning about the history and functions of public education, the effective management of public schools, and the pur-

poses and contributions of professional and civic organizations in education.

### **Domains of Professional Growth for Services and Specialist Credential Holders**

#### *Section 13 on the Growth Plan*

The following are the domains of professional growth for the **specialist and services** credentials. These broad categories define the content areas within which the professional growth activities are to be completed. The examples are intended to suggest, not limit, involvement in each domain.


1. A field of specialization in which you serve, or reasonably expect to serve, or service which you provide or reasonably expect to provide. Examples of fields of specialization include agriculture, bilingual crosscultural instruction, early childhood education, reading, mathematics, health sciences, and special education. Examples of services include administrative, clinical or rehabilitative, health, library media, and pupil personnel. Professional growth activities that lead to additional credentials and authorizations are allowed and encouraged.
2. Concepts, principles, and methods of effective intervention, instruction, curriculum design, evaluation, assessment, and consultation. Examples of topics related to these areas include the purpose and value of play, the student study team and Individualized Educational Program (IEP) process, effective staff development planning, effective learning strategies, principles of classroom management, curriculum improvement, and non-biased assessment.
3. Concepts and principles of the interrelationships of family members and the physical, intellectual, social-emotional, and language



## PROFESSIONAL GROWTH REQUIREMENT *(continued)*

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development of children and youth. Examples include enhancing self-esteem, the impact of changing lifestyles, cultural diversity, development and facilitation of communication skills, and the implications of serious health issues on individuals and families.

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4. Concepts and principles of human communication, learning, motivation, individuality, and family dynamics. Examples include learning about language structure and function, theories of family systems, theories of the psychology of human learning or motivation, and studies of similarities as well as differences in humans.
  5. Understanding of ethnic, cultural, and gender diversity, especially the current demographics, diverse language/dialects, and multicultural backgrounds of the California population. Examples of topics in this area include second language acquisition, persons with disabling conditions, library media programs and resources, the gender gap in math studies, and issues related to integrated reading/language arts programs for students of diverse cultural backgrounds.
  6. Concepts and principles of effective relationships among schools, families, agencies, businesses, and local communities. Examples include practices which lead to family enabling, empowerment, and participation; strategies which lead to interagency cooperation; and implementation of school, community, and business partnerships.
  7. Understanding of, and problem solving related to, current issues facing schools and communities. Examples of such issues include substance abuse, violence, transiency, dropouts, facilities, and finances.
  8. The organization, operation, management, and leadership of programs or sites and the roles

of the people who work at these sites or in these programs. Examples of topics include organizational restructuring, recruitment and retention of qualified personnel who reflect cultural and gender diversity throughout all levels of the organization, understanding the functions of the people in the organization, supervision and evaluation of personnel, current trends in management, and leadership (collaborative negotiations, site-based management, shared decision-making, conflict management).

9. The understanding and use of technology in educational settings. Examples include computer-assisted instruction, management applications of computer technology, adaptive technology for students, and the use of teleconferencing and interactive video for instructional purposes.

You should choose, and your advisor must certify, only activities whose substance is clearly subsumed within one or more of these domains of professional growth.

### **Categories of Acceptable Activities**

#### *Section 14 on the Growth Plan*

The seven categories of acceptable activities are defined below. Activities must be chosen from at least **two** of the following categories and must be completed during the five-year renewal cycle. Excess hours completed in one five-year cycle may not be saved and subsequently applied to the next cycle. Professional growth activities begin with the initial issuance of a five-year professional clear credential.

If you hold a credential that requires prerequisite credentials, you may choose activities which are applicable to either your services or specialist credential or your supporting teaching credential area, provided your advisor approves such activities.

If you hold a services credential and have licenses in other areas directly related to the credential (e.g., Health Services School Nurse Credential holder with a California Registered Nurse license), you may use continuing education hours taken to satisfy renewal requirements for the license toward the 150 hours needed for credential renewal. Any additional professional growth activity needed to complete credential renewal requirements must be confined to the activities in the allowable domains on pages 9–10.

**1. Complete one or more college or university courses.**

Acceptable courses include lower division, upper division, or graduate level courses offered on campus, off campus, or through

extension by any regionally-accredited two-year or four-year college or university, in California or outside of this state. Courses may be taken for college credit, or for continuing education units, or may be audited for clock-hours. Courses must be completed, and the credential holder must earn a grade of C or better in courses that are taken for credit (or a pass in courses taken on a “pass or fail” basis).

Clock-hours recorded on the Plan and Record form are restricted to time spent in class, time spent in laboratory or discussion sections that are associated with the class, and time spent on out-of-class assignments that you and your professional growth advisor agree would qualify as activities in categories 2 through 7. For example, you could record time spent on an individual study that was part of a college course, provided you examine a specified topic, produce a written report or other tangible product, and evaluate the individual project and its product.

If time spent seated in the classroom is longer than the times listed in the conversion table, an explanation will be needed. Required lab work is an example of when extra time might be recorded.

Time spent completing routine out-of-class assignments, such as reading assignments or preparing for tests, may not be recorded.

**2. Attend conferences, workshops, institutes, academies, symposia, teacher center programs, or staff development programs.**

Acceptable workshops and programs include those whose purpose is to increase the professional knowledge, competence, performance, or effectiveness in education of the participants, regardless of the source of sponsorship or funding for the activity.

**Conversion of Units to Clock-Hours**

Quarter/ Continuing Ed Units	Semester Units	Clock- Hours
1		10
	1	15
2		20
3	2	30
4		40
	3	45
5		50
6	4	60
7		70
	5	75
8		80
9	6	90
10		100

**KEY**

Quarter Unit ..... 10 Clock-Hours  
 Semester Unit..... 15 Clock-Hours  
 Continuing Education Unit ..... 10 Clock-Hours

## PROFESSIONAL GROWTH REQUIREMENT *(continued)*

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Recorded clock-hours must be restricted to time spent in those portions of the conferences, workshops, or programs that contribute to participants' professional knowledge, competence, performance, or effectiveness in education, and time spent completing outside assignments that would qualify in categories 3 through 7. Time spent in "business" meetings of the sponsoring organizations may not be recorded.

Course work taken at institutions of higher education that are not regionally accredited may not be counted in category 1; however, time from these courses may be used as workshops for the purposes of professional growth. These courses may not be used for the purposes of adding supplementary authorizations to a credential.

### **3. Perform systematic programs of observation and analysis of teaching or performance of a peer-alike job.**

To be acceptable, each program must be planned, must focus on one or more predetermined aspects of teaching, and must include follow-up activities such as discussion, critique, or application of what has been observed or analyzed.

This category is designed to encourage peer assistance, modeling, and coaching while the credential holder learns new skills or strategies.

Acceptable clock-hours are those spent planning and conducting the observations, discussing or critiquing the activity, and planning applications of what has been learned for your classroom.

### **4. Provide service in a leadership role in an educational institution.**

Acceptable activities include those in which you contribute to the improvement of a

school, school district, or other educational institution, including the planning and implementation of the improvement. The following examples illustrate acceptable activities in this category.

- Time spent assisting teachers, developing curriculum, providing staff development, or serving on a school site council engaged with improvement of the school either as a mentor teacher or in another official capacity in the school or district.
- Time spent planning and developing new sets of materials for teachers or students, either in an official capacity in a school or as a member of a district, state, national, or international panel or committee.
- Time spent preparing a proposal to create a new facility, course of study, or program in an educational institution.
- Time spent selecting mentor teachers, or screening proposals for instructional improvement grants, or participating on a school accreditation team, or serving on the advisory board of a teacher center, to the extent that this time contributes to the improvement of the educational institution.

Time that may not be recorded includes time spent on the routine functioning of an educational institution, and time spent carrying out a teacher's basic responsibilities, including (but not limited to) planning lessons, arranging a classroom environment, preparing assorted instructional materials, assessing student performance, or keeping records.

### **5. Provide service in a leadership role in a professional organization.**

For the service to be acceptable, you must serve as an elected officer, a chair of a

committee, or an official representative of an organization of professional educators. Recorded hours must be restricted to time spent charting, planning, or forming educational or professional policies, positions, or directions for the organization to pursue. Examples of acceptable activities in this category include the following:

- Time spent chairing meetings of a curriculum and instruction committee of a state teacher's organization during which new policies regarding curriculum and instruction are planned and developed for the organization to pursue.
- Time spent developing legislative proposals as the chair of the legislative committee of a statewide organization of mathematics teachers.
- Time spent formulating standards for computer education teachers as an official representative of Computer Using Educators.
- Time spent developing new standards of professional ethics as an elected officer of a national organization of school administrators.
- Time spent planning new structures of community involvement in schools while serving as the official representative of a local bargaining unit to the local PTA chapter.

Recorded clock-hours must be restricted to time spent in meetings of the educational or professional committee, or as an official representative of the professional organization, when policy decisions are discussed.

Activities that contribute to the ongoing operations or functioning of a professional organization are not acceptable. Examples

of activities that are **not** acceptable are listed below.

- Time spent representing an employee bargaining unit in contract negotiations with the employer.
- Time spent as the chair of a membership drive for the state organization of science teachers.
- Time spent developing and maintaining fiscal records as the treasurer of a professional organization.

## 6. Conduct educational research and innovation.

Participation in efforts to conduct educational research or to investigate educational innovations are acceptable, provided that you have an active role in one or more of the following stages of the effort: planning, analyzing, interpreting, demonstrating, disseminating, or evaluating a study or innovation. Examples of acceptable activities in this category include the following:

- Time spent planning and evaluating field tests of new science experiments for possible use in elementary classrooms.
- Time spent as a member of a group to identify the elements of effective teaching as a basis for determining the staff development needs of a school district.
- Time spent analyzing the results of a study of the relative effectiveness of two systems of reading instruction, and time spent explaining the study to parents, teachers, and administrators.
- Time spent demonstrating an experimental program of drug abuse education.





## PROFESSIONAL GROWTH REQUIREMENT *(continued)*

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Examples of activities that are **not** acceptable in this category are listed below.

- Time spent filling out a questionnaire or other data-collection instrument.
- Time spent teaching routine lessons which are observed by faculty members and students from a local university.
- Time spent arranging for pupils to be released from class to participate in an experimental program to address the school dropout problem.

### **7. The Commission has determined that the activities specified below may also fulfill the professional growth requirements.**

- Participation in a professional exchange program in which you change positions with another educator for an extended period of time. For example, a high school chemistry teacher trades teaching assignments for one semester with a professor who teaches the chemistry methods course at a local university.
- Participation in alternative work-experience programs, paid or volunteer, in which you fulfill new professional responsibilities for a specified period of time. For example, a high school auto shop teacher takes a sabbatical leave and works at a Chrysler Motors assembly plant.
- Participation in a program of independent study, provided that you investigate a specified aspect of education, produce a written report or other tangible product, and evaluate the independent study and its product. For example, an elementary teacher undertakes a program of reading the leading theorists in early childhood education, including Maria Montessori, Bruno Bettelheim, and Jean Piaget. She completes a journal as she reads. Afterwards, she writes a brief critique of early childhood education theories and practices.
- Creative endeavors, provided that you either create a tangible product that exhibits originality of thought and execution, or exhibit a creative talent while participating in a group production, and provided that the creative endeavors directly relate to a subject or student group you teach or reasonably expect to teach. For example, a junior high teacher of dance earns a role in a local production of *A Chorus Line*, or an elementary teacher assigned to produce a school play volunteers to design sets for the local theater group.
- Cultural experiences such as attendance at museums or musical, dramatic, or dance productions, or crosscultural immersion in the language and culture of an ethnic or national group, provided that each experience directly relates to a subject or student group you teach, or reasonably expect to teach. For example, a high school Spanish teacher spends the summer in a Spanish immersion program in Mexico, or an elementary music resource teacher attends a concert by the Tokyo Philharmonic Orchestra in San Diego.
- Instruction in cardiopulmonary resuscitation (CPR), including training in subdiaphragmatic abdominal thrust (also known as the “Heimlich maneuver”), may be an acceptable activity if it meets the standards of quality of either the American Heart Association or the American Red Cross or can be shown to be of equivalent quality.



## PROFESSIONAL SERVICE REQUIREMENT



To renew a professional clear credential, you must serve successfully in a certificated position or in another professional capacity for the equivalent of at least one-half of a school year during the five-year renewal cycle. Your service must satisfy the following provisions:

1. The service must be rendered for at least five hours per day for at least 90 days, or the equivalent, after you have been issued a professional clear credential. For part-time employees and substitute teachers, equivalent service may be calculated by counting all hours rendered on behalf of students at the location of service. For those who accumulate their service on an hourly basis, the total requirement is 450 hours.
2. The service for a **multiple subject and single subject** teaching credential may be rendered in accordance with options a, b, or c.

The service for a **services or specialist** credential may be rendered in accordance with options a, b, c, or d.

- a. Service may be rendered in a position that requires certification in preschool, kindergarten, or grades 1 through 12 during full-time employment, part-time employment, employment as a substitute teacher, or employment under another contractual agreement.
- b. Service may be rendered on behalf of students and/or certificated personnel in preschool, kindergarten, or grades 1 through 12 at the site of one or more preschools, elementary schools, or secondary schools.
- c. Service may also be rendered in alternative settings, such as adult schools, home

schools, paid tutorials, and other types of instruction, as long as the service is rendered in subjects that are commonly taught in public schools. Hours spent in alternative service must be independently verified and affirmed by the credential holder under penalty of perjury.

- d. Service may be rendered in the area of either the services or specialist credential or in another professional capacity related to a services or specialist credential area which must be performed in a public or private preschool, elementary school, or secondary school, or in a related educational setting serving children, youth (birth to 22), or families.
3. You must not have been terminated for cause by the employing agency after you applied for the professional clear credential or for the most recent renewal of the credential.
4. Only one professional service requirement needs to be completed in each five-year cycle, regardless of the number of credentials held.
5. Service must be verified by an official at the employing school, district, county, or other agency as appropriate. Verification may be on the form provided on page 33, or on letterhead paper from the verifying agency.

The professional service requirement allows service to other credentialed educators to meet this requirement. Furthermore, Commission staff has interpreted the intent of this requirement to be that credential holders should remain current in the application of their professional skills; therefore, opportunities in which professional skills are employed in relation to school-age children are deemed acceptable to meet this requirement.



## CREDENTIAL HOLDERS IN SPECIAL SITUATIONS

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### Substitute Teachers

California statute requires that any district that employs certificated teachers, whether in a full-time, part-time, or substitute basis, must provide an advisor for those teachers.

A substitute teacher may choose an advisor from any of the school districts where he or she works. Unfortunately, some school districts have not met their obligations of providing an advisor. When the Commission receives information that this has occurred, phone calls and/or letters are sent to the personnel directors and/or superintendents in the districts. In those rare cases when a district does not provide an advisor, there are three options that you may choose:

1. You may go to any local education agency such as a county office or other district and ask that an advisor be appointed.
2. You may write to the Commission and ask that a person whom you have selected be designated as your advisor. That person must hold a valid teaching or services credential. These persons serve voluntarily. Please enclose a photocopy of the advisor's credential at the time of the request. Among those particularly well suited to serve as advisors are teachers, retired teachers, and university educators who have maintained the validity of their teaching credentials.



3. If you do not have someone that you would like to have designated as an advisor, then the Commission may serve as an advisor. This should be the "last resort" choice since it is difficult to form the collegial bond that one should have with an advisor when the communication is done largely through correspondence and over the phone.

### Credential Holders Not Currently Employed in Public Schools

Persons who are not currently employed in a public school setting may use the same options available to public school employees (see response above for substitute teachers). Multiple and Single Subject Teaching Credential holders may select any person designated by the head of the private school where they teach (i.e., private schools may designate advisors in the same way that public schools do). Credential holders who select from a list established by a private (or public) school do not need to seek approval of the advisor from the Commission.

Services and specialist credential holders should select a colleague who holds a similar credential. The advisor may be selected from a list designated by the private school where one is employed or a college instructor who teaches in the credential area of the holder.

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### Multiple Subject and Single Subject Credential Holders Working in Other States or Countries

Teachers who want to maintain the validity of their California credentials may complete renewal requirements wherever they reside. There are three ways to select an advisor:

1. If you began employment in California before you moved and had an advisor, that advisor may continue to serve by mutual agreement.
2. You may nominate a person to serve as your advisor. In order to be eligible, that person must hold valid certification with a credential like yours in the state, country, or circumstance in which they are working. For example, if you are employed in Department of Defense Schools, certification from any state can be used to authorize service in the school system; therefore, you could choose any DODS certificated employee to serve as your advisor. All that is needed is that you submit a simple letter to the CTC naming the person you are nominating and enclose a photocopy of that person's credential.
3. You may ask the Commission to serve as your advisor if you have been unable to locate an advisor locally. As above, simply write a letter with your request and mail to

**Professional Growth Advisor**  
**Commission on Teacher Credentialing**  
*P.O. Box 944270*  
*Sacramento, CA 94244-2700*

Because nearly all communication is made by letter and occasionally by phone, this is seen as a less acceptable mode of receiving advice.

### Services and Specialist Credential Holders Working In Other States or Countries

If you want to maintain the validity of your professional clear services or specialist credentials, you may complete renewal requirements wherever you reside.

1. The advisor should hold a services or specialist credential valid in the state, country, or circumstance in which you are working.
2. You may select an instructor from a local college or university who teaches in your credential area.
3. If you are unable to locate an appropriate advisor, you may ask the Commission to serve as your advisor. Write a letter with your request and mail to

**Professional Growth Advisor**  
**Commission on Teacher Credentialing**  
*P. O. Box 944270*  
*Sacramento, CA 94244-2700*

Because all communication is made by letter and occasionally by phone, this should be the last option.



## EXTENSION OF TIME TO COMPLETE PROFESSIONAL GROWTH REQUIREMENTS

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If you do not complete the professional growth or service requirements during the five-year renewal period, your credential will expire. You are eligible for a one-time, two-year extension of the professional clear credential. However, there is no penalty for allowing a credential to expire as long as you are not currently employed in a position which requires it.

The one-time, two-year extension is appropriate for individuals who leave the education profession to raise a family or pursue another career. The two-year extension should be requested at the time you wish to return to education. Professional growth activities and successful service accumulated during the expiration of the credential can be used toward the renewal at the end of the two-year reinstatement.

- You are responsible for requesting the extension in a written statement to the Commission, including an application form and fee.
- The request for automatic extension may be made for any reason, but you are eligible for extension only **once** during your career (California Education Code, Section 44279

[a]). Subsequent requests for extension will be dealt with on a case-by-case basis by the Certification Division of the Commission.

- Within the two-year extension period, you must complete all unfinished renewal requirements or the Commission will not renew the credential (California Education Code, Section 44279 [b]).
- To be eligible for extension of an expired credential, you must fulfill all requirements that are in effect for issuance of the credential at the time you apply.
- The Long-Term Emergency Multiple or Single Subject Permit is not available to holders of professional clear credentials that have expired.

The two-year extension requires the following:

- Application form (41-4 or 41-REN) and current fee.
- A written request for a one-time, two-year extension of the professional clear credential.



## PERSONS WHO FINISH PROFESSIONAL GROWTH AND SERVICE EARLY

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The Commission does not have statutory authority to issue a professional clear credential for more than a five-year period. Therefore, if you submit your forms, application, and fee before the end of the fourth year of the credential renewal period, the new renewal period (next professional growth cycle) will begin on the date of application for renewal and is valid for five years. If you renew your credential in the last year of the renewal period, the next renewal period will begin with the expiration of the current credential.

### *Example 1*

The professional clear credential was issued on 9/15/96 and expires 10/1/01. You finish the requirements and apply for renewal on 6/20/99. The new credential will be valid 6/20/99 to 7/1/04.

### *Example 2*

The professional clear credential was issued 9/15/96 and expires 10/1/01. You finish the requirements on 6/20/99 but wait to submit the application until 1/15/01. The new credential will be valid from 10/1/01 to 10/1/06.

By renewing the credential early, you cancel any time remaining on your current credential. It is in your best interest to **wait until the last year** of the five-year renewal period before applying for renewal. However, you may request an early renewal by submitting an application, fee, and a signed request.



## PROFESSIONAL CLEAR CREDENTIAL HOLDER'S RESPONSIBILITIES AND RIGHTS

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The purpose of this section of the manual is to explain your responsibilities and rights in completing the professional growth and service requirements.

### 1. Professional growth goals.

You have a responsibility to formulate one or more professional growth goals, to write those goals on the Professional Growth Plan and Record, and to discuss those goals with a professional growth advisor before beginning professional growth activities. You have a responsibility to formulate goals that are based on an assessment of your professional growth needs. You must be prepared to discuss the basis for the goals with your advisor, but you have the right to determine your own professional growth goals.

### 2. Professional growth advisor.

Multiple or single subject credential holders have the right to choose their own professional growth advisor from those advisors who have been designated by the employing agency. Services and specialist credential holders may select from a list designated by their employing agency or select an advisor based on the criteria on page 7. (If no suitable advisors have been designated, or if you are not employed in a public school, see pages 16–17.)

### 3. Professional growth activities.

You have a responsibility to discuss potential activities with your professional growth advisor, and to select activities that are likely to contribute to your competence, performance, or effectiveness in the profession of education. You have the right to select your professional growth activities, but should not

begin the activities until your advisor has determined that they comply with state laws and regulations.

### 4. Amendments to the plan.

You have the right to change any element of your professional growth plan at any time. However, you should not begin to pursue the amended goals or activities until your advisor has determined that they comply with the laws and regulations. No advisor or other person has the right to compel you to change a plan that has previously been determined to comply with the laws and regulations.

### 5. Record of hours spent.

You have a responsibility to record accurately the actual number of clock-hours that have been spent on completed activities. If you willfully sign and submit inaccurate records which you know to be false, you are subject to the penalties for perjury and unprofessional conduct. Time that may be counted includes those minutes/hours actually spent participating in the activity. Preparation time may be counted only in special circumstances. Time in university course work may be counted by determining the “seat time” spent in the class or by using the conversion schedule developed by the Western Association of Schools and Colleges (WASC) (see table on page 11). Each semester unit is the equivalent of 15 clock-hours; each quarter unit is equivalent to 10 clock-hours; and each continuing education or extension unit is equivalent to 10 clock-hours.

### 6. Verification of time spent.

After completing activities, it is your responsibility to give your advisor reasonable verification of time spent, if your advisor requests it. Reasonable verification could

include (but need not be limited to) college transcripts, materials distributed at workshops or staff development programs, records of conference attendance, or other tangible evidence of time spent.

### **7. Credit for hours spent.**

You have a right to receive full credit for all hours spent at professional growth activities that are identified on a Professional Growth Plan and Record signed by your advisor, and for which reasonable verification of time spent has been presented to your advisor.

If you need to change advisors before completing all of the activities in a plan, you should record the time already spent in item 17 of the plan, and the advisor who authorized the activity should initial each activity for which you provide reasonable verification. However, you retain the right to receive credit for time spent even if you change from one employer or assignment to another, or if your advisor changes, or if your credential lapses.

### **8. Completion and submission of forms.**

You are responsible for filling out all items except items 9, 10, 15, 16, 18, 20, and 22 on the Professional Growth Plan and Record (pages 31 and 32), and submitting this form to your professional growth advisor for discussion. You are also responsible for filling out the top portion of the Verification of Successful Service (page 33), and presenting this form to each employing agency for verification. Once your advisor has signed items 20 and 22 on the Professional Growth Plan and Record, and each employing agency has signed the Verification of Successful Service,

you may submit your Renewal & Reissuance Application form (41-REN) and fee in order to renew your credential. This should be done during the last year of the credential renewal period. You do not need to submit the Professional Growth Plan and Record or the Verification of Successful Service forms with your application for renewal; however, the Commission reserves the right to request submission of these forms for auditing purposes any time within one year following submission of the application.

### **9. Appeal of adverse action.**

You have a right to appeal to the Commission on Teacher Credentialing if your advisor has taken an adverse action that you consider to be unfair, arbitrary, or contrary to the terms of the law, regulations, or this manual. For details regarding the appeal procedures and grounds for appeals, see page 22.

### **10. Extension of expired credential.**

You have a right to request, in accordance with the terms of California Education Code Section 44279, that the Commission on Teacher Credentialing issue an extension of an expired professional clear credential. For details regarding the extension requirements and terms, see page 18.





## APPEAL PROCEDURE

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credential holder may appeal an adverse action by a professional growth advisor (see California Education Code, Section 44278).

The appeal must be addressed to the Executive Director of the Commission on Teacher Credentialing. Grounds for ruling in favor of the appeal include the following:

- The advisor refused to sign a Professional Growth Plan and Record or an amendment that satisfies the requirements of California Education Code, Section 44277. If the Commission determines that this has occurred, the Commission will approve the plan or the amendment.
- The advisor refused to verify time spent at professional growth activities that satisfy the requirements of California Education Code, Section 44277. If the Commission verifies time spent at the activities, and if other requirements have been met, the Commission will renew the professional clear credential.
- Bias, fraud, unfair discrimination, or arbitrary action by the advisor prevented the credential holder from fulfilling the terms of a signed Professional Growth Plan and Record. If the Commission determines this has occurred, the Commission will grant you up to five years additional time to complete your program of professional growth.

Whenever possible, you are encouraged to resolve disputes at the local level by employing **one** of the following methods:

- Requesting assistance from a local Professional Growth Panel, if one has been established.
- Seeking another advisor.

Any credential holder who wishes to appeal an adverse action related to professional growth activities or service shall state in writing:

- What action has prompted the appeal.
- The names of the persons involved.
- What attempts have been made to resolve the problem at the local level.

Any problems that can be resolved administratively between the Commission staff, the credential holder, and the employing agency or professional growth advisor will be resolved at this level. Any cases that cannot be handled administratively will be referred to a Professional Growth Appeals Board that is established by the Commission.

- The Professional Growth Appeals Board shall consist of five members, who shall be appointed in accordance with the Commission's procedures for appointing advisory panels. Three of the members will be practicing teachers. At least one of those practicing teachers shall have served as a professional growth advisor. One other member shall be a practicing administrator, and one member shall be appointed at large. Members' terms shall be for two years, and they may be reappointed.

If you decide to appeal a decision by the Professional Growth Appeals Board, your case shall be heard by the Licensing and Professional Development Committee of the Commission. Contact the Commission office for specific information about applying for an appeal.



## ANSWERS TO FREQUENTLY ASKED QUESTIONS BY CREDENTIAL HOLDERS

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### *How do I select a professional growth advisor for renewal of a Multiple or Single Subject Teaching Credential?*

If you are employed in California and are renewing your Multiple or Single Subject Teaching Credential, you should choose your professional growth advisor from the list provided by your employer. If you are unable to find a suitable advisor from the list, you may request that your employer approve someone of your choice who has agreed to help you and serve as your advisor. An advisor must hold a baccalaureate degree from an accredited institution and a valid clear, professional, or professional clear California teaching or services credential. The employing agency may require additional qualifications.

Optional methods of obtaining a professional growth advisor are explained on page 6.

### *What if I reside in another state or country?*

If you decide to keep your California professional clear credentials current while residing in other states or countries, you may do so by completing professional growth activities and professional service in your place of residence. An advisor must be designated by the Commission as described on page 17. If no qualified and suitable advisor is available, the Commission will serve as your advisor if a written request is made.

### *How do I select a professional growth advisor for renewal of a specialist or services credential?*

The responsibility for selecting an appropriate professional growth advisor rests with you. A collegial model of advising is recommended. Although your employing agency may help identify potential professional growth advisors,

you will not be required to pick your advisor from a list of potential advisors. You may select a certificated professional or an instructor in the credential area who is most able to contribute to your growth. The regulations also allow you to select more than one professional growth advisor if deemed appropriate.

Services or specialist credential holders who are renewing more than one credential will develop one plan, but may work with one or more advisor in the development of that plan.

### *How do I select a professional growth advisor for renewal of more than one credential?*

If you are renewing more than one credential, you will complete only one plan for your professional development. You will select a professional growth advisor who you feel can best guide the development of your plan. That person should hold a credential in at least one of your credential areas. It would be most appropriate to select someone who works in an area closely related to your own area of assignment.

You may want to select more than one advisor to help you define professional development goals for multiple credential areas.



**ANSWERS TO FREQUENTLY ASKED QUESTIONS BY CREDENTIAL HOLDERS** *(continued)*

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***What can I do if my advisor won't approve my Professional Growth Plan?***

If your advisor has a good reason for not signing the plan, or for not initialing a particular addition to it, the Commission recommends that you heed her or his suggestions. If you believe that the advisor is not justified in his or her refusal, there are several options you may take. See page 22 for details.

- If a local Professional Growth Panel has been established, discuss the disputed issues(s) with the panel.
- Seek the advice of another advisor designated by your employing agency.
- Appeal by writing to the Executive Director of the Commission on Teacher Credentialing.

***What if I am not currently employed in a public school and want to continue to hold a valid teaching credential?***

You may ask any employing agency (including county offices) to give you a list of names and work locations of advisors who can assist you. If you are unsuccessful in engaging an advisor or are living outside of California, you may contact the Commission directly for approval of an advisor you pick, or for approval of your Professional Growth Plan or Record.

***Who is responsible for getting the credential renewal documents signed and sent to the Commission?***

You are responsible for completing all forms, keeping records of all activities, requesting all signatures, and mailing all required items to the Commission before the credential expires.

***What happens if I change districts or work in more than one district?***

If you change employment after your plan has been signed by an advisor, your signed plan remains valid. If an advisor has verified time spent, you retain credit for those hours. You may want to amend your plan to reflect any new responsibilities. If you need a new advisor, you should request a list of advisors from an administrator of the new employing agency.

If you work as a substitute teacher or in another capacity for more than one district, you may request the assistance of a professional growth advisor from either district.

***What should I do if my advisor tries to charge me a fee or requires that I provide some service in exchange for signing my plan?***

Tell your advisor that payment or service in exchange for approval is prohibited by state regulations. If the advisor persists, inform the chief administrative officer of the employing agency and, where available, the Professional Growth Panel. You may want to seek a new



advisor. If these measures do not bring relief, contact the Commission.

***What happens if I move to another state or country?***

Professional clear credential holders who want to maintain their California credentials may complete professional growth and service requirements in any location around the world. Activities may be selected and teaching service may be performed in any part of the world. You will need a professional growth advisor. Consult page 17 to find out how to obtain an advisor.

***What if I hold more than one professional clear credential?***

You are required to complete a total of 150 hours of professional growth activities even if you hold several professional clear credentials. The activities may relate to any one of your professional clear credentials or a combination of your credential areas. You are also required to complete one-half year of successful service. This service may be on any professional, professional clear, clear, or life credential. For example, if you hold a Professional Clear Administrative Services Credential and a Life Multiple Subject Teaching Credential, your service requirement may be met as either a teacher or an administrator or a combination of both.

***When do I start my professional renewal requirements?***

The renewal requirements of 150 clock-hours of professional growth and 90 days of successful service start with the issuance date of your initial five-year professional clear credential, or the issuance date of all subsequent renewals of your credential.

***What happens if I allow my credential to lapse?***

Some credential holders find it necessary to leave the education profession to raise a family or pursue another career. During the period you are away from education it is acceptable to allow the credential to lapse or become invalid. There is no penalty for allowing a credential to expire as long as you are not currently employed in a position which requires it. When you decide to return to the education profession, you may request a one-time, two-year reinstatement of the professional clear credential. During this two-year period, you must complete all renewal requirements. Activities completed while the original credential is valid, during the time the credential is lapsed, and during the two-year extension period may be counted toward the 150 clock-hours of professional growth needed for the full five-year renewal.

***I don't want to use my two-year reinstatement option. May I appeal for a one-year extension?***

There are no appeals for additional time to complete professional growth requirements. The legislation allows everyone the opportunity to have the two-year extension without question.

***Can my supervisor or master teacher also be my professional growth advisor?***

Yes. However, if your professional growth advisor also serves as your supervisor or master teacher in an employment situation, he or she must take great care not to combine an evaluation of professional growth activities completed for renewal of the permit with an evaluation of job performance as it affects your employment status.



## INFORMATION FOR PROFESSIONAL GROWTH ADVISORS

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To serve as a professional growth advisor, an individual must hold a baccalaureate degree from an accredited college or university and a valid clear, professional, professional clear, or life California teaching or services credential. Services and specialist professional growth advisors may also be postsecondary instructors in the credential holder's area in an approved credential program. Those persons who are serving as professional growth advisors in states or countries outside of California must hold valid certification applicable in the place of employment, and must be designated as an advisor by the Commission on Teacher Credentialing.

Employing agencies, such as school districts, designate certificated individuals to serve as professional growth advisors on behalf of credential holders who must fulfill the professional growth requirements. The following paragraphs outline the responsibilities and rights of professional growth advisors.

### 1. Know the requirements.

A professional growth advisor should know the contents of this manual, discuss these with the credential holder, and answer questions about them. The advisor should serve as a source of helpful information about the credential holder's obligations.

### 2. Recommend activities.

An advisor should discuss the staff development needs of the employing agency and the school with the credential holder. The advisor has a right to recommend professional growth activities and domains of activities, but does not have a right to compel the credential holder to pursue particular activities.

### 3. Advise credential holders.

An advisor should advise credential holders about their professional growth plans and activities. He or she may ask questions, make observations and suggestions, and assist credential holders in obtaining information about professional growth opportunities.

### 4. Use the standards.

An advisor has a responsibility to determine whether activities identified on a Professional Growth Plan and Record satisfy the standards that are explained on page 8 of this manual. The advisor has a right to ask a credential holder to explain how or why the planned activities satisfy the standards. If the planned activities are consistent with the standards, the advisor has a responsibility to sign item 20 on the Professional Growth Plan and Record. If one or more of the planned activities does not satisfy the standards, the advisor has a responsibility to inform the credential holder.

### 5. Include the categories of activities.

When an advisor discusses the professional growth plan with the credential holder, the advisor should indicate that the Professional Growth Plan and Record must include activities in two or more categories listed on pages 10–14 if two or more categories are not reflected in the original plan.



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**6. Initial additions to a Professional Growth Plan and Record.**

An advisor has the responsibility to initial any addition to a plan that is consistent with the standards on page 8. The advisor should initial added goals in item 10 and added activities in item 16 of the plan.

**7. Consider activities already begun before signing.**

An advisor is not required to sign item 20 on the Professional Growth Plan and Record if the credential holder has already begun one or more of the activities identified on the plan. The advisor may sign item 20 if he or she believes that the credential holder had a good reason for beginning the activities before the plan was signed.

**8. Verify time spent.**

An advisor has a responsibility to examine items 17 and 19 on a credential holder's Professional Growth Plan and Record. He or she has a right to require the credential holder to provide reasonable verification that items 17 and 19 are accurate. The actual hours spent on an activity should be recorded. Use the table on page 11 as a guide in converting course work units into clock-hours. Such records are for the use of you and your advisee and need not be sent to the Commission on Teacher Credentialing.

If a credential holder needs to change advisors before completing the activities in a signed plan, the original advisor should initial each activity in item 18 for which he or she has seen reasonable verification.

**9. Sign a Professional Growth Plan and Record.**

An advisor has a responsibility to sign item 22 on a Professional Growth Plan and Record if he or she believes all of the information is accurate, based on verification by the credential holder or a previous advisor, and the activities were identified on the professional growth plan signed by an advisor. If the Professional Growth Plan and Record does not satisfy these conditions, the advisor has an obligation to inform the credential holder.

**10. Maintain independence from performance evaluations.**

A professional growth advisor must discharge his or her responsibilities independently of any evaluation of the credential holder's performance that is conducted to determine the credential holder's employment status.



## ANSWERS TO FREQUENTLY ASKED QUESTIONS BY PROFESSIONAL GROWTH ADVISORS

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**How much time am I expected to spend with the credential holder(s) I advise?**

No time requirements are mentioned in state laws or regulations. An employing agency may set contact requirements if it chooses to do so. The Commission has estimated that each advisor will spend, on average, about five hours per credential holder each school year. Not all meetings need to be in person; interactions can be by telephone, written messages, or e-mail.

**What are the grounds for not signing item 20 on a credential holder's plan?**

As a professional growth advisor, you should sign a Professional Growth Plan and Record only if you are satisfied that all of the following are true:

1. Each proposed activity is of high quality and is consistent with the credential holder's professional growth goals as stated in the plan.
2. Each proposed activity is likely to contribute to the credential holder's competence, performance, or effectiveness in one or more of the domains of professional growth that are defined on pages 8–10 of this manual.
3. Each proposed activity fits one of the categories of activities that are defined on pages 10–14.
4. The credential holder did not commence any of the activities before applying for the professional clear credential, or for the most recent renewal of this credential.

If any of these standards are not met, do not sign the plan.

If a credential holder requests an advisor's signature or initials for an activity that he or she has already begun or completed, the advisor may sign item 20 or initial item 16, but is not required to do so.

**What are the grounds for not signing item 22 on a record?**

As an advisor, you should sign item 22 on a Professional Growth Plan and Record only if you are satisfied that the credential holder has engaged in the activities identified and spent the number of hours shown. Do not sign the record if either of these provisions do not apply.

**What does "reasonable verification" mean?**

A professional growth advisor should require a credential holder to provide evidence that he or she has engaged in a particular activity, or that the record of time spent is accurate. Reasonable verification may include (but is not limited to) products of an activity; official records of attendance; copies of notes or minutes; materials distributed at classes, workshops, conferences, or staff development programs; or other tangible records of activities. Professional growth advisors may use some discretion in requiring evidence. For example, if communication has occurred consistently between the advisor and the credential holder, less verification evidence should be necessary.

**Where do I go if I have questions about the professional growth requirements?**

If your employing agency has set up a Professional Growth Panel, its members may be a good source of information. Other professional growth advisors may also be able to answer your questions. For information about the availability of professional development activities, you may want to talk to your school district's manager of staff development. For information about the renewal requirements, you may also call or write the Commission.


**PROFESSIONAL GROWTH PLAN AND RECORD INSTRUCTIONS**

When the form is completed, submit a Renewal & Reissuance Application form (41-REN) with the self-verification section completed and the current processing fee. You do not need to submit the Professional Growth Plan and Record or the Verification of Successful Service forms with your application for renewal; however, the Commission reserves the right to request these forms for auditing purposes any time within one year following submission of the application.

*Please print or type your name as listed on your professional clear credential. If you wish to have a different name on your new credential, please indicate it on the credential application form.*

*Type or print the title and date of expiration of each credential you hold.*

*Each goal must be numbered.*



State Of California  
California Commission On Teacher Credentialing  
P.O. Box 944270  
1950 Capitol Avenue  
Sacramento, CA 94244-2700

Telephone:  
(916) 445-7254 or (888) 921-2682  
E-mail: credentials@cte.ca.gov  
Web site: www.ctc.ca.gov

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**PROFESSIONAL GROWTH PLAN AND RECORD**

Please fill out this form **completely**. Before you begin, please read the Growth Plan and Record instructions in the *Professional Growth Manual*. Make enough copies of this form to include all of the goals, activities, and amendments that you plan and complete.

**1. Name of Credential Holder:** Holder Mary Ann Credential  
Last First Middle

**2. Home Address:** 000 18th Street CA 00000  
City State Zip Code

**3. Daytime Telephone Number:** (916) 555-7254

**4. Social Security Number:** 000-00-0000

**5. Name each credential you hold:** **Expiration Date:**  
Multiple Subject Credential 7-1-01  
Administrative Services Credential 7-1-01

**6. Name each professional growth advisor who has advised you.**  
 First Advisor: John Doe Approximate Dates of Service: 7-1-94 to present  
 Credential Held: Administrative Credential Number: 93000004  
 Second Advisor: \_\_\_\_\_ Approximate Dates of Service: \_\_\_\_\_  
 Credential Held: \_\_\_\_\_ Credential Number: \_\_\_\_\_  
 Third Advisor: \_\_\_\_\_ Approximate Dates of Service: \_\_\_\_\_  
 Credential Held: \_\_\_\_\_ Credential Number: \_\_\_\_\_

**Professional Growth Plan**

7. Goal Numbers	8. Professional Growth Goals	9. Date Approved	10. Advisor's Initials
1	To seek a CLAD/BCLAD credential	.	
2	To learn new ways to communicate with parents in the school community	.	
3	To become better prepared for new leadership responsibilities in a restructured school setting	.	

(continued)

*Print or type the address where you would like the Commission to send your renewed credential.*

*Type or print the name of each professional growth advisor who has advised you, the approximate term of advisement, the title of the credential your advisor holds, and its credential number.*

*Your advisor must initial each goal.*

*Type or print your specific goals for professional growth. Your goals must contribute to your competence, performance, or effectiveness in the profession of education.*

*Your advisor must approve each new goal by writing in the date of approval.*







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 E-mail: [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov)  
 Web site: [www.ctc.ca.gov](http://www.ctc.ca.gov)

## PROFESSIONAL GROWTH PLAN AND RECORD

Please fill out this form **completely**. Before you begin, please read the Growth Plan and Record instructions in the *Professional Growth Manual*. Make enough copies of this form to include all of the goals, activities, and amendments that you plan and complete.

**1. Name of Credential Holder:** \_\_\_\_\_  
*Last* *First* *Middle*

**2. Home Address:** \_\_\_\_\_

*City* *State* *Zip Code*

**3. Daytime Telephone Number:** \_\_\_\_\_

**4. Social Security Number:** \_\_\_\_\_

**5. Name each credential you hold:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**6. Name each professional growth advisor who has advised you.**

First Advisor: \_\_\_\_\_ Approximate Dates of Service: \_\_\_\_\_

Credential Held: \_\_\_\_\_ Credential Number: \_\_\_\_\_

Second Advisor: \_\_\_\_\_ Approximate Dates of Service: \_\_\_\_\_

Credential Held : \_\_\_\_\_ Credential Number: \_\_\_\_\_

Third Advisor: \_\_\_\_\_ Approximate Dates of Service: \_\_\_\_\_

Credential Held: \_\_\_\_\_ Credential Number: \_\_\_\_\_

**Professional Growth Plan**

7. Goal Numbers	8. Professional Growth Goals	9. Date Approved	10. Advisor's Initials

*(continued)*





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## VERIFICATION OF SUCCESSFUL SERVICE Professional Service Requirement

Name: \_\_\_\_\_  
*Print or Type*

Social Security Number: \_\_\_\_\_

### **Instruction for Chief Administrative Officer or Designee of the Credential Holder's Employing Agency**

The holder of a professional clear credential must successfully complete the equivalent of full-time service for one-half of a school year during each five-year renewal cycle. For the purpose of this requirement, full-time service is defined as five hours per day. One-half of a school year is defined as 90 school days. "Successful" service means the person was not terminated for cause by the employing agency during the credential renewal period. Please check your records and complete this form by checking the appropriate box and filling in the appropriate blanks.

*I certify that the above named person has successfully completed service in the school district or other employing agency listed below for the period of time I have specified.*

Full-time teaching or other qualifying experience for a minimum of 90 school days in

\_\_\_\_\_

*List years of service (e.g., 2000-2001)*

Part-time teaching, substitute teaching, or other contractual or voluntary service on behalf of students or certificated personnel for a total of \_\_\_\_\_ days for an average of \_\_\_\_\_ hours per day in

\_\_\_\_\_

*List year(s) of service*

Other service rendered to K-12 students in alternative education settings. (Attach statement and verification letters if this box is checked.)

Service rendered in a professional capacity related to a specialist or service credential area. (Attach statement and verification letter if this box is checked.)

Verified by:

\_\_\_\_\_

*Print Name*

*Signature*

*Title*

\_\_\_\_\_

*District/Educational Institution*

*Date*

*Make additional copies if necessary*

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*Telephone:* (916) 445-7254 or (888) 921-2682  
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# 6B

## Information/Action

*Legislative Committee of the Whole*

**Analyses of Bills of Interest to the Commission**

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### AGENDA INSERT

**Executive Summary:** Staff will present analyses of educator preparation or licensing bills introduced by Legislators. The analyses will summarize current law, describe the bills' provisions, estimate its costs and recommend amendments if applicable.

Information will be provided in an Agenda Insert.

**Recommended Action:** The Commission may take a position on the measures. Positions of the Commission to consider are: Sponsor, Support, Support if Amended, Seek Amendments, Watch, Oppose Unless Amended, Oppose, or No Position.

**Presenter:** Bonnie Parks, Director, Office of Governmental Relations

**Strategic Plan Goal: 4**

**Continue effective and appropriate involvement of the Commission with policymaker's on key education issues.**

- ♦ Influence legislation regarding the preparation and certification of professional educators

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## ANALYSIS OF BILLS OF INTEREST TO THE COMMISSION

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**Bill Number:** Senate Bill 1209

**Author:** Senator Jack Scott

**Sponsor:** Senator Jack Scott

**Subject of Bill:** Implementation of recommendations by The  
Center for the Future of Teaching and Learning:  
*Status of the Teaching Profession, 2005*

**Date Introduced:** January 4, 2006

**Date Last Amended:** May 26, 2006

**Status in Leg. Process:** Assembly Desk

**Recommended Position:** Support

**Date of Analysis:** May 31, 2006

**Analysts:** Anne Padilla and Marilyn Errett

*Summary of Current Law and Summary of Current Activity by the  
Commission*

*SB 1209 would make changes to several sections of the Education Code related to the work of the Commission on Teacher Credentialing (Commission). This section of the analysis offers a summary of current law and current activity related to the following functions of the Commission:*

- Intern programs and funding;



- Teacher Examinations [California Basic Skills Test (CBEST), California Subject Examinations for Teachers (CSET) and Reading Instruction Competence Assessment (RICA)];
- The Teaching Performance Assessment (TPA);
- Professional clear credential requirements for multiple and single subject credentials: Fifth-year/beginning teacher induction program standards;
- Beginning Teacher Support and Assessment (BTSA) program and funding;
- Requirements for the education specialist credential;
- California requirements for out-of-state prepared teachers;
- Professional growth requirements for the renewal of professional clear credentials.

In addition to the functions of the Commission noted above, SB 1209 proposes new functions for the California Department of Education (CDE) including the establishment of: 1) a Certificated Staff Mentoring Program to encourage excellent experienced teachers to teach in staff priority schools and to assist teacher interns during their induction and first years of teaching; and 2) Personnel Management Assistance Teams and grant funding for alternative salary schedules to compensate teachers for the “additional responsibilities, time, and effort required to serve in challenging school settings, and reward teachers for professional growth tied to their particular assignments.”

**Intern programs and funding<sup>1</sup>:** Intern programs provide an alternative pathway for earning a credential. Intern programs are accredited by the Commission and are required to meet the Commission’s standards of program quality. Interns must first meet California’s basic skills requirement, the subject matter knowledge requirement and undergo the fingerprint and teacher fitness background check. They then complete a pre-service program covering basic teaching necessities such as classroom organization and management, reading instruction, and basic teaching techniques. They become the salaried “teacher of record” and teach while they continue coursework and receive supervision provided by mentors from the program and from the school district. Upon completion of the internship, the candidate can be recommended by the program for a preliminary credential and then move into a supported induction program. Intern programs may be offered by colleges and universities or by a school district or county office of education. The Commission administers a grant program to support intern programs.

**Teacher Examinations:**

*The California Basic Skills Test (CBEST)*<sup>2</sup>: Passage of the CBEST is required for the initial issuance of California’s teaching and services permits and credentials with the exception of those that do not require a baccalaureate degree, such as the designated subject vocational education credential. Once the examination has been passed, the candidate does not need to re-take it or provide evidence of passage for the issuance of subsequent permits or credentials.

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<sup>1</sup> Education Code sections 44325-44329, 44350-68, 44380-44386 and 44830.3

<sup>2</sup> Education Code section 44252, 44222,44830

*The California Subject Examinations for Teachers (CSET)*<sup>3</sup>: Candidates for a multiple subject teaching credential must demonstrate subject matter knowledge competence by passing a subject matter examination covering the subjects commonly taught in self-contained classrooms. Candidates for a single subject teaching credential may demonstrate subject matter knowledge by completing a Commission-approved subject matter program (usually a baccalaureate degree program with a minimum of 45 semester units in the subject and aligned with California's K-12 academic content standards) or by passing a Commission-approved subject matter examination in the subject(s) listed on their credential. The current set of examinations approved by the Commission for this purpose is the California Subject Examinations for Teachers (CSET). All CSET examinations are aligned with the state's K-12 academic content standards and frameworks. Candidates for education specialist credentials must also meet a subject matter knowledge requirement.

*The Reading Instruction Competence Assessment (RICA)*<sup>4</sup>: Passage of the reading instruction competence assessment is required for all candidates for the multiple subject teaching credential and the education specialist teaching credential. The Education Code requires the Commission to offer the examination in two forms to accommodate the testing preferences of the candidates: one testing option is a written exam and the other is a video performance option.

**The Teaching Performance Assessment (TPA)**<sup>5</sup>:

Senate Bill 2042 (Alpert/Mazzoni, Chapter 548, Statutes of 1998) requires all Preliminary Teaching Credential candidates to pass a teaching performance assessment (TPA). The purpose of this assessment is for teacher candidates to demonstrate that they have the knowledge, skills and abilities needed as a beginning teacher in California. Professional teacher preparation programs may use the California Teaching Performance Assessment (CA TPA) developed by the Commission on Teacher Credentialing or they may develop their own assessment that meets Commission standards. The use of the TPA or other assessment instrument by teacher preparation programs is currently voluntary. The Commission contracted with Educational Testing Service (ETS) in 2001-03 to develop the performance assessment tasks, benchmark cases, independent scoring cases, and training materials. The initial development work of the CA TPA system was funded by an HEA Title II federal Teacher Quality grant. The Commission does not charge for assessor training and the teacher preparation programs fund the assessor's travel expenses.

For the past three years, the Commission has conducted statewide lead assessor trainings to train faculty from the institutions that are implementing the CA TPA on a voluntary basis. Each task-specific training consists of a three day module, with an average of 30 participants in each training session. The Commission has trained to date more than 600 assessors (or about half of all assessors who will need initial training), most in all four TPA tasks. Currently, training and materials are only

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<sup>3</sup> Education Code sections 44280-44282

<sup>4</sup> Education Code sections 44283, and 44283.2

<sup>5</sup> Education Code section 44320.2

available in high demand programs: multiple subjects and single subjects, mathematics, English, science and social science. Subject specific training and materials in lower demand single subject programs such as foreign language, home economics, agriculture, physical education, music, art, still need to be developed.

**Professional clear requirements for the multiple subject and single subject teaching credentials: Fifth-year/beginning teacher induction standards<sup>6</sup>:**

Candidates for a professional clear multiple subject or single subject teaching credential are required to first hold the preliminary credential and to then complete a Commission-approved program of beginning teacher induction, if available. If a beginning teacher induction program is not available to the candidate, or if the beginning teacher is required under the federal No Child Left Behind Act to complete subject matter coursework to be qualified for a teaching assignment, the candidate must complete a "fifth-year" of graduate study that includes the study of health education, study and field experience in education services to students with exceptional needs and study of advanced computer-based technology.

**Beginning Teacher Support and Assessment (BTSA) program and funding<sup>7</sup>:**

The Beginning Teacher Support and Assessment (BTSA) program is established in law as a program jointly administered by the Commission and the California Department of Education. The program is intended to provide essential support, assessment, and feedback to beginning teachers during their critical first years in the classroom. Funding for this program is provided through the Categorical Education Block Grant in which the Teacher Credentialing Block Grant contains only the BTSA program. Funding is provided to the CDE for program administration and is intended to provide support and assessment for all beginning teachers in the state.

**Requirements for the education specialist credential<sup>8</sup>:**

The Education Code authorizes the Commission to establish specialist credentials based on a baccalaureate degree from an accredited institution of higher education and a program of professional preparation as determined by the Commission. Education specialist credentials are established through regulation by the Commission. The Commission currently issues the following education specialist credentials:

- Mild/Moderate Disabilities
- Moderate/Severe Disabilities
- Deaf and Hard of Hearing
- Visual Impairments
- Physical and Health Impairments
- Early Childhood Special Education

**California requirements for out-of-state prepared teachers<sup>9</sup>:**

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<sup>6</sup> Education Code sections 41500-41570, 44259(c) and 44279.1-44279.7

<sup>7</sup> Education Code section 44279.1

<sup>8</sup> Education Code section 44265

<sup>9</sup> Education Code sections 44274-44274.5 and 44275.3-44275.4

Current Education Code sections outline specific options and requirements for teachers prepared in other states who wish to become credentialed in California. These sections pertain to multiple subject teaching credentials, single subject credentials and education specialist credentials. Teachers with a minimum of three years successful experience in another state qualify for a preliminary credential and are required to pass CBEST within one year. Teachers with fewer than three years of experience may qualify for this option if they were prepared in a state found by the Commission to have comparable teacher preparation requirements. For professional clear credentials, teachers with fewer than five years of experience are required to complete a beginning teacher induction program and those with five or more years of experience are required to complete 150 hours of professional development. Teachers who do not fit into any of the options above and those prepared in other countries may submit transcripts to the Commission for an individual review of course work comparability.

**Professional growth requirements for the renewal of professional clear credentials<sup>10</sup>**

Individuals who earn a professional clear teaching or service credential are currently required to meet professional growth requirements every five years to renew their credential. The requirements are: one half of a school year serving in a school setting and 150 hours of individualized professional growth. Credential holders work with a professional growth advisor in the school district to determine appropriate professional goals and to identify professional growth activities. Individuals may choose from a wide variety of activities including, university course work, professional conferences and workshops, professional activities outside of normal job responsibilities and an individualized program of reading and study.

***Analysis of Bill Provisions***

**Intern programs and funding:**

SB 1209 would specify that, subject to verification and approval by an induction program director, a beginning teacher shall not be required to demonstrate that an induction standard has been met, or complete an element of an approved induction program designed to assist a candidate in mastering a given standard, if the candidate previously met the induction standard while participating in a commission-approved preparation program. Additionally, the bill proposes to establish an enhanced intern grant program to address the distribution of beginning teachers to any school district or county office of education that agrees to enrich their intern program by offering 40 additional hours of preservice that includes training of methods to address the needs of English language learners, as specified. In addition, the program would provide funding for an additional 40 hours of classroom observation, supervision, assistance and assessment by experienced teachers for all program interns, as specified.

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<sup>10</sup> Education Code sections 44277-44279

Programs that serve schools ranked in deciles 1-3 of the API would receive first priority for enhancement funding. Programs would be required to maintain a ratio of no less than one experienced teacher to five teacher interns at the same school site. To continue receiving enhanced intern program funding, a school district would need to demonstrate to the Commission that no high priority school will have a higher percentage of beginning teachers than the district wide average of beginning teachers at a school in that year.

Increased funding of up to a total of \$4,000 (\$1,500 above the current state contribution of \$2,500 per intern) may be awarded to a school district or county office of education that meets program requirements.

**Teacher Examinations:** *The California Basic Skills Test (CBEST), California Subject Examinations for Teachers (CSET), Reading Instruction Competence Assessment (RICA):*

SB 1209 proposes to allow specified scores on the Graduate Record Examination (GRE) General Test, the Scholastic Aptitude Test (SAT) Reasoning Test and the ACT Plus Writing test to satisfy the basic skills testing requirement for a preliminary credential, in lieu of a passing score on the CBEST. The bill would require the Superintendent of Public Instruction (SPI), in consultation with the Commission, to set a passing rate for the GRE, SAT and ACT by July 31, 2007.

In addition, the bill requires that by July 1, 2007, the CSET: Multiple Subjects examination be modified to assess basic writing skills. Candidates taking this modified examination would not be required to take the CBEST.

Also, SB 1209 would require the Commission to modify the CSET: English and CSET: Mathematics examinations to assess basic skills in reading, writing and mathematics by July 1, 2009. Candidates taking these modified examinations would not be required to take the CBEST. The bill would require the Commission to study and report on the feasibility of modifying all other existing CSET Single Subject examinations to include basic skills in reading, writing, and mathematics no later than July 1, 2009.

Finally, SB 1209 would require the Commission to study the feasibility of incorporating the RICA examination into the Teaching Performance Assessment and report to the Governor and Legislature by July 1, 2009.

**The Teaching Performance Assessment (TPA):**

SB 1209 would require that the TPA be instituted as a statewide requirement for teacher preparation programs beginning July 1, 2008. Currently, the assessment is being used voluntarily at a number of teacher preparation programs. Statewide implementation of the TPA will require that the Commission provide training and materials for all program assessors, as required in statute. In addition, the

Commission will need to develop subject-specific training, validate the TPA and oversee the administration of the assessment.

**Professional clear credential requirements for multiple and single subject credentials: Fifth-year/beginning teacher induction standards**

The bill recasts requirements for professional clear credential programs to focus on application of knowledge and skills previously acquired in a preliminary credential. SB 1209 proposes to delete references to “the study of” specific subjects in favor of applied knowledge and skill in the areas of health, mainstreaming, and advanced computer-based technology.

**Beginning Teacher Support and Assessment: program review and program funding:**

SB 1209 requires that by December 1, 2007, the SPI and the Commission report on the current status of the BTSA system. The report at a minimum is to review the articulation of teacher preparation programs and teacher induction programs to eliminate duplicative requirements and address the following:

- Revisions to laws, regulations or policies to eliminate duplicative requirements between teacher preparation and teacher induction programs, with particular attention paid to eliminating duplication between induction requirements and requirements for completion of state-approved alternative certification programs;
- Revisions to the system to ensure that teacher credential candidates achieve teaching competence and programs use best practices to transition candidates from teacher preparation programs to induction programs;

By July 1, 2008, the SPI and the Commission is to review and revise (as necessary) the *Standards of Quality and Effectiveness for Professional Teacher Induction Programs of March 2002* and ensure that these standards address the application of knowledge and skills previously acquired in a preliminary credential program and to remove any requirements or activities that require candidates to duplicate the acquisition of knowledge through coursework. The SPI and the Commission are also charged with revising the formative assessment system, as necessary.

The measure would also modify the current block grant funding by allowing for changes based on the number of program participants. In addition, SB 1209 specifies that a candidate may participate in the program for up to two years.

**Requirements for the education specialist credential:**

SB 1209 requires the Commission to report to the Legislature and the Governor on the current process and requirements for obtaining a specialist credential in special education and recommend modifications to enhance and expedite these procedures, by December 1, 2007.

**California requirements for out of state prepared teachers:**

SB 1209 proposes to streamline the options available to out-of-state prepared teachers by directing the Commission to issue a five-year preliminary credential to a teacher who meets the following requirements:

- Earned or qualified for a teaching credential in a state other than California. (Multiple subject, single subject or education specialist teaching credential.)
- Meets California requirements for fingerprint and character and identification clearance.

The measure would delete the California Basic Educational Skills Test (CBEST) requirement for out-of-state prepared teachers as a credentialing requirement, but would require the employing school districts to ensure that the teachers either passed a basic skills test in the state in which they originally earned their credential or that they pass a basic skills test administered by the employing school district.

To simplify the options for earning a professional clear teaching credential and to ensure that teachers are prepared to educate students who are English learners, SB 1209 would require the following:

*For teachers with less than two years of out-of-state teaching experience --*

- Complete a Commission-approved beginning teacher induction program, or for the education specialist credential, a Level II education specialist credential program.
- Earn an authorization to teach English learners.

*For teachers with two or more years of out-of-state teaching experience –*

- Complete 150 hours of professional development.
- Earn an authorization to teach English learners.

If an out-of-state teacher meets these requirements based on course work completed out-of-state when first applying for a credential in California, the measure directs the Commission to issue a professional clear credential instead of a preliminary credential.

Education Code section 44274.5 pertaining to teachers prepared in other countries is up-dated for technical reasons in SB 1209.

**Professional growth requirements for the renewal of professional clear credentials:**

Education Code sections 44277 through 44279, outlining the professional growth requirement for the renewal of professional clear teaching and service credentials, are deleted in SB 1209. Instead, professional growth would become the responsibility of the local education agency.

The measure would retain the five-year validity period of professional clear credentials and would retain the update on the background check for renewal.

### ***Analysis of Fiscal Impact of Bill***

The May Revision of the Governor's Budget set aside \$20 million to implement the provisions of SB 1209.

### ***Analysis of Relevant Legislative Policies by the Commission***

The following Legislative policies apply to this measure:

5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms which it previously has adopted, and opposes legislation that would undermine initiatives or reforms which it previously has adopted.

### ***Organizational Positions on the Bill***

#### **Support<sup>11</sup>:**

Asian Pacific Islander Youth Promoting Advocacy and Leadership  
California ACORN (Association of Community Organizations  
for Reform Now)  
California State University  
Community Asset Development Re-defining Education (CADRE)  
PICO California  
Public Advocates

#### **Opposition**

None

### ***Reason for Suggested Position***

SB 1209 is based on many of the same educational principles that are held by the Commission: support of new teachers, strengthening professional requirements, streamlining the credentialing process and bringing new understanding to issues related to teaching, and ensuring that all students have access to well-prepared teachers. For this reason, staff is recommending a SUPPORT position on SB 1209.

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<sup>11</sup> Senate Floor Analysis, May 26, 2006





[SDCOE Home](#)

[Student Services Home](#)

[Desig. Sub. Cred. Home](#)

# Designated Subjects Credential Program

## Menu

- [How Do I Find a Job?](#)
- [Teaching ROP/CTE](#)
- [Teaching Adults](#)
- [Teaching ROTC](#)
- [Supervision & Coordination](#)
- [Early Orientation](#)
- [US Constitution Exam](#)
- [Coursework Information](#)
- [Help! I Need an Extension](#)
- [Clearing my Credential](#)
- [Mentors & Partners](#)
- [General FAQs](#)
- [Forms](#)
- [Contact Us](#)

## Supervision & Coordination



### Important Links:

- [Supervision & Coordination Application Materials](#)
- [Supervision & Coordination Credential Requirements](#)

Supervision and Coordination credentials are used to provide services in Designated Subjects programs in some school districts. This credential authorizes the holder to supervise and coordinate subjects and classes in all types of Designated Subjects programs. This credential does not authorize the holder to supervise teachers. An Administrative credential is required to do so. The CCTC website has more information about the **Administrative** credential. It is important to remember that the Supervision & Coordination credential is not utilized in all districts.

All employment decisions (including: but not limited to, hiring, the employment process, and salary schedules) are made locally by individual school districts. To inquire about employment in any school district, please contact the administrator in the school district(s) for which you wish to teach.

Once you are offered a position, the school administrator will refer you to a Credential Technician in their Human Resources department. That technician will assist you with your employment paperwork and your credential paperwork at the same time. If you wish to apply for a credential without the benefit of securing a position first, you will apply directly with our office.

Review the credential requirements and when you are ready to apply for your credential, please click the link above for Application Materials. That page contains all the application materials necessary to apply. You will turn in your packet directly to staff in your employer's Human Resources Department. Ask them to forward your application to our office.

**COMMISSION ON TEACHER CREDENTIALING**

1900 Capitol Avenue

Sacramento, California 95814-4213

Certification, Assignment and Waivers Division

(916) 445-7254 Web Site: <http://www.ctc.ca.gov>E-Mail: [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov)

OFFICE OF THE EXECUTIVE DIRECTOR

(916) 445-0184

00-0020

DATE: July 21, 2000

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

FROM: Sam W. Swofford, Ed.D.  
Executive Director

SUBJECT: Proposed Addition of Section 80016 of Title 5, California Code of Regulations, Pertaining to Certificates of Completion of Staff Development (SB395)

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulation is attached. The added text is underlined. The public hearing is scheduled on:

September 7, 2000

11:00 a.m.

California Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95814

**Statement of Reasons**

Education Code §44253.10 was amended by Senate Bill 395 (Hughes), Chaptered October 10, 1999 (Chapter 685), which became effective on January 1, 2000. This requires the Commission to issue a certificate based on the completion of staff development that authorizes the holder to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students. The following discusses the proposed regulation, Title 5 §80016, which will clarify the requirements and the authorizations for the certificate and also will establish the application fee for this document at \$45.

§80016(a)

The proposed sub-section (a) establishes the requirements for the Certificate of Completion of Staff Development as follows:

1. Education Code §44253.10(a) mentions that this Education Code applies to "a teacher with a basic teaching credential." Proposed §80016(a)(1) requires the individual to hold a valid basic teaching credential as defined in Education Code Section 44253.10(a)(1). This definition gives two options for basic teaching credential. The first option is a teaching credential that requires a baccalaureate degree from a regionally accredited institution and completion of a teacher education program, including student teaching. The other option is a clear, full-time designated subjects teaching credential for individuals who also hold a baccalaureate degree from a regionally accredited institution and have passed the CBEST.
2. Education Code Section 44253.10(a)(1) requires that the teacher be a "permanent employee" by January 1, 1999, or meet one of two other employment status requirements. This proposed sub-section reiterates that requirement. It also allows the teacher to self-verify this information, under penalty of perjury, but the Commission maintains the right to authenticate it.
3. The individual must also complete a Commission-approved staff development program offered by a school district, county office of education, institution of higher education, or other agency. The program will cover the methods of specially designed content instruction delivered in English (SDAIE) or English language development (ELD), or a combination of both methodologies. To obtain Commission-approval, the program must meet the criteria established in Title 5 Sections 80680-80690.1. The complete program consists of two courses, and the authorization of the certificate is based on a combination of the individual's background and the course completed. If both courses are taken, they must be completed in a specific sequence.

As set forth in Education Code §44253.10(b), the initial 45 clock-hour course may cover either SDAIE or a combination of SDAIE and ELD methodology. Individuals who complete this course are authorized to teach using SDAIE methodology in the areas of their basic credential and to teach using ELD methodology in a departmentalized setting in the areas of their basic credential. The course must be completed by January 1, 2005. Individuals who complete this course and have 9 years of teaching experience plus experience or training in teaching English language learners are also authorized to teach using ELD methodology in a self-contained setting. This subsection also allows the teacher to self-verify the experience and possible training, under penalty of perjury, and gives the Commission the right to authenticate this information.

As set forth in Education Codes §44253.10(d)(4)(B), which references §44253.10(b), the second 45 clock-hour course may also cover either SDAIE or a combination of SDAIE and ELD methodology. This must be completed within three years after completing the initial course. This authorizes the individuals to teach using ELD methodology in a self-contained setting.

4. To apply for the certificate, an individual must submit all of the following:
  - a. A completed Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00). This is a revision of the May 1998 version found in Title 5 §80027(b)(3)(A) regarding Limited Assignment Emergency Multiple or Single Subject Teaching Permits. The following changes were made to this application form.
    - A. Page i of the instructions: The Commission's office moved in December of 1998. Our new address is now listed at the top of the application and in the second paragraph of Section 1: Personal Information.
    - B. Page ii of the instructions: Certificate of Completion of Staff Development has been added to the last column of the list of credential titles. Two changes were made under Section 4: Personal and Professional Fitness. In the second paragraph, the individual is now asked to disclose all criminal convictions, rather than just those that occurred within the last 5 years, because none of the Education Code sections 44420 through 44440 establish a five-year statute of limitation. The type of conviction was also clarified with the addition of "(misdemeanors and felonies)." Additionally, the Warning at the end of Section 4 has been revised and no longer limits the Commission's actions to "revocation" of credentials currently held when false or deceitful answers are give to the Personal and Professional Fitness questions. It has been expanded to a more general "adverse action" that also includes suspension, public removal, private admonishment, and denial as provided in Education Code §44421.
    - C. Page iii of the instructions: "Under penalty of perjury" in Section 5: Oath and Affidavit has been clarified to indicate that it is governed by the laws of California.
    - D. Page 1 of the application: Our new address is noted at the top, and, as indicated in the instructions, the social security number is noted as optional.
    - E. Page 2 of the application:
      - In question 4(a) of the Personal and Professional Fitness section, retired, non-re-elected, and suspended for more that 10 days have been added to the reasons for leaving school employment to comply with the California Code of Regulations, Title 5 §80303, which sets out this language.
      - Question 4(c) has been modified to include not only current inquires or investigations by any licensing or law enforcement agencies but also any in the past. This change provides a broader background check on the applicant's fitness to hold a credential. "In California or any other state" has also been added to alleviate any confusion regarding the location of the investigation.
      - With regard to question 4(f), the "denied" language is removed because denials do not apply to holders, only to applicants. Denial is appropriately found in question 4(g). The "within the past three years" language was removed because it resulted in confusion. Applicants applied the three-year limit to all actions in the sentence rather than just the private admonition. This caused disciplinary review for failure to disclose pursuant to Education Code §44345(g). The "self-revoked" language was added because individuals under disciplinary review would attempt to bypass review with a request to self-revoke the document. Although self-revocation is permissible, the Commission retains jurisdiction to conduct a disciplinary review and take adverse action in appropriate cases. Disclosure of a self-revocation maintains the broad review required for background fitness checks of applicants. The phrase "for cause" was added so individuals will respond only in cases regarding professional fitness and not academic qualifications. The addition

- of "for cause" also made it consistent with question 4(g).
- The last change on page 2 is in the Section 5: Oath and Affidavit. "Under penalty of perjury" was added to indicate that the laws of California govern this.
- b. A completed Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00). This form, also noted in the proposed subsection 80016(a)(3), was newly established to aid approved entities in verifying completion of the specific course. The approved agency must identify themselves, including the unique identifying "county-district-school" (CDS) code established by the State Department of Education. The name of the individual who completed the course must be listed, and, for identifying purposes, the social security number is requested. This additional information is needed because many times we have individuals with the same name. As an example, the Commission has over 95 Maria Garcia's in their computer files. In the next section, the entity only needs to check the appropriate course that the individual has completed. Following this, is a list of enclosures that will assist the individual in assembling their application packet. Last, is a place for the entity's authorized staff member to sign, verifying that the individual completed the course previously noted. A copy of this form follows the text of the proposed regulations.
  - c. Self-verification of employment-status and, if appropriate, experience. Self-verification by the individual applicant is noted in the proposed sections 80016(a)(2) and (3)(C)(1).
  - d. A fee of forty-five dollars. Education Code §44253.10(f)(2) allows the Commission to charge a fee not to exceed \$45. Because this is a relatively small project, it is projected that this amount will cover the costs involved to review the existing standards, determine if the staff-development programs meet the standards, create computer programs to issue and report on the documents, and address the additional workload. Because of the uniqueness of this certificate, the fee is \$10 less than the regular application.

#### §80016(b)

The proposed sub-section (b) establishes that the Certificate of Completion of Staff Development is valid as long as the individual's basic teaching credential remains valid.

#### **Documents Relied Upon in Preparing Regulations**

- Commission Fiscal Analysis

**Documents Incorporated by Reference**

The following two forms are incorporated by reference:

- Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00)
- Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00)

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on September 6, 2000.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

**Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission, attention Executive Office, at 1900 Capitol Avenue, Sacramento, California 95814, so it is received at least one day prior to the date of the public hearing.

**Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Yvonne Novelli at (916) 445-5865 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**Modification of Proposed Actions**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Yvonne Novelli, at (916) 445-5865. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00), which is incorporated by reference. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

**Division VIII of Title 5 of the California Code of Regulations**  
**Proposed Addition of Section 80016,**  
**Pertaining to Certificates of Completion of Staff Development**

**INITIAL PROPOSED REGULATIONS**

Section 80016. Certificates of Completion of Staff Development to Teach English Language Development and/or Specially Designed Academic Instruction Delivered in English to Limited-English-Proficient Students

- (a) Applicants for a Certificate of Completion of Staff Development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students must meet the following requirements:
- (1) hold a valid basic teaching credential as defined in Education Code Section 44203(e);
  - (2) by January 1, 1999, meet the employment status criteria described in Education Code Section 44253.10(a)(1) as verified by the teacher under penalty of perjury and subject to audit by the Commission;
  - (3) complete one of the following staff development programs in methods of specially designed content instruction delivered in English or English language development, or both, as specified, that has been determined by the Commission to meet the guidelines and standards established in Sections 80680-80690.1, prior to January 1, 2005, and submit verification by the school district, county office of education, college or university, or other approved agency, whose program has been approved by the Commission, on the Recommendation for Certificate of Completion of Staff Development form (41-395 rev. 5/00) provided by the Commission:
    - (A) To provide specially designed content instruction delivered in English as defined in Education Code Section 44253.2(b) to students in a class or subject authorized by the applicant's basic teaching credential: 45 clock hours in either specially designed content instruction delivered in English or in a combination of specially designed content instruction delivered in English and English language development.
    - (B) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a departmentalized class in the subject and grade authorized by the applicant's basic teaching credential: the same 45 clock hours in specially designed content instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.
    - (C) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a self-contained classroom, either 1. or 2. below:
      1. nine years of experience in California public schools verified by the teacher under penalty of perjury and subject to audit by the Commission, experience or training in teaching limited-English-proficient students as described in Title 5 Section 80689.2(a)(2) verified by the teacher under penalty of perjury and subject to audit by the Commission, and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language

- development, completed for subsection (A) above.
2. fewer than nine years of experience in California public schools or insufficient experience or training in teaching limited-English-proficient students to meet the requirements of subsection (a)(3)(C)1. above and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above, plus, within three years of completing the staff development in subsection (A) and before January 1, 2008, an additional 45 clock hours in English language development, or combination of specially designed content instruction delivered in English and English language development.
- (4) Submit a completed Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00), verification of completion of the above requirements, including the Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00) and employment-status and experience self-verifications, and a fee of forty-five dollars.
- (b) Period of validity: The Certificate of Completion of Staff Development shall remain valid as long as the basic teaching credential, defined in (a)(1), remains valid.

---

NOTE: Authority cited: Sections 44225(q) and 44253.10, Education Code. Reference: Sections 44203(e), 44253.2, and 44253.10, Education Code.



State of California  
California Commission on Teacher Credentialing  
Box 944270  
Sacramento, CA 94244-2700

**Recommendation for a  
Certificate of Completion of Staff Development**

***NAME OF RECOMMENDING DISTRICT, COUNTY, IHE OR AGENCY:***

\_\_\_\_\_ CDS Code if Applicable\_\_\_\_\_

*This is to certify that the individual identified below has completed Commission-approved staff development or coursework through this agency as indicated below.*

***APPLICANT:***

Name 

--	--	--

  
First Middle Last

Social Security Number 

	-		-	
--	---	--	---	--

  
(FOR FILE IDENTIFICATION PURPOSES ONLY-OPTIONAL)

***STAFF DEVELOPMENT:***

- 1. The applicant has completed 45 clock hours of approved staff development or 3 semester/4 quarter units of approved course work in methods of providing specially designed academic instruction delivered in English or a combination of specially designed academic instruction delivered in English and English language development.
  
- 2. Within three years after completing the requirements in 1 above, the applicant has completed an additional 45 clock hours of approved staff development or an additional 3 semester/4 quarter units of approved course work in methods of providing specially designed academic instruction delivered in English and English language development.

***ENCLOSURES:***

- Verification of the applicant’s employment status as described in Education Code Section 44253.10(a)(1) as of January 1, 1999, provided by the applicant under penalty of perjury and subject to audit by the Commission.
  
- When applicable, verification of nine years of teaching experience, including experience or training in teaching limited-English-proficient students, provided by the applicant under penalty of perjury and subject to audit by the Commission.

***AUTHORIZED SIGNATURE:***

Signature\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_

STATE OF CALIFORNIA

GRAY DAVIS, Governor

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

Box 944270

Sacramento, California 94244-2700

(916) 445-7254 Web Site: <http://www.ctc.ca.gov>

E-Mail: [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov)



Attn.: Sam Swofford, Ed.D.  
Executive Director

Title: Certificates of Completion of Staff  
Development (SB395)  
Section Nos.: 80016

**Response to the Attached Title 5 Regulations**

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission, attention Executive Office, at the above address by 5:00 pm on September 6, 2000, in order that the material can be presented at the September 7, 2000 public hearing.

- 1.  **Yes**, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
- 2.  **No**, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3.  Personal opinion of the undersigned. and/or
- 4.  Organizational opinion representing: \_\_\_\_\_  
(Circle One) School District, County Schools, College, University, Professional Organization, Other
- 5.  I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- 6.  No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

route to yn



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# Standards of Quality and Effectiveness for Administrative Services Credentials



JANUARY 2004

CALIFORNIA  
COMMISSION  
ON TEACHER  
CREDENTIALING



January 2004

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California Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95814  
(916) 445-7254  
(916) 445-7256  
(888) 921-2682 (toll free)

This handbook is available  
on the World Wide Web  
<http://www.ctc.ca.gov/>

**Standards of Quality and Effectiveness  
for  
Administrative Services Credentials**

**Handbook for Teacher Educators  
and Accreditation Team Members**

**California Commission on Teacher Credentialing**

**2004**

# **Standards of Quality and Effectiveness**

**for**

## **Administrative Services Credentials**

**Including**

**Preliminary Credential**

**Preliminary Internship Credential**

**and**

**Professional Clear Credential**

**California Commission on Teacher Credentialing**

**Sacramento, California**

**Preliminary Standards adopted May 2003**

**Professional Clear Standards and Guidelines adopted November 2003**

# CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

January 2004

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Elaine C. Johnson, Vice Chair	Public Representative
Kristen Beckner	Teacher
Beth Hauk	Teacher
Steve Lilly	Faculty Member
Leslie Littman	Designee, Office of the Superintendent of Public Instruction
Os-Maun Rasul	Non-Administrative Services
Alberto Vaca	Teacher

## Ex Officio Representatives

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Sara Lundquist	California Postsecondary Education Commission
Athena Waite	Regents, University of California
Bill Wilson	California State University

## Executive Officer

Dr. Sam W. Swofford	Executive Director
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# The Committee on Accreditation

## January, 2004

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Calif. State Polytechnic Univ., Pomona
- Diane Doe, Teacher  
Peer Assistance and Review  
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Ontario-Montclair School District
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- Michael Watenpaugh  
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Cotati-Rohnert Park Unified School District

### **Committee Support Staff (California Commission on Teacher Credentialing)**

- Beth Graybill, Interim Director, Professional Services Division
- Lawrence Birch, Administrator of Accreditation, Professional Services Division
- Philip A. Fitch, Consultant, Professional Services Division
- Teri Ackerman, Analyst, Professional Services Division
- Marla Miles, Secretary, Professional Services Division

**Administrative Services Credential Design Team**  
**California Commission on Teacher Credentialing**  
**2002-2003**

Name	Position	Institution
Leslie Anderson	Staff Development Director	Association of California School Administrators
Sonny DaMarto	Superintendent	Burlingame School District
Robert Donmoyer	Professor of School Leadership	University of San Diego
Donna Dreith	Teacher	Riverdale Joint Unified School District
Kathy Falco	Teacher	Stockton Unified School District
Theresa Gomez	Parent	California Parent Teacher Association
Delores Lindsey	Professor of Educational Administration	Pepperdine University
Randall Lindsey	Professor of Educational Administration	Pepperdine University
Jose Lopez	Professor of Educational Leadership	California State University, Hayward
Nick Salerno	Assistant Superintendent	El Monte Union High School District
Laserik Saunders	Principal	San Diego Unified School District
David Stine	School Board Member	San Bernardino County Board of Education
Lynda Tredway	Director, Principal Leadership Institute	University of California, Berkeley
Mike Whisenand	Assistant Superintendent	Alta Loma School District
Wayne Yamagishi	Principal (Retired)	Piner-Olivet Union School District
Tom Zach	Director, Human Resources	Pacifica School District

---

Commission Consultants to the Design Team:

Mary Vixie Sandy and Jim Alford

Commission Secretary to the Design Team:

Carol Roberts



# Table of Contents

## Overview of the Handbook for Administrative Credential Programs

Contributions of the Design Team.....	1
Introduction.....	1
Description of the Handbook.....	1

## Part 1: Introduction to the Standards for Administrative Preparation

Foreword .....	3
Administrator Preparation: Introduction by the Administrative Services Design Team.....	3
A Brief History on the Administrative Services Credential.....	5
The Structure of the Administrative Services Credential .....	7
A. Preliminary Administrative Services Credential.....	7
B. Professional Clear Administrative Services Credential .....	8
C. Renewal of the Professional Clear Administrative Services Credential .....	9
Internship Programs for the Preparation of School Administrators .....	9

## Part 2: Key Concepts in California’s Educator Preparation Program Standards and Approval Structure

Major Types of Accreditation Standards .....	11
Principles Guiding the Development of the Commission’s Standards .....	11
Guidelines for Assuring Quality in Program Design.....	13
Definitions of Key Terms.....	13

## Part 3: Common Standards

Common Standards .....	15
Standard 1 Education Leadership.....	17
Standard 2 Resources .....	18
Standard 3 Faculty .....	19

Standard 4	Evaluation.....	20
Standard 5	Admission .....	21
Standard 6	Advice and Assistance .....	23
Standard 7	School Collaboration .....	25
Standard 8	District Field Supervisors .....	27

## **Part 4: California Standards of Quality and Effectiveness for Preliminary Administrative Services Credential Programs**

California Preliminary Administrative Services Credential Program Standards .....	29
Preconditions for the Approval of Administrative Services Credential Programs .....	31
General Preconditions Established by the Commission.....	33
General Preconditions Established by State Law.....	34
Specific Preconditions for the Preliminary Administrative Services Credential .....	35
Preconditions Established in State Law for Internship Programs.....	36
Specific Preconditions Established by the Commission for Internship Programs.....	36

### **Preliminary Credential Program Standards**

Category I	Program Design, Coordination and Curriculum.....	37
Standard 1	Program Rationale and Design.....	37
Standard 2	Program Coordination .....	39
Standard 3	Development of Professional Perspectives.....	40
Standard 4	Equity, Diversity and Access .....	41
Standard 5	Role of Schooling in a Democratic Society.....	43
Standard 6	Opportunities to Learn Instructional Leadership .....	44
Category II	Field Experiences in the Standards.....	49
Standard 7	Nature of Field Experiences .....	49
Standard 8	Guidance, Assistance and Feedback.....	50
Category III	Standards of Candidate Competence and Performance.....	51
Standard 9	Assessment of Candidate Competence .....	51
Standard 10	Vision of Learning .....	53
Standard 11	Student Learning and Professional Growth.....	54
Standard 12	Organizational Management for Student Learning.....	55
Standard 13	Working with Diverse Families and Communities .....	56
Standard 14	Personal Ethics and Leadership Capacity.....	57
Standard 15	Political, Social, Economic, Legal and Cultural Understanding .....	58

## **Overview: Program Types and Approval Procedures for Professional Clear Administrative Services Credential Programs**

Standards-based Program Accredited by the Commission.....	59
Demonstration of Mastery of Fieldwork Performance Standards.....	59
Guidelines-based Program Approved by the Commission.....	60
Entities Authorized to Submit Program Proposals.....	60

## **Part 5: California Standards of Quality and Effectiveness for Professional Clear Administrative Services Credential Programs**

Preconditions for Professional Clear Administrative Services Credential Programs.....	63
---	----

Category I	Program Design and Curriculum.....	65
------------	------------------------------------	----

Standard 1	Program Design, Rationale and Coordination.....	65
Standard 2	Design of the Professional Credential Induction Plan.....	67
Standard 3	Curriculum Content.....	68
Standard 4	Scope and Delivery of the Professional-Level Curriculum .....	69
Standard 5	Curricular Individualization.....	70

Category II	Support and Mentoring Plan.....	71
-------------	---------------------------------	----

Standard 6	Provision of Mentoring Experiences.....	71
Standard 7	Mentor Qualifications.....	72

Category III	Candidate Competence and Performance.....	73
--------------	---	----

Standard 8	Expectations for Candidate Performance .....	73
Standard 9	Assessment of Candidate Competence.....	74

## **Part 6: Program Provider Guidelines for Alternative Professional Clear Administrative Services Credential Programs**

Guideline 1	Program Design and Coordination.....	77
Guideline 2	Evaluation of Program Quality.....	78
Guideline 3	Initial Assessment of Candidate Competence.....	79
Guideline 4	Individualized Mentoring Plan.....	80
Guideline 5	Provision of Mentoring, Support and Assistance.....	81
Guideline 6	Mentor Qualifications and Assignment .....	82
Guideline 7	Assessment of Candidate Competence.....	83



# Overview of the Handbook for Administrative Services Credential Programs

## Contributions of the Design Team

The California Commission on Teacher Credentialing is indebted to the Administrative Services Credential Design Team for the assistance provided in the study of administrator preparation and the successful creation of the *Standards of Program Quality and Effectiveness for Administrative Credential Programs*. The Commission believes strongly that the standards in this handbook establish a foundation for high quality school leadership for California's public schools.

## Introduction

The Commission issues Administrative Services Credentials to individuals who demonstrate competence in California's standards for school leadership through completion of a Commission-approved administrator preparation program or an alternative route authorized by California law. The Administrative Services Credential authorizes the holder to provide the following services in grades 12 and below, including preschool, and in classes organized primarily for adults:

- Develop, coordinate, and assess instructional programs;
- Evaluate certificated and classified personnel;
- Provide student discipline, including but not limited to suspension and expulsion;
- Provide certificated and classified employee discipline, including but not limited to suspension, dismissal, and reinstatement;
- Supervise certificated and classified personnel;
- Manage school site, district, or county level fiscal services;
- Recruit, employ, and assign certificated and classified personnel;
- Develop, coordinate, and supervise student support services, including but not limited to extracurricular activities, pupil personnel services, health services, library services, and technology support services.

An individual **must** hold an Administrative Services Credential to provide the following services in grades preschool, K-12 and adults:

- Evaluate the quality and effectiveness of instructional services at the school site level;
- Evaluate certificated personnel employed at the school site level, with the exception of the site administrator;
- Student and certificated personnel discipline at the school site level.

## Description of the Handbook

This handbook has been prepared for use by program sponsors for initial accreditation of Administrative Services Credential programs and by accreditation teams for ongoing evaluation of programs. **Part 1** of the handbook presents background information about the development of standards for Administrative Services Credential programs and the conception of school



administration in California that guided the work of the Administrative Services Credential Design Team. **Part 2** defines key terms and concepts used in the development and implementation of the state’s educator preparation program approval structure. **Part 3** provides the **Common Standards** of program quality and effectiveness that apply to all credential programs. For each of the Common Standards, “Questions to Consider” have been developed to assist accreditation team members and program sponsors. **Part 4** of the handbook includes the **Preconditions** and **Program Standards** to which program sponsors respond when submitting program documents for Preliminary Administrative Services and Preliminary Administrative Services Programs with an Internship. These Program Standards include both a general statement of each standard and required elements contained within the standard. Both the standards and their elements will be used as guides for initial accreditation and ongoing program accreditation, so all standards and elements must be addressed in a program’s design. Program sponsors are encouraged to re-conceptualize the elements in the form of questions to assist in the preparation of self-study reports. The **Preconditions** established by State law or Commission policy that must be met as a prerequisite to program accreditation appear in this handbook just before the program standards. **Part 5** includes the **Preconditions** and **Program Standards** to which program sponsors respond when submitting Standards-based Professional Clear Administrative Services program documents through the Commission’s traditional process. **Part 6** provides Commission-adopted guidelines for the approval of the alternative Guidelines-based Professional Clear Administrative Services program option established in 2003.

The Common Standards were adopted by the Commission through the *Accreditation Framework*. The “Questions to Consider” were developed by the Committee on Accreditation. The Program Standards, Program Guidelines, Required Elements, Factors to Consider, and Preconditions have all been adopted by the Commission. The Commission is grateful to all of the members of the profession who participated in the development of these standards and guidelines.

The Common Standards in this handbook have not changed since the handbook was last published in 2001. The program standards, however, have changed significantly. The new program standards address the Commission’s objective to establish instructional leadership as the focus of California school administrator preparation as reflected in both state and national standards for school administrators. The California Professional Standards for Educational Leaders (CPSEL) adapted from the national administrator standards created by the Interstate School Leaders’ Licensure Consortium (ISLLC) now form the centerpiece for curriculum development for California’s administrator preparation programs, as reflected in this handbook. This handbook now replaces earlier documents describing standards and preconditions for Administrative Services Credential programs. Earlier versions of the standards should be discarded.

## **Part 1**

### **Administrator Preparation in California**

#### **Foreword**

The Commission is the agency of California government that certifies the competence of teachers and other professionals who serve in the public schools. As a policymaking body that establishes and maintains standards for the education profession in the state, the Commission is concerned about the quality and effectiveness of the preparation of teachers, administrators, and other school practitioners. A key responsibility of the Commission is to establish and implement strong, effective standards of quality for the preparation and assessment of future educators and school leaders. The Commission's policies are based on the premise that the status of credential preparation programs should be determined on the basis of standards of program quality and effectiveness and that education professionals should help to define and interpret those standards based on their knowledge of the field.

The Commission considers the preparation of school administrators to be critically important to the success of students. The changing demands of school management and new expectations for school leadership call for carefully designed, comprehensive preparation programs and ongoing attention to continued professional development and renewal. The standards contained in this document were adopted by the Commission after a comprehensive review of current preparation programs, extensive consultation with the field, and thoughtful consideration of the future needs of schools.

#### **New Standards for Administrator Preparation: Introduction by the Administrative Services Credential Design Team**

The work of a school administrator is complex and demanding. Administrators for the 21st century need to be effective leaders who are able to manage successfully in California's many varied and diverse communities. They should know and understand their schools and communities, exert leadership to achieve positive educational outcomes, and continue to develop and grow in their own professional expertise. These high expectations for future school leaders are predicated in the ongoing consideration of how administrators are prepared, how they are initiated into their profession in the early years of practice, and how they engage in continuous professional growth and renewal.

The newly configured design for administrator credentialing utilizes this continuum of development for the school administrator and provides candidates with options previously unavailable. The Preliminary Administrative Services program is designed to prepare persons for administrative responsibilities in a variety of educational settings and contexts. The Professional Clear Administrative Services Credential program is intended to be an induction experience for beginning administrators that provides mentoring, ongoing support, and professional development targeted to the individual candidate's assessed needs. Ongoing credential renewal

requirements recognize the need for administrators to remain professionally current and to select and engage in activities that improve their own practice.

The professional development of school administrators begins with a well-designed initial preparation program. Prospective administrators need a grounding in the principles of leadership practice and a broader understanding of the world of schooling than is typically provided in the best of teacher preparation or that which is gained through professional practice. A strong conceptual knowledge of how students learn, and the leadership and management actions necessary to support student learning, are basic to the preparation of school administrators. Candidates in this new design of administrator preparation will develop a professional perspective by examining contemporary leadership practices and school policies in relation to fundamental issues, theories and research in education that support student learning. They will have in-depth fieldwork experiences to connect their learning to practical situations. Field experience will be designed to apply knowledge and skills in providing effective learning environments for the students and schools served. Field experiences should acquaint candidates with a wide range of leadership and administrative responsibilities, provide opportunities for acquiring and developing leadership and administrative skills, and result in significant learning about the work of school administrators in support of student learning.

A strong preservice program provides a necessary foundation in preparing candidates for the difficult and challenging work of leading schools in our many and varied communities. However, much of the learning needed to perform effectively as a school administrator occurs during the early years of service, as the new administrator begins to confront and reflect upon problems in practice. A planned induction program for beginning administrators can provide the assistance, support, and on-the-job training that can markedly enhance the performance of the new administrator during these important early years of administrative practice.

The professional phase of administrator preparation begins only after employment in an administrative position. In this revised design, the candidate has many options for completing this credential, which vary from university to professional organization to local school agency programs. Whichever option the candidate selects, the program is individually designed to meet the candidate's assessed needs, interests and long-term career goals. A formal plan for professional induction is developed by the candidate, the credential supervisor, and a district mentor. Full participation by all parties will improve the planning, implementation, and evaluation of the candidate's experiences.

Assessments of candidate performance play a key role in this new design. Multiple and varied assessments will occur at multiple points in the candidate's progress through both levels of preparation. These assessments will measure progress, help the candidate reflect on learnings, guide revisions to the professional development plan, and lead to informed decisions about administrative competence and proficiency in support of student learning.

Collaboration of all parties who have an interest and stake in administrator preparation and professional development is crucial in order for this newly defined model of preparation to develop leaders who are able to serve the needs of students in California schools. There are many roles to play and a variety of contributions to be made to administrative preparation and professional development.

Administrators who complete programs of professional preparation designed to meet the standards in this document will be well prepared to lead California schools. These administrators will have the foundation of ongoing professional development and will learn to seek out continued opportunities to grow, develop, and extend their vision in support of all students achieving at high levels.

## **A Brief History on the Administrative Services Credential**

Prior to October 1, 1984, the Commission issued a single credential, the Administrative Services Credential, which authorized service in any administrative position (such as superintendent, associate superintendent, deputy superintendent, principal, assistant principal, supervisor, etc.). In 1984, the Commission initiated a two-level administrative credential structure--the Preliminary Administrative Services Credential and the Professional Administrative Services Credential--and defined the content of the programs at each level. This structure was designed to provide preparation for entry into a first administrative position, and included a plan for advanced preparation and targeted professional growth during the initial years of service, no matter what administrative service the credential holder performed. Preparation programs under this structure were developed to meet Commission guidelines.

In 1990, the Commission initiated a comprehensive study of the implementation of these earlier reform measures related to administrator preparation to examine both the content and structure of preparation programs, professional development experiences, and other credentialing policies for school administrators, and to recommend needed changes. Research was conducted over a two year period in consultation with an expert advisory panel, appointed to represent practicing administrators, higher educators, school boards, teachers, parents, and the business community. The research included surveys and focus group activities as well as extensive document review and a careful examination of the reform literature related to administrative preparation.

A Commission report entitled *An Examination of the Preparation, Induction, and Professional Growth of School Administrators for California* presented the findings and resulting policy recommendations that were adopted by the Commission on March 5, 1993. The recommendations included a proposal to retain the two-level structure for the Administrative Services Credential that had been established in the early 1980's, but to modify the structure to eliminate identified weaknesses and respond more effectively to the professional development needs of aspiring and practicing administrators. In adopting these recommendations, the Commission made structural modifications to the administrative services credential and called for new standards defining the content of programs at both the preliminary and professional levels. Subsequent legislation established the legal framework for the structural changes of this new design for administrative preparation. The Commission began implementation of some of the new structural components on May 1, 1994 with the first issuance of the new *Certificate of Eligibility for the Preliminary Administrative Services Credential* (see description on p. 8) to candidates completing a preliminary program.

The advisory panel also developed and recommended program standards for both levels of preparation. In developing these standards, the panel remained focused on the findings of the

Commission's study of administrator preparation, and the needs expressed by large numbers of persons in the field. The first set of *Standards of Quality and Effectiveness for Preliminary Administrative Services Credential Programs* were adopted by the Commission on August 19, 1994 after extensive review by over 500 higher educators, administrators, teachers, school board members, and parents. When the Commission adopted the Preliminary level standards, it also approved a plan for the dissemination of the draft Professional level standards for field review and comment. The Professional level standards were revised and adopted by the Commission on March 3, 1995.

Changes in school practices and priorities, including the adoption of student content standards and a call for greater accountability, affected expectations for California school administrators. In June 2000, the Commission approved a review of the administrative services credential structure in light of these challenges. In 2000 and 2001, Commission staff conducted a series of forums throughout the state to gather information about the quality of administrative services credential programs, appropriateness of the program standards addressing those programs, and the level to which the programs were meeting those standards. The Commission also worked with Dr. John Borba and Dr. Chet Jensen of CSU Stanislaus to conduct a survey of administrative credential candidates who had completed programs over the previous three years to obtain information about candidates' views of the adequacy of their programs in preparing them to serve as California school administrators. The Commission assembled a task force of experts in school administration and administrator preparation to analyze the information collected and develop recommendations for possible changes to administrative services credential programs and requirements.

In late 2001 and early 2002, the Commission discussed a number of policy issues related to administrator preparation and created a series of policy objectives for administrative services credential reform to guide staff work in this area. The Commission also sponsored legislation (SB 1655, Scott, Chapter 225, Statutes of 2002) to partially address these objectives by 1) creating an option for establishing alternative administrator preparation programs; and, 2) establishing examination-based routes for obtaining administrative services credentials.

In March, 2002, the Commission adopted an action plan for meeting its objectives for reforming administrative services credential preparation and assignment. Included in this plan was the revision of applicable Title 5 regulations related to certification requirements for central office administrators and preconditions for entities interested in offering administrator preparation programs. The plan also called for the creation of the Administrative Services Credential Design Team to recommend revisions to the Commission's standards for administrator preparation programs. The Design Team was guided by the Commission's objective to recast administrator standards and preparation to focus on instructional leadership and success for all students, as reflected in the CPSEL, which had been developed independently by leaders in California's school administrator community. The CPSEL borrowed heavily from the national school administrator performance standards created by the Interstate School Leaders Licensure Consortium. The ISSLC standards are broadly considered to define successful school administrator performance at the outset of the 21<sup>st</sup> century. The Design Team met monthly from May 2002 through February 2003 to develop the *Standards of Quality and Effectiveness for Preliminary Administrative Services Credential Programs* contained in this handbook. Draft standards were introduced at the December 2002 Commission meeting, and subsequently

underwent a field review in January and February of 2003. The final standards for preliminary administrative credential programs were adopted by the Commission in May, 2003.

The Commission's objectives for administrative credential reform included restructuring professional clear credential requirements to focus on mentoring, support and assistance. Prior information provided by administrators and administrative credential candidates had indicated that professional clear credential programs were not meeting the needs of beginning administrators. The Commission addressed this concern by directing its staff to develop revised standards and guidelines for professional clear administrative services credential programs with a support and mentoring focus. In August 2003, Commission staff introduced revised professional clear program standards that continued with the concept of second-level administrator preparation based on an individualized induction plan, as had been established in the preceding program standards. However, the new standards call for program curriculum to be organized to address the six CPSEL rather than the five thematic areas identified in the prior standards. After a field review and input, the Commission adopted the revised standards in November 2003, which appear in Part 4 of this handbook.

Concurrent with the revision of the professional clear program standards, and as directed by the Commission, staff also created a set of program guidelines to govern the development of alternative professional clear administrative credential programs authorized by SB 1655. These guidelines-based programs are expected to incorporate the individualized induction plan concept with a focus on support, mentoring and assistance for the beginning administrator, allowing for maximal flexibility in program design while meeting the new administrator's developmental needs. These new program guidelines were introduced to the Commission in August 2003, then amended based on field input obtained through a field review. The amended guidelines were adopted by the Commission in November 2003, and appear as Part 5 of this handbook.

## **The Structure of the Administrative Services Credential**

California's two-tier structure for school administrators provides initial general preparation for entry into a first administrative position, then an individualized plan for targeted professional development that addresses the responsibilities of the educational leadership position to which the new administrator is assigned. Generally the first tier, or initial preparation, is completed prior to assuming full administrative responsibilities. The second tier, or targeted professional development, is completed concurrent with the first few years of administrative experience. A description of the requirements and processes for obtaining California's administrative services credentials is provided below.

### **A. Preliminary Administrative Services Credential**

The Preliminary Administrative Services Credential generally requires completion of a state-approved preparation program offered by a college or university, school district, county office of education, or other entity. (Individuals able to demonstrate substantial administrative knowledge may also obtain the credential by passing a Commission-approved examination.) While programs are no longer required to be of a specified length, they must meet all of the *Standards of Quality and Effectiveness for Preliminary Administrative Services Credential Programs*. The major

thrust of the preliminary level program is to prepare individuals to perform the responsibilities of entry-level administrative positions. Program content should include both knowledge and practice components designed to meet the needs of schools both today and in the future and emphasize preparation of administrators to be instructional leaders. The program requires significant field experiences focused on the development of leadership and management skills for creating an environment conducive to success for all students.

Upon completing the program, receiving the program sponsor's recommendation and submitting an application and fee, the candidate receives a *Certificate of Eligibility for the Preliminary Administrative Services Credential*. The certificate authorizes one to seek initial employment as an administrator, but does not authorize ongoing administrative service. Once employed in an administrative position, the candidate is eligible for the Preliminary Administrative Services Credential. When an administrative position is obtained, an application must be filed with the Commission, and the Preliminary Administrative Services Credential authorizing service as an administrator will be issued, valid for five years.

## **B. Professional Clear Administrative Services Credential**

At the time an administrator receives the Preliminary Administrative Services Credential, a five-year "time clock" begins for the completion of the Professional Clear Administrative Services Credential requirements. The candidate must select one of the five options listed below and fulfill the required two years of administrative experience to continue in an administrative position beyond the initial five-year period:

- Completion of a Commission-accredited Professional Clear Administrative Services Credential Program;
- Demonstration of mastery of fieldwork performance standards as required for candidates in a Professional Clear Administrative Services Credential Program;
- Completion of a training program offered under the provisions of AB 75 (E.C. §44510-44517) and approved by the California State Board of Education;
- Completion of a Commission-approved Alternative Professional Clear Administrative Services Credential Program;
- Passage of a national administrator performance assessment adopted by the Commission.

The major purpose of the professional level program is to provide for support, mentoring and assistance designed to contribute to the success of the new administrator. The emphasis of the professional level preparation is to move the administrator beyond the functional aspects of performing administrative service to reflective thinking about his or her role in providing an environment for effective and creative teaching, and student success in learning. Under most of the options above, each candidate's professional development at the professional level is guided by an individualized induction plan, which is based on an assessment of the new administrator's needs. The plan includes a mentoring component, and may include both academic requirements and other requirements that could include non-university activities.

### **C. Renewal of the Professional Clear Administrative Services Credential**

The Professional Clear Administrative Services Credential is valid for a period of five years, and is renewable by completing an individually-designed program of professional growth activities (150 clock hours), required school service (90 school days) and submitting the normal application and fee. Information pertaining to the individually designed program and the renewal of Professional Clear Administrative Services Credentials is available in the *California Professional Growth Manual*, published by the Commission.

### **Internship Programs for the Preparation of School Administrators**

Most candidates complete a traditional administrator preparation program consisting of a course of study in school leadership and formal fieldwork activities *prior* to beginning service as a school administrator. As an alternative, some candidates may elect to complete administrative preparation in an internship format. The major differences between internship programs and conventional programs are: (1) interns are compensated for their service; (2) they become responsible for the duties related to the credential at an accelerated pace; (3) the program is developed and implemented as a cooperative relationship between a district and a university; and (4) an internship is specifically designed to be a blend of theory and practice so interns can expeditiously acquire the skills that underlie effective professional practice. The Commission has determined that candidates in internship programs must meet the same standards of performance and competence as candidates in conventional preparation programs. However, because interns and the entities that prepare them face particular challenges, the Commission has adopted expanded standards and preconditions for internship programs. Thus an internship program for prospective administrators must fulfill the Commission's standards for administrative services credential programs, *plus* the additional requirements for internship programs. Integrated throughout this document are the Commission's internship standards, requirements and issues to be addressed. These are printed in *italics* to differentiate them from the standards, requirements and issues that must be addressed by all administrative credential programs.

Interns normally assume the duties of educators holding the regular credential. An intern may be full-time or part-time, but each intern should experience all of the activities associated with the given credential. To sponsor internship programs, program sponsors collaborate more extensively with school districts and professional organizations than is the case for non-internship programs. In fact, the Commission's requirements for internship programs have focused almost exclusively on the collaborative governance of these programs, as well as the preparation the interns receive prior to assuming responsibility for their internship assignment. The Internship Act of 1967 stipulates that the cooperating local education agency must be a "school district," so private schools are not eligible to participate in internship programs. The internship must be supervised by the participating program sponsor and the employing school district. An intern's salary may be reduced by as much as one-eighth to cover the costs of supervision.

Many interns serve in areas of critical need in which fully credentialed persons are not available. The internship is a way in which a school district is able to employ an administrator while the



credential program is being completed. Administrative internships are particularly appropriate for teachers on special assignment who are performing administrative duties. Emergency permits are not available for administrative service.

In the past, some programs have used the term internship to describe the various kinds of field activities that a specialist or services credential holder experiences. The Commission believes that the term “internship” should be reserved for those circumstances where a candidate is working in a position that requires possession of an internship credential.

## Part 2

# Key Concepts in California's Educator Preparation Program Standards and Approval Structure

### Major Types of Accreditation Standards

California state law authorizes the Commission to set standards and requirements for preparation programs (California Education Code §44225(a)). There are two major types of standards for program sponsors that prepare professional educators in California. An accredited program sponsor is expected to satisfy the standards of both types.

**Common Standards** relate to aspects of program quality that are the same for all credential programs. This category includes standards regarding the overall leadership and climate for educator preparation at an institution, as well as standards pertaining to quality features that are common to all programs such as resources, coordination, admissions and advisement.

**Program Standards**, commonly referred to as *Standards of Program Quality and Effectiveness*, address the quality of program features that are specific to a credential, such as curriculum, field experiences, and knowledge and skills to be demonstrated by candidates in the specific credential area.

When program sponsors prepare for continuing accreditation reviews, they are expected to provide evidence that the program they offer to their candidates is consistent with the program that was accredited as initially proposed, and that it meets the *Standards of Program Quality and Effectiveness* established by the Commission.

In preparing a self-study report, an accredited program sponsor is required to respond to each Common Standard by providing pertinent information, including information about individual programs. In addition, each program sponsor is required to respond to the set of *Standards of Program Quality and Effectiveness* for each program area by providing program-specific information for review by the accreditation team. (For further information about the accreditation process, please refer to the *Accreditation Handbook*.)

### Principles Guiding the Development of the Commission's Standards of Program Quality and Effectiveness

The Commission embraced the following principles or premises regarding the governance of educator preparation programs. The Administrative Services Credential Design Team applied these general principles to the creation of standards for Administrative Services Programs.

- (1) *The status of credential preparation should be determined on the basis of standards that relate to significant aspects of the quality of those programs.* Program quality may depend on the presence or absence of specified features of programs, so some standards require the presence or absence of these features. It is more common, however, for the quality of educational programs to depend on *how well* the program's features have been designed and

implemented in practice. For this reason, most of the Commission's program standards define levels of quality in program features.

- (2) *There are many ways in which a credential preparation program could be excellent.* Different programs are planned and implemented differently, and are acceptable if they are planned and implemented well. The Commission's standards are intended to differentiate between good and poor programs. The standards do not require all programs to be alike, except in their quality, which assumes different forms in different environments.
- (3) *The curriculum of the credential preparation program plays a central role in a program's quality.* The Commission adopts curriculum standards that attend to the most significant aspects of knowledge and competence. The standards do not prescribe particular configurations of courses or other learning experiences, or particular ways of organizing content, unless professionals on an advisory panel or design team have determined that such configurations are essential for a good curriculum. Similarly, curriculum standards do not assign unit values to particular domains of study unless there is a professional consensus that it is essential for the Commission's standards to do so.
- (4) *The assessment of each candidate's achievements in a preparation program is a significant responsibility of the entity that offers the program.* This assessment should go beyond a review of transcripts to verify that acceptable grades have been earned in required and elective courses, or completion of a checklist verifying that all required program activities have been completed. The specific form, content and methodology of the assessment must be determined by the program sponsor. The new standards and guidelines for preliminary and professional clear programs address the need for initial, ongoing, and culminating assessments for administrative credential candidates and timely feedback to candidates at multiple points in the program.
- (5) *The Commission's standards of program quality allow excellence to assume different forms in different environments.* The Commission did not ask the Design Team to define all of the acceptable ways in which programs could satisfy a quality standard. The standards should define *how well* programs must be designed and implemented; they must not define specifically and precisely *how* programs should be designed or implemented.
- (6) *The Commission assists in the interpretation of the standards by identifying specific program elements for each standard that further describe the Commission's expectations for program quality.* The Commission's adopted standards of program quality are mandatory – each program must satisfy each standard. Program elements following each standard do not extend beyond the standard, but rather more specifically define the standard. Programs are expected to meet each program element in meeting the standard. The Commission expects reviewers to weigh the strengths and weaknesses of a program as they determine whether a program meets a standard and its elements.
- (7) *Whether a particular program fulfills the Commission's standards is a judgment that is made by professionals who have been trained in interpreting the standards.* Neither the Commission nor its professional staff make these judgments without relying on experts who are thoroughly trained in program review and evaluation. The review process is

designed to ensure that credential preparation programs fulfill the Commission's standards initially and over the course of time.

## **Guidelines for Assuring Quality in Program Design**

The Commission also adopted a guidelines-based model for the alternative program option defined in Part 5 of this handbook. This model departs from the standards-based design for the review and approval of preparation programs employed for other credential areas. However, like the standards discussed above, these guidelines are intended to allow for flexibility in the design of preparation programs while ensuring program quality. While substantial flexibility for program design was intended in the development of these guidelines, they define critical aspects of program services and expectations of program quality, all of which must be fully and appropriately addressed by program sponsors.

Each guideline in Part 5 is followed by a set of expectations that further describe how programs are expected to meet the guideline. The review of a guidelines-based program proposal will need to determine that each individual expectation has been met as well as each of the general guidelines before the program will be approved.

## **Definitions of Key Terms**

Key terms used in this handbook are defined below. They are included in this section to assist the reader in understanding the format of the program requirements presented in the following sections.

### **Precondition**

A “*precondition*” is a requirement for initial and continued program approval that is based on California state laws or administrative regulations. Unlike standards or guidelines, preconditions specify requirements for program compliance, not program quality. Program compliance with the preconditions will be determined on the basis of a staff analysis of a program document provided by the program sponsor. In the review sequence, a program that meets all preconditions is eligible for a more intensive review to determine if the program's quality satisfies the Commission's adopted standards.

### **Standard**

A “*standard*” is a statement of program quality that must be fulfilled for initial approval or continued approval of a professional preparation program by the Commission. The Commission determines whether a program satisfies a standard on the basis of a consideration by an evaluation team of all available information related to the standard.

### **Required Element**

A “*required element*” guides program sponsors in developing programs that meet the standards, and guides program review panels in judging the quality of a program in relation to a standard. Each program standard includes required elements that further define the standard. An element identifies dimensions of program quality that the Commission considers important. Required Elements are descriptive statements that elaborate and clarify the meaning of a major provision of a standard of program quality. In determining whether a program fulfills a given standard, the Commission expects the review panel to consider all of the required elements in conjunction with each other. Program reviewers selected by the Commission must find that a program meets each required element. When they do, the Commission approves the program.

### **Questions to Consider**

“*Questions to Consider*” are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation. In this document, “Questions to Consider” are included for all Common Standards.

### **Guideline**

A “*guideline*” is an aspect of program quality that must be met for initial approval or continuing approval of certain types of professional preparation programs approved by the Commission. Guidelines may be further defined or clarified by related *expectations*, in which case a program proposal must respond both to the guideline and the specific expectations. The Commission determines whether a program satisfies a guideline on the basis of a consideration of all available information related to the guideline and its noted expectations.

## **Part 3: Common Standards**

**The Common Standards are aspects of program quality that are the same for all credential programs. The program sponsor responds to each Common Standard by providing pertinent information, including information about individual programs. For each Common Standard, questions are included which can be used by program sponsors for assistance in the preparation documents for the initial accreditation of programs and self-study reports for continuing accreditation. The questions will also assist team members during training and continuing accreditation reviews. Following the Common Standards are particular common standards issues which must be addressed for internship programs and emphasis programs.**

### **Commission on Teacher Credentialing**

**Adopted May 1998**

**Revised June 1998**

**Revised October 2000**



# Common Standards

## Standard 1

### Education Leadership

**The program sponsor (faculty, dean/director and program administration) articulates and supports a vision for the preparation of professional educators. All professional preparation programs are organized, governed, and coordinated with the active involvement of credential program faculty. Program leadership fosters cohesiveness in management; delegates responsibility and authority appropriately; resolves each professional preparation program's administrative needs as promptly as feasible; and represents the interests of each program in the institution, the education profession, and the school community.**

#### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- How clear is the leadership's vision for the preparation of educators? How well does this vision shape the design and delivery of each credential program? What evidence is there that the leadership of the program sponsor supports the goals and purposes of each program?
- How well does the leadership of the program develop a unified sense of teamwork among the administrators of sub-units, including credential programs?
- How clear are the lines of authority and responsibility for the management of each credential program? In what manner are program coordinators involved in appropriate decision-making bodies within the program leadership?
- How prompt is the leadership of the program in addressing and resolving problems in credential programs that are amenable to administrative solutions?
- How frequently and openly does the program leadership confer with the faculties who teach credential candidates and supervise their field experiences?
- To what extent is program leadership seen as an advocate for the credential programs, the education profession as a whole, and the local school community?

#### Common Standards Issues to be Addressed

##### Internship Programs

*For an internship program: Each participating school district works with the program sponsor to give appropriate attention to the effective operation of the program. Because interns function as employees of the school district, it is important that the school district ensure that the program is operating in a manner to further the educational goals of the district. The employing school district supports the goals and purposes of the program and assures the college or university that the appropriate support for the intern is available in the district.*



## Standard 2

### Resources

**Sufficient resources are consistently allocated for the effective operation of each credential preparation program, to enable it to be effective in coordination, admission, advising, curriculum, instruction, and field experiences. Library and media resources, computer facilities, and support personnel, among others, are adequate.**

### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- How adequate are personnel resources (including sufficient numbers of full and part-time positions for instructional faculty, field supervisors and support personnel) to staff each credential program and maintain its effectiveness?
- How well does the program sponsor provide a critical mass of faculty resources to provide breadth and depth of expertise to support an effective program of instruction and supervised field experience in each credential area? Do credential candidates have sufficient opportunity for contact with faculty members?
- To what extent do faculty, staff, and candidates have access to appropriate buildings, classrooms, offices, study areas, furniture, equipment, library services, computers, media, and instructional materials? Are these resources sufficient and adequate?
- To what extent do faculty, staff, and candidates have equitable and appropriate access to computer-based technology, information and network resources for teaching and learning?
- To what extent do faculty, staff, and candidates have adequate technical support services for maintenance and training to support instructional goals?

### Common Standards Issues to be Addressed

#### Internship Programs

*For an internship program: Each participating school district works with the program sponsor to provide sufficient resources to fulfill the needs of the program. Because interns function as employees of the school district, it is important that the school district provide sufficient resources, in addition to intern salaries, to assure the success of the program. The employing school district provides access to the resources to allow the intern to perform successfully in his or her position.*

## Standard 3

### Faculty

Qualified persons are hired and assigned to teach all courses and supervise all field experiences in each credential preparation program. Faculty reflect and are knowledgeable about cultural, ethnic, and gender diversity. The program sponsor provides support for faculty development, and recognizes and rewards outstanding teaching. The program sponsor regularly evaluates the performance of course instructors and field supervisors, and retains in credential programs only those individuals who are consistently effective.

### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- How effectively does the program sponsor ensure that each credential program course and field experience is assigned to a faculty member who has an appropriate background of advanced study and professional experience that are directly related to his/her assignment(s) in the program?
- How does the program sponsor develop and utilize recruitment policies and goals to ensure the equitable hiring of faculty in credential preparation programs?
- How does the program sponsor ensure that all faculty members and field supervisors have current knowledge of schools and classrooms that reflect the cultural diversity of society?
- How well does the program sponsor follow equitable procedures for the identification of effective and ineffective course instructors and field supervisors?
- What procedures are in place to remove ineffective course instructors and field supervisors from their assignments in credential preparation programs? How consistently are the procedures applied?
- How does the program sponsor recognize excellence as a teacher, supervisor, and/or advisor in appointing, promoting and recognizing faculty members?
- How does the program sponsor ensure that all faculty members (full time and part time) have access to adequate resources for their professional development, including resources to support research, curriculum study and program development?

## Standard 4

### Evaluation

**The program sponsor regularly involves program participants, graduates, and local practitioners in a comprehensive evaluation of the quality of courses and field experiences, which leads to substantive improvements in each credential preparation program, as needed. Meaningful opportunities are provided for professional practitioners and diverse community members to become involved in program design, development and evaluation activities.**

#### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- To what extent is the evaluation system based upon criteria that are related to the design, rationale, goals and objectives of each program, and to the competence and performance criteria that are used to assess candidates in the programs?
- How does the program sponsor collect information about each program's strengths, weaknesses and needed improvements from all participants in the program, including course instructors, university and district supervisors, the employers of recent graduates, and each cohort of candidates during their enrollment and following their program completion? How comprehensively and frequently is information compiled?
- In what manner is evaluation information used to make qualitative decisions about credential preparation programs?
- As improvements in programs are considered, to what degree are they based on the results of program evaluation, the implications of new knowledge about teaching and schooling as it relates to each credential area, and the identified needs of schools and districts in the local service region?
- In what ways are meaningful and substantive opportunities provided for professional practitioners in multiple credential areas and persons who represent the diversity of the community to be involved in program evaluation and development activities?

#### Common Standards Issues to be Addressed

##### Internship Programs

*For an internship program: The system of program evaluation and development includes representatives of the participating district(s), and representatives of persons who hold the affected credential from the participating district(s). Because interns perform the duties of fully certificated holders of the credential, it is important that representatives of these certificated employees, along with district representatives, participate fully in the development and evaluation of the internship program. The ongoing evaluation and development system includes substantive involvement from the program sponsor, participating school districts, and representatives (the certificated exclusive representatives, if applicable) of holders of the affected credential.*

## Standard 5

### Admission

In each professional preparation program, candidates are admitted on the basis of well-defined admission criteria and procedures (including all Commission-adopted admission requirements) that utilize multiple measures. The admission of students from a diverse population is encouraged. The program sponsor determines that candidates meet high academic standards, as evidenced by appropriate measures of academic achievement, and demonstrate strong potential for professional success in schools, as evidenced by appropriate measures of personal characteristics and prior experience.

#### Commission-Adopted Credential Program Admission Requirements

*All Internship Programs - Each internship candidate has had prior experiences and personal qualifications to enable candidates to perform at the level of responsibility required of an intern. Because interns perform the duties of fully certificated holders of the credential prior to the completion of a preparation program, it is important that they have had prior experiences which would adequately prepare them for the actual responsibilities of the position. When applicant's qualifications are evaluated, the program's admission criteria shall consider relevant experience and background to account for the increased responsibilities of interns.*

**General Advanced Credential Program Admission Requirements -** As a group, candidates admitted into the program each year have attained a level of academic qualifications, using one or more indicators, equivalent to or higher than candidates admitted to other post-baccalaureate programs offered by the program sponsor. Each individual has personal qualities and prior experiences that suggest a strong potential for professional success and effectiveness in the specialist or service area.

**Preliminary Administrative Services Credential Programs -** As a group, candidates admitted into the program each year have attained a level of academic qualifications, using one or more indicators, equivalent to or higher than candidates admitted to other post-baccalaureate programs offered by the program sponsor. Each individual has a record of professional accomplishment demonstrating leadership potential, and exhibits consistent adherence to moral and ethical standards of behavior.

**Professional Clear Administrative Services Credential Programs –** Candidates are admitted into the program in a timely way, once it has been determined that they have successfully completed requirements for the Preliminary Administrative Services Credential and are employed in an administrative position by a local education agency.

#### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- To what extent are the admission criteria and procedures clearly described and available to prospective candidates for credentials?

- What are the multiple measures used by the program sponsor to define the academic achievement and professional potential of credential candidates?
- For the basic teaching credential programs, does the program sponsor define an appropriate comparison group? Does each admitted candidate have an undergraduate GPA that is above the median GPA for the comparison group?
- For advanced credential programs, does each admitted candidate meet the program sponsor's standards for graduate study?
- How does the program sponsor determine and evaluate each applicant's personal qualities and preprofessional qualifications, (including entry level computer skills) for example, personal interviews with candidates, written evaluation of candidates' prior experiences with children and youth, and prior leadership activities?
- What alternative criteria and procedures are used to encourage admission of candidates from underrepresented groups?
- To what extent do the program sponsor's recruitment and admissions policies and practices reflect a commitment to achieve a balanced representation of the population by gender, race, ethnicity and disability and to encourage admission of candidates from the program sponsor's service area?
- How do the admissions criteria consider the candidates' sensitivity to (and interest in) the needs of children and youth, with special consideration for sensitivity to those from diverse ethnic, cultural and socio-economic backgrounds?

Academic qualifications alone are not sufficient factors for program admission, because of the uniquely human character of the education profession. Each candidate for an administrative services credential must also bring appropriate personal characteristics and a record of professional accomplishments, so the program can build on human qualities and demonstrated abilities that are essential for effective service as an administrator. Before admitting candidates into the program, a program sponsor's representatives determine that each individual has a record of professional accomplishment demonstrating leadership potential, and exhibits consistent adherence to moral and ethical standards of behavior. The program's admission criteria require the candidate to have prior experiences in which suitability for administrative responsibilities is demonstrated in such areas as parent and community involvement, relationships with professional colleagues and demonstrated leadership activities.

### **Professional Level**

Candidates are admitted into the program in a timely way, once it has been determined that they have successfully completed academic programs for the Preliminary Administrative services credential that they have been approved by the Committee on Accreditation, or have completed the equivalent at an accredited out-of-state institution, and are employed by a local education agency in an administrative position. The professional administrative services credential program is designed as an induction program for a newly hired administrator. This new administrator has already successfully completed requirements for the preliminary credential, has competed for a position, and has been hired as an administrator. Timely admission to the program will allow for induction planning to begin early in the candidate's initial administrative experience.

## Standard 6

### Advice and Assistance

**Qualified members of the program sponsor's staff are assigned and available to advise candidates about their academic, professional and personal development, as the need arises, and to assist in their professional placement. Adequate information is readily available to guide each candidate's attainment of all program and credential requirements. The program sponsor assists candidates who need special assistance, and retains in each program only those candidates who are suited for entry or advancement in the education profession.**

### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- How does the program sponsor ensure that student services, including academic advisement, professional assessment, personal counseling and career placement services are provided by qualified individuals who are assigned those responsibilities?
- Are student services provided equitably and made available when the candidates need them?
- In what manner does the program sponsor provide (a) advice regarding the realities and opportunities for entry into different areas of professional service and (b) assistance for candidates in the pursuit of employment upon completion of their programs?
- What special opportunities are provided for candidates who need special assistance? How are candidates provided with information about the availability of special assistance?
- How does the program sponsor review each candidate's competence at designated checkpoints, inform the candidates of their status, provide opportunities for corrective learning, and only then dismiss those who are determined to be unsuited for professional service?
- How are the requirements for each credential program and information about available services made accessible to prospective and current candidates?
- How well does the program sponsor ensure that each candidate is informed in writing early in his/her program about the program's prerequisites, coursework requirements, field experience requirements, and the specific deadlines for making satisfactory progress in the

program? How are candidates informed about the legal requirements for state certification? How are they also informed about the individuals who are available to provide services to them?

- In what manner is each candidate informed about program sponsor's grievance and appeal procedures?

## **Common Standards Issues to be Addressed**

### **Internship Programs**

*For an internship program: Program Faculty develop an individual plan for the mentoring support and professional development of each intern while in the program. Because interns perform the duties of fully certificated holders of the credential, it is important that they have support in the performance of their tasks and the planning for their professional development. This support should be similar to that which is provided for new teachers hired by the district. Specifically, they should have an individual plan for professional development and the support of one or more mentor teachers. The individual plan for support and professional development is developed for each intern in consultation with the intern and the employing school district. The individual plan includes the provision for mentoring experiences.*

### **Professional Level**

At least one experienced administrator is designated as a mentor for each candidate, with stated responsibility to assist in the professional/personal development of each administrator. Once a school or school district employs a new administrator, it has an obligation to assign a mentor in order to provide ongoing assistance and support to that new administrator. Mentors are assigned equitably to all candidates in the program in order to provide assistance and support to the new administrator. Experienced administrators who consent to serve as mentors are available and accessible for periodic consultations, scheduled conferences, and occasional unscheduled conversations with new administrators in the program. The institution regularly evaluates the quality of the induction support provided to candidates and makes modifications and adjustments as needed.

An institution that prepares candidates for the Professional Clear Administrative Services Credential has an obligation to attempt to retain promising candidates who may experience difficulties during professional preparation. In consultation with the employer, the institution identifies candidates who need assistance and provides opportunities for such assistance. It is a joint responsibility of the institution and the employer to determine who is suited to practice in administrative positions. The institution, in consultation with the employer, identifies and assists each candidate who needs academic and professional assistance. Only those candidates who demonstrate the skills and knowledge necessary to be successful administrators are retained.

## Standard 7

### School Collaboration

**For each credential preparation program, the program sponsor collaborates with local school personnel in selecting suitable school sites and effective clinical personnel for guiding candidates through a planned sequence of fieldwork/clinical experiences that is based on a well developed rationale.**

#### Questions to Consider

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- For each credential preparation program, to what extent does an effective and ongoing system of communication and collaboration exist between the program sponsor and local districts and school sites where candidates are placed for their field experiences?
- To what extent does the program sponsor, in consultation with local administrators and teachers, have clear, explicit criteria for the selection of schools and district field experience supervisors? How effectively does the program sponsor seek to place candidates in self-renewing schools in which the curriculum and the staff develop continually?
- To what extent is there a description of the fieldwork/clinical experience options that are available and how those options correspond to the organizational structure and academic requirements of each credential program?
- How does the program sponsor ensure that each credential candidate's field/clinical experiences are planned collaboratively, involving the candidate, school district personnel and program personnel?
- To what extent does the program sponsor provide opportunities for candidates to be placed in schools where computer-based technology is used to support teaching and learning?
- How thoroughly does the program sponsor periodically review the suitability and quality of all field placement sites?
- To what extent does the program sponsor review each candidate's fieldwork/clinical placement to ensure that candidates are assigned to appropriate sites supervisors?



- How well developed is the program sponsor's plan and rationale for the sequence of field experiences in each credential program?

### **Common Standards Issues to be Addressed**

#### **Internship Programs**

*For an internship program: The very nature of an internship program requires collaboration at every stage of the program. This includes the selection of district supervisors of interns, placement of interns in teaching positions and shaping and evaluation of the internship assignments.*

#### **Preliminary Level**

The program sponsor secures collaboration with educational agencies in the selection of effective supervising administrators, in the placement of candidates in exemplary, well-managed schools.

## **Standard 8**

### **District Field Supervisors**

**Each district-employed field experience supervisor is carefully selected, trained in supervision, oriented to the supervisory role, and certified and experienced in either teaching the subject(s) of the class or performing the services authorized by the credential. District supervisors and supervisory activities are appropriately evaluated, recognized and rewarded by the program sponsor.**

#### **Questions to Consider**

*The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist program sponsors in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.*

- How does the program sponsor ensure that each candidate's field experiences are supervised by district personnel who have state certification, academic preparation and successful experience in the credential area? How do they determine that they have remained current with changes in the profession and the student population?
- How thoroughly and promptly does the program sponsor provide for the effective role-orientation and supervisory training of each district field experience supervisor.
- To what extent does each district field experience supervisor demonstrate skills in observation and coaching techniques and in ways of successfully fostering learning in adults?
- How are fieldwork/clinical experiences evaluated collaboratively, involving the candidate, school district personnel and program personnel?
- To what extent does the program sponsor recognize and reward district field experience supervisors for their services, through letters of recognition or incentives, such as tuition credits, conference attendance allowances, or instructional materials?

#### **Common Standards Issues to be Addressed**

##### **Internship Programs**

*Each intern receives support from one or more certificated person(s) who are assigned at the same school, at least one of whom is experienced in the curricular area(s) of the intern's assignment. Each person who supports one or more interns is trained in support techniques, oriented to the support role and appropriately evaluated, recognized and rewarded by the program sponsor and/or the district. Support personnel are particularly important because interns do not have the benefit of the assistance of a cooperating (supervisory) teacher as a student teacher would have.*



**Part 4: California Standards of Quality and Effectiveness  
for Preliminary Administrative Services Credential Programs**

**Program Design and Curriculum  
Field Experiences  
Domains of Candidate Competence and Performance**



## **Preconditions for the Approval of Administrative Services Credential Programs**

Most associations that accredit postsecondary institutions establish "preconditions" to accreditation. So do most licensing agencies that approve professional preparation programs, or that accredit professional schools. Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Preconditions determine an program sponsor's *eligibility*. The actual *approval* or *accreditation* of programs, schools, institutions, and other educational entities is based upon standards adopted by the association or licensing agency.

There are two categories of preconditions: (1) those established by State laws such as limitations on the length of a professional preparation program; and (2) those established by Commission policy such as the requirement that the sponsoring institution be accredited by the regional accrediting body in which the institution's home campus resides. The preconditions were originally adopted by the Commission in November, 1986. Entities that intend to offer approved programs must provide a response to each precondition. Some preconditions may require a relatively brief response, while others will require a detailed and thorough response. For example, a response to General Precondition 8 should include a list of faculty members who will be required to participate in the public schools and a three-year schedule showing when each will be expected to carry out this responsibility.

Some earlier preconditions were changed as a result of Commission action and the *Accreditation Framework*. For example, in 1998, General Precondition 2 was adopted to require entities to report on responsibility and authority for credential programs. Preconditions were also titled and placed in a different order than in prior documents. Preconditions established by the Commission under its general statutory authority are now listed first. These are preconditions that apply to all or most credential programs. (Please note that some of these preconditions apply only to initial accreditation, others apply only to continuing accreditation and others apply to both.) The general preconditions are followed by the preconditions that are established by specific sections of the Education Code and are specific to the Administrative Services Credential programs. Finally, preconditions pertaining to internship programs are included and displayed in italics. (Included with the preconditions are clarifications which may be helpful to program sponsors.)

There were some additional revisions made to the preconditions for Administrative Services Credential Programs in 2003. These changes included adding language to General Precondition 1 for preliminary credential programs and revising language in Specific Preconditions 3 and 6 for standards-based professional clear programs to address program sponsorship by entities other than colleges and universities. Specific requirements for required hours or units in various components of professional clear programs were also removed from the preconditions. A program's length and depth must still be sufficient to meet the Commission's program standards, but a minimum number of hours or units in the program is no longer specified.



## General Preconditions Established by the Commission

Pursuant to Education Code §44227(a), each program of professional preparation shall adhere to the following requirements of the Commission.

- (1) **Accreditation and Academic Credit.** To be granted initial accreditation or continuing accreditation by the Committee on Accreditation as a program of professional preparation, the program must be proposed and operated by an institution of higher education that (a) is fully accredited by the Western Association of Schools and Colleges or another of the six regional accrediting bodies, and (b) grants baccalaureate academic credit or post-baccalaureate academic credit, or both. This provision does not apply to alternative (non-university based) programs, however, such programs must include in their program proposal verification of the entity's governing board's approval of sponsorship of the program.
- (2) **Responsibility and Authority.** To be granted initial accreditation or continuing accreditation by the Committee on Accreditation, the institution or sponsoring agency shall provide the following information:
  - (a) Identify the position within the entity's organizational structure that is responsible for the ongoing oversight of all credential preparation programs offered by the entity (including credential programs offered by the extension division, if any).
  - (b) Provide a description of the reporting relationship between the position described in (a) and the managers who coordinate each credential program offered by the entity. If a reporting relationship is indirect, describe levels of authority and responsibility for each credential program.
- (3) **Personnel Decisions.** To be granted initial accreditation or continuing accreditation by the Committee on Accreditation, a program of professional preparation must be proposed and operated by an entity that makes all personnel decisions without considering differences due to gender or other constitutionally or legally prohibited considerations. These decisions include decisions regarding the admission, retention or graduation of students, and decisions regarding the employment, retention or promotion of employees.
- (4) **Demonstration of Need.** To be granted initial accreditation by the Committee on Accreditation as a program of professional preparation, the program proposal must include a demonstration of need for the program in the region in which it will be operated. Such a demonstration must include, but need not be limited to, assurance by a sample of school administrators that once or more school districts will, during the foreseeable future, hire or assign additional personnel to serve in the credential category.
- (5) **Practitioners' Participation in Program Design.** To be granted initial accreditation by the Committee on Accreditation as a program of professional preparation, the program proposal must include verification that practitioners in the credential category have participated actively in the design and development of the program's philosophical orientation, educational goals, and content emphases.



- (6) **Commission Assurances.** To be granted initial accreditation by the Committee on Accreditation as a program of professional preparation, the program proposal must (a) demonstrate that the program will fulfill all applicable standards if program quality and effectiveness that have been adopted by the Commission; and (b) include assurances that (b1) the entity will cooperate in an evaluation of the program by an external team or a monitoring of the program by a Commission staff member within the four years of the initial enrollment of candidates in the program, and (b2) that the program sponsor will respond to all requests for data regarding program enrollments and completions within the time limits specified by the Commission.
- (7) **Requests for Data.** To be granted continuing accreditation by the Committee on Accreditation as a program of professional preparation, the entity must respond to all requests of the Commission for data regarding program enrollments and completions within the time limits specified by the Commission.

### **General Preconditions Established by State Law**

- (8) **Instructor Participation.** Each instructor who regularly teaches one or more courses relating to instructional methods in a program of professional preparation for teaching credentials, including Specialist Credentials, or one or more courses in administrative methods in an Administrative Services Credential Program, shall actively participate in public elementary or secondary schools and classrooms at least once every three academic years. *Reference: Education Code Section 44227.5 (a) and (b).*
- (9) **California Basic Educational Skills Test.** In each program of professional preparation, applicants for program admission shall be required to take the California Basic Educational Skills Test. The entity shall use the test results to ensure that, upon admission, each candidate receives appropriate academic assistance necessary to pass the examination. *Reference: Education Code Sections 44252(f) and 44225(n).*

#### **Clarification of General Precondition 9**

Legislative Intent. General Precondition 9 does not require passage of the CBEST for admission, only that the exam be taken. It is the intent of the Legislature that admission to a program not be denied solely on the basis of having failed to pass the CBEST. Further, it is expected that program sponsors will make provisions for assisting candidates in passing the exam.

Out of State Applicants. Persons residing outside of California when they apply for admission must take the CBEST no later than the second available administration of the test after enrolling in the program.

*For Internship Programs: In each internship program of professional preparation candidates who are admitted shall be required to pass the California Basic Educational Skills*

*Test prior to assuming intern administrative responsibilities. Reference: Education Code Section 44252(b).*

- (10) Certificate of Clearance.** An entity that operates a program of professional preparation shall not allow a candidate to assume daily student teaching responsibilities or participate in field experience until a candidate obtains a Certificate of Clearance from the Commission which verifies the candidate's personal identification. *Reference: Education Code Section 44320(d)*

*For Internship Programs: The Certificate of Clearance must be obtained prior to assuming intern administrative responsibilities.*

### **Specific Preconditions Established by the Commission for the Preliminary Administrative Services Credential**

Each program of professional preparation that leads to the issuance of a Preliminary Administrative Services Credential shall adhere continually to the following requirements of California State laws.

**Prerequisite Degree and Credential.** An entity that operates a program for the Preliminary Administrative Services Credential shall determine, prior to recommending a candidate for the credential, that the candidate possesses a baccalaureate degree and a valid teaching credential; or a services credential with a specialization in pupil personnel services, library services, health services, or clinical rehabilitative services; or a designated subjects credential and a baccalaureate degree. *Statutory basis: Education Code Section 44270(a)(1).*

*For Internship Programs: An entity that operates a program of preparation for the Preliminary Administrative Services Credential with an Internship shall require each candidate who is admitted into an Internship Program to possess the appropriate prerequisite credential prior to assuming internship administrative responsibilities. Statutory basis: Education Code Section 44270(a)(1).*

**Experience Requirement.** An entity that operates a program for the Preliminary Administrative Services Credential shall determine, prior to recommending a candidate for the credential, that the candidate has verified experience of a minimum of three years of successful, full-time classroom teaching in public or private schools; or three years of experience appropriate to the services credential listed in (1) above; or three years of experience with a designated subjects credential. *Statutory basis: Education Code Section 44270(a)(2).*

*For Internship Programs: An entity that operates a program of preparation for the Preliminary Administrative Services Credential with an Internship shall determine that each candidate who is admitted into an Internship Program has verified experience of a minimum of three years of successful full-time teaching or services as described above prior to assuming internship administrative responsibilities. Statutory basis: Education Code Section 44270(a)(2).*

## ***Preconditions Established in State Law for Internship Programs***

*For initial and continuing accreditation by the Committee on Accreditation, participating districts and universities must adhere to the following requirements of state law.*

***Bachelor's Degree Requirement.*** *Candidates admitted to internship programs must hold baccalaureate degrees or higher from a regionally accredited institution of higher education. Reference: Education Code Section 44453.*

***Supervision of Interns.*** *In an internship program, the participating institutions shall provide supervision of all interns. No intern's salary may be reduced by more than 1/8 of its total to pay for supervision, and the salary of the intern shall not be less than the minimum base salary paid to a regularly certificated person. If the intern salary is reduced, no more than eight interns may be advised by one district support person. (Reference: Education Code Section 44462.) Institutions will describe the procedures used in assigning supervisors and, where applicable, the system used to pay for supervision.*

***Assignment and Authorization.*** *To receive approval, the participating institution authorizes the candidates in an internship program to assume the functions that are authorized by the regular standard credential. (Reference: Education Code Section 44454.) The institution stipulates that the interns' services meet the instructional or service needs of the participating district(s). (Reference: Education Code Section 44458.)*

***Participating Districts.*** *Participating districts are public school districts or county office of education. Submissions for approval must identify the specific districts involved and the specific credential involved. (Reference: Education Code Section 44321 and 44452.)*

## ***Specific Preconditions Established by the Commission for Internship Programs***

*For initial and continuing accreditation, participating districts and universities must adhere to the following requirements established by the California Commission on Teacher Credentialing.*

***Non-Displacement of Certificated Employees.*** *The institution and participating districts must certify that interns do not displace certificated employees in participating districts.*

***Justification of Internship Program.*** *Where an institution submits a program for initial and continuing accreditation, it must explain why the internship is being implemented. Programs that are developed to meet employment shortages must include a statement from the participating district(s) about the availability of qualified certificated persons holding the credential. The exclusive representative of certificated employees in the credential area (when applicable) is encouraged to submit a written statement to the Committee on Accreditation agreeing or disagreeing with the justification that is submitted.*

# Standards of Quality and Effectiveness for Preliminary Administrative Services Credential Programs

## *Category I: Program Design, Coordination and Curriculum*

### **Standard 1: Program Rationale and Design**

The professional leadership preparation program includes a purposeful, developmental, interrelated sequence of learning experiences – some that are carried out in the field and some that occur in non-field settings – that effectively prepare candidates as instructional leaders in a variety of public schools and school districts. The design of the program is based on a sound rationale informed by theory and research aligned with (a) the principles articulated in the Candidate Competence and Performance Standards in Category III, and (b) the principles of various learning theories. The program is designed to provide extensive opportunities for candidates to learn and apply, and includes both formative and summative assessments based on the Candidate Competence and Performance Standards in Category III.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 1(a) The design of the program contains essential principles that are clearly grounded in a well reasoned rationale, which draws on sound scholarship and theory anchored to the knowledge base of administrator preparation, is articulated clearly, and is evident in the delivery of the program's coursework and fieldwork.
- 1(b) The program design and its delivery form a cohesive set of learning experiences that are informed by adult learning theories and are designed to address the emerging, developing needs of prospective administrators enrolled in the program.
- 1(c) The program incorporates multi-media technologies to ensure that candidates develop an understanding of the importance, role and uses of technology for instructional support, administrative decision-making and the management of data in schools.
- 1(d) The design of the coursework and fieldwork experiences provides each candidate with opportunities to learn about and manage the use of technology for the improvement of the instructional program.
- 1(e) The program has an organizational structure that provides for coordination of the administrative components of the program that facilitates each candidate's completion of the program.

- 1(f) Coursework and field experiences utilize a variety of strategies for professional instruction and provide multiple opportunities for candidates to learn and practice the Candidate Competence and Performance Standards in Category III, including opportunities to observe administrative practices in diverse settings.
- 1(g) *For an internship program, the design makes allowance for the fact that interns do not have all of the "theoretical" background desirable for successful service at the beginning of the program. Interns are given multiple, systematic opportunities to combine theory with practice. The program design clearly recognizes the particular needs of interns and provides an array of support systems designed to meet the needs of interns and non-interns enrolled in the program.*
- 1(h) The program design includes planned processes for the comprehensive assessment of individual candidates on all competencies addressed in the program. Criteria are established for individual candidate competency and a clear definition of satisfactory completion of the program is established and utilized to make individual recommendations for the Preliminary Administrative Services Credential. The program sponsor ensures that each candidate demonstrates satisfactory mastery of the Candidate Competence and Performance Standards in Category III at a level appropriate for beginning administrators.

## **Standard 2: Program Coordination**

Each sponsor of an administrative preparation program establishes one or more partnerships that contribute substantively to the quality and effectiveness of the design and implementation of each candidate's preparation. Partnerships address significant aspects of professional preparation. An agreement between the partners is cooperatively established and the terms and agreements of the partnership are binding on both parties with each partner sharing the responsibility for the implementation and success of the program.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 2(a) The sponsor of a professional leadership preparation program establishes one or more intensive partnerships with representatives of schools where candidates engage in program-based fieldwork. The program-based fieldwork component offers opportunities for purposeful involvement in cooperative partnership(s) for the design and delivery of programs by various interest groups such as parent and community organizations, institutions of higher education, professional organizations, county offices of education, educational research centers, business representatives, and other groups.
- 2(b) Each partnership includes purposeful, substantive dialogue in which the partners contribute to the structured design of the professional leadership preparation program and monitor its implementation on a continuing basis. Dialogue between partners effectively assists in the identification and resolution of program issues and candidate needs.
- 2(c) Partners establish working relationships, coordinate joint efforts, and rely on each other for contributions to program quality. In discussing program issues, partners value the multiple perspectives of the respective members and draw openly on members' knowledge, professional expertise and practical skills.
- 2(d) Partners cooperate in developing program policies and reviewing program practices pertaining to the recruitment, selection and advisement of candidates; development of curriculum; delivery of instruction; selection of field sites; design of field experiences; selection and preparation of field experience supervisors; and assessment and verification of administrator competence.
- 2(e) Cooperating partners recognize the critical importance of administrator preparation by substantively supporting the costs of cooperation through contributions of sufficient human and fiscal resources.

### **Standard 3: Development of Professional Perspectives**

By design, the program facilitates each candidate's development of a professional perspective by providing extensive opportunities to analyze implement and reflect on the relationships between theory and practice concerning leadership, teaching, and learning in the context of contemporary school issues in California. The program offers exposure to the essential themes, concepts and skills related to the performance of administrative services, including but not limited to: relationship building; communication skills; the ability to articulate, apply and evaluate theories of leadership; an understanding of and ability to apply, model, and analyze curriculum, instructional strategies, and assessment; an understanding of standards-based accountability systems; and the ability to use data to make decisions regarding program improvement. The program develops each candidate's understanding of how successful resource management affects successful instructional leadership.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 3(a) By design, the program builds on and enhances each candidate's understanding of the state-adopted academic content standards for students. Candidates develop an understanding of the nature of instructional leadership and the responsibilities of an administrator with respect to monitoring student performance, including those students with special needs, using a range of indicators; evaluating and supervising instructional faculty and staff; and evaluating, planning for and implementing short- and long-term professional development strategies to improve the overall performance of all students.
- 3(b) In the program, the structured design of coursework and fieldwork includes coherent recurring review, discussion and analysis of a broad range of foundational issues and theories and their relationships to professional practices in schools and classrooms.
- 3(c) As candidates begin professional development, the program encourages them to examine their own leadership practices. Through reflection, analysis, and discussion of these practices, each candidate learns to make informed decisions about teaching, learning and instructional leadership.
- 3(d) *For an internship, the program shall ensure that, prior to beginning the intern assignment, all candidates have a basic understanding of the foundations of administrative practice and an understanding of their specific job responsibilities.*

#### **Standard 4: Equity, Diversity and Access**

The professional leadership preparation program provides each candidate with an opportunity to examine and reflect upon principles of educational equity and diversity and their implementation in school sites, including access to curriculum content and school practices for all students, teachers, staff, parents or caregivers and community members. The program prepares candidates to provide all students and their parents and guardians equitable access to the school, including the curriculum and other programmatic supports in the school. Through coursework and fieldwork, candidates examine their personal attitudes toward race, gender and socio-economic status; learn about ways to examine and confront issues around race, equity and diversity; and take leadership roles in discussions about equity, diversity and access. Candidates know the protections afforded by Education Code Chapter 587, Statutes of 1999 and learn how to work to ensure educational equity for all members of the school community. The program includes a series of planned experiences in which candidates learn to identify, analyze and minimize personal and institutional bias.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 4(a) The program prepares candidates to effectively lead a school site by increasing the knowledge of the diverse constituencies that comprise the extended school community with respect to background experiences, languages, skills and abilities of student populations, including accommodations for students with special needs.
- 4(b) The program prepares candidates to supervise the application of appropriate pedagogical practices that provide access to the core curriculum and lead to high achievement for all students.
- 4(c) The program design includes the study and discussion of the historical and cultural traditions of the major racial, religious and ethnic groups in California society and an examination of effective ways to include cultural traditions and community values in the school curriculum and school activities.
- 4(d) The program design is explicit in developing each candidate's ability to recognize historical and philosophical forces that have given rise to institutional practices, such as systemic forms of racism and sexism, that serve to limit students' access to academic and social success and to create a safe and equitable school setting that establishes and contributes to the physical, social, emotional and intellectual safety of the diverse constituencies of the extended school community.



- 4(e) The program provides ongoing opportunities for each candidate to systematically examine their stated and implied personal attitudes and expectations about race, ethnicity, culture, sexual orientation, religion and socio-economic status to foster a school environment that creates access to the curriculum and programs of the schools and maintains high expectations for the academic achievement of all participants in all contexts.
- 4(f) The program provides ongoing opportunities for each candidate to systematically examine their stated and implied personal attitudes and expectations related to gender and to develop school policy and curriculum that creates and supports a gender-fair environment within the school community.
- 4(g) The program develops each candidate's capacity to recognize students' specific learning needs; develop policy and practices at the school site to ascertain student needs and place students in appropriate learning contexts; collaborate with teachers in developing instructional practices that guarantee full access to the curriculum; and identify and provide resources for all students to have full access to the curriculum and opportunities to engage in extracurricular and co-curricular activities.
- 4(h) The program develops each candidate's understanding of the legal and financial implications of serving students with special needs.

## **Standard 5: Role of Schooling in a Democratic Society**

The professional leadership preparation program provides each candidate with an opportunity to examine the principles of democratic education from a historical and policy perspective. The program prepares each candidate to understand the role of the school in preparing students as future citizens and to identify and analyze the variety of ideas and forces in society that contribute to a democratic society. The program prepares administrators who understand their responsibility in developing and nurturing public support, family participation, community engagement, labor relations and preparing students for the challenges of the future. The program includes the study of how historical and philosophical forces, as well as policy decisions and prevailing practices, have an impact on schooling.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 5(a) The program prepares candidates to discuss, debate and articulate the purposes of schooling in a democratic society.
- 5(b) The program includes opportunities to understand the values and concerns of the diverse communities that constitute a democracy and the importance of involving the greater community in the life of schools.
- 5(c) The program includes opportunities for the candidate to explore the relationship of schools to the school community, governmental entities and community agencies and the role of integrating community service as well as resources for children and families in the school.
- 5(d) The program provides each candidate with an opportunity to understand the relationship between federal, state and local policy and practice with respect to the role that government policy has in ensuring democratic education for all students.
- 5(e) The program provides each candidate with an opportunity to (1) learn about federal, state and local laws, policies and practices that ensure appropriate accommodations for students with various learning styles and students with disabilities, and (2) understand the role of the site administrator in monitoring and implementing these provisions of law.
- 5(f) The program provides each candidate with an opportunity to understand labor relations, contract compliance and collective bargaining as it relates to schooling in a democratic society.
- 5(g) The program provides each candidate with an opportunity to understand the role of families and their diverse structures and cultural beliefs as they impact the role of schooling in a democratic society.

## **Standard 6: Opportunities to Learn Instructional Leadership**

The professional leadership preparation program provides multiple opportunities in the program curriculum for each candidate to learn, practice and reflect on the role of instructional leaders as delineated in the standards of candidate competence and performance in Category III. The role of the instructional leader is central to the functioning of an effective school, and thus the program provides multiple, systematic opportunities for the candidate to connect theory to practice and develop the knowledge, skill and disposition to foster effective teaching in the service of student achievement. The program curriculum prepares each candidate to view all aspects of leadership through the lens of student learning. The program includes comprehensive, systematic formative and summative assessments that address the full range of competencies described in Category III.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 6(a) Shared Vision of Learning The program provides an opportunity for the candidate to learn to facilitate the development, articulation, implementation and stewardship of a vision of teaching and learning that is shared and supported by the school community.
- 6(a)(1) The program provides an opportunity for the candidate to develop and refine a personal vision of education and instruction and provides multiple opportunities for the candidate to engage in reflection, develop ways to engage self and others reflective activities, and addresses the need for reflection across the program.
  - 6(a)(2) The program provides an opportunity for the candidate to learn how to develop and implement a shared vision and goals that place student and adult learning at the center of instructional leadership.
  - 6(a)(3) The program provides an opportunity for the candidate to learn how to establish, support, and maintain high expectations and standards for the academic and social development of all students, the performance of staff and the contributions of all adults in the service of the shared vision of the school community.
  - 6(a)(4) The program provides an opportunity for the candidate to engage in multiple and systematic opportunities to practice various methods of effective communication that support the implementation of the vision of the school community and the infusion of the vision in the instructional program.
  - 6(a)(5) The program provides an opportunity for the candidate to learn and apply strategies for guiding, motivating, delegating, and building consensus among the diverse constituencies in the school and community to develop, articulate, implement and steward a shared vision of teaching and learning.
- 6(b) Culture of Teaching and Learning The program provides an opportunity for the candidate to learn how to advocate, nurture, and sustain a school culture and instructional

program that is conducive to student learning and staff professional growth. Coursework and fieldwork focus on the implementation of state adopted academic content standards, frameworks and instructional materials as well as assessment and accountability systems.

- 6(b)(1) The program provides an opportunity for the candidate to apply learning, curricular, and instructional theory to the design, implementation and evaluation of standards-based instruction and assessment programs and lead in the improvement of those programs.
  - 6(b)(2) The program provides an opportunity for the candidate to become a critical consumer of educational research and to use research and site based data to design, implement, support, evaluate, and improve instructional programs and to drive the professional development of staff.
  - 6(b)(3) The program provides an opportunity for the candidate to study and apply their knowledge of diverse learning styles and differentiated instruction strategies that address the needs of all learners and staff.
  - 6(b)(4) The program provides an opportunity for the candidate to use data, including the use of technological applications, and to develop, manage, and evaluate strategies to improve student achievement.
  - 6(b)(5) The program provides an opportunity for the candidate to learn how to develop cooperatively and guide the ongoing and long-term professional development of all staff consistent with the ongoing effort to improve the learning of all students.
  - 6(b)(6) The program provides an opportunity for the candidate to develop and use skills in shared leadership and decision-making and to engage all members of the school community in the service of student learning.
- 6(c) Management of the School in the Service of Teaching and Learning The program provides an opportunity for the candidate to learn how to ensure the management of the organization, operations and resources for a safe, efficient, and effective learning environment. The program includes the study and application of organizational theory that reflects effective leadership and management concepts and strategies that contribute to student achievement and the professional participation of all adults in the school community.
- 6(c)(1) The program provides an opportunity for the candidate to learn and practice effective methods for attracting, inducting, motivating, retaining, and supporting staff and for the monitoring and supervision of certificated and non-certificated faculty and staff.
  - 6(c)(2) The program provides an opportunity for the candidate to learn and practice effective methods for working with certificated and classified staff with disabilities.
  - 6(c)(3) The program provides an opportunity for the candidate to learn how to evaluate the effectiveness of an instructional program through the use of data and accountability systems.

- 6(c)(4) The program provides an opportunity for the candidate to apply the principles of effective communication, systems management, organization, problem-solving and collaborative decision-making skills.
  - 6(c)(5) The program provides an opportunity for the candidate to learn how to set short and long-term goals, particularly with respect to cooperatively developing a site-based plan that is effectively aligned with state and district requirements and systematically links resources to the goals and objectives.
  - 6(c)(6) The program provides an opportunity for the candidate to develop an understanding of the legal and policy requirements with regard to safety for the purpose of assuring that the school provides a safe, well-maintained and productive environment for learning.
  - 6(c)(7) The program provides an opportunity for the candidate to understand and manage legal and contractual agreements and records in ways that foster a professional work environment and secure the privacy and confidentiality of all students, families and staff, including the respective roles of administrators and the unions in these processes.
  - 6(c)(8) The program provides an opportunity for the candidate to examine management with respect to establishing, implementing and maintaining student behavior management systems that demonstrate adherence to equity, legal and policy requirements.
  - 6(c)(9) The program provides an opportunity for the candidate to coordinate and equitably align fiscal, human and material resources with the school planning process in the support of learning of all students and all groups of students.
- 6(d) Working With Diverse Families And Communities The program provides an opportunity for the candidate to learn how to work effectively with families, caregivers and community members; recognize the goals and aspirations of diverse families; respond to diverse community interests and needs; and mobilize community resources in the service of student achievement. In this regard, the program offers the candidate an opportunity to examine and evaluate their attitudes toward people of different races, cultures, and ethnic backgrounds as well as examine their attitudes toward sexual orientation and individuals with disabilities so they will be able to be an effective leader in a diverse setting and value individuals from different family structures, religions, races, cultures, socio-economic status and ethnic backgrounds, and treat them with fairness and respect.
- 6(d)(1) The program provides an opportunity for the candidate to learn how to incorporate family and community expectations in school decision-making and activities.
  - 6(d)(2) The program provides an opportunity for the candidate to learn how to establish community partnerships that will benefit the students, teachers, families, and school community and be able to mobilize and leverage community resources for the equitable access of all students and groups of students.

- 6(d)(3) The program provides an opportunity for the candidate to understand how to facilitate parent involvement and parent education activities that support students' success.
- 6(d)(4) The program provides multiple opportunities for the candidate to learn how to effectively communicate information about the school on a regular and predictable basis through a variety of media and modes.
- 6(d)(5) The program provides an opportunity for the candidate to learn about appropriate resources and strategies for addressing language diversity in schools, with particular emphasis on the responsibility to communicate to families whose primary home language is a language other than English.
- 6(d)(6) The program provides opportunities for each candidate to examine their personal attitudes and actions toward persons of different races, socio-economic status, cultures, religions and ethnic backgrounds as well as their attitudes toward sexual orientation and individuals with disabilities and reflect upon how their attitudes and actions support or diminish the goal to ensure that all students receive equitable access to education.
- 6(e) Personal Ethics and Leadership Capacity. The program provides an opportunity for the candidate to examine, practice and model a personal code of ethics, including protecting the rights and confidentiality of students, staff and families. The program provides an opportunity for the candidate to practice professional leadership capacity, including shared decision-making, problem-solving and conflict management and foster those skills in others. The program provides an opportunity for the candidate to examine site and district responsibilities with regard to students with special needs. The program develops each candidate's ability to effectively act as a spokesperson for the school to the extended school community. The candidate has multiple opportunities to model personal and professional ethics, integrity, justice and fairness and receive feedback from the program and peers; reflect on personal leadership beliefs and practices and recognize their impact and influence on the performance of others; and develop mechanisms for sustaining personal motivation, commitment, energy, and health by learning to balance professional and personal responsibilities.
- 6(e)(1) The program provides an opportunity for the candidate to engage in decision-making, problem-solving, change management, planning, conflict management, and evaluation and reflect upon the learning from these opportunities for practice in course work and field work.
- 6(e)(2) The program provides an opportunity for the candidate to learn how to communicate decisions based on relevant data and research about effective teaching and learning, leadership, management practices, equity, and access.
- 6(e)(3) The program provides an opportunity for the candidate to learn how to encourage and inspire others to higher levels of performance, commitment, and motivation and to communicate knowledge effectively about the curriculum and its articulation

across programs and grade levels to multiple audiences in the school and community.

- 6(e)(4) The program provides an opportunity for the candidate to learn how to utilize technology in the service of fostering effective and timely communication with all members of the school community.
- 6(f) Political, Social, Economic, Legal and Cultural Understanding. The program provides an opportunity for the candidate to learn about political, societal, economic, legal and cultural influences on schools. By augmenting the candidate's knowledge of these interconnections, the program develops the candidate's ability to understand, respond to, and influence the larger political, social, economic, legal and cultural context of schools and leadership. The program content should provide opportunities for the candidate to practice both team leadership and team membership so that the candidate can effectively generate and participate in communication with key decision-makers in the school community. The candidate has an opportunity to learn how to view himself or herself as a leader of a team and as a member of a team by engaging in course work and field work that provides opportunities to both lead and work collaboratively.
- 6(f)(1) The program provides an opportunity for the candidate to learn about and analyze how a school must operate consistently within the parameters of federal, state, and local laws, policies, regulations, contractual and statutory requirements.
- 6(f)(2) The program provides an opportunity for each candidate to examine the context within which the school operates, including the school district, employee bargaining units, the school board, and other governmental entities and to understand how the policies from several levels of government influence teaching and learning at the school site.
- 6(f)(3) The program provides opportunities for the candidate to engage in discussions and successfully address authentic, complex school issues, including meeting the needs of students and staff with disabilities, evaluating employees, providing appropriate services in different settings to English learners, ensuring school safety, administering student behavior programs, and addressing harassment.
- 6(f)(4) The program provides an opportunity for the candidate to learn about public policies that ensure equitable distribution of resources and support for all groups of students.
- 6(f)(5) The program provides an opportunity for the candidate to learn how to create a welcoming school environment for the public, be responsive to diverse community and constituent views, and create and facilitate constructive conversations about how to improve student learning and achievement.

## ***Category II: Field Experiences in the Standards***

### **Standard 7: Nature of Field Experiences**

In the program of administrator preparation, candidates participate in significant field experiences that are designed to facilitate the application of theoretical concepts in practical settings. Each candidate addresses the major duties and responsibilities authorized by the administrative services credential in a variety of realistic settings. Field experiences include intensive experiences both in the day-to-day functions of administrators and in longer-term policy design and implementation.

***For an internship program: For this standard, the definition of "field experiences" includes, but is not limited to, the responsibilities of the internship assignment.***

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 7(a) The field experience responsibilities are closely related to the job performance requirements of administrators.
- 7(b) Linkages are made between the field experiences and the content of coursework in school administration.
- 7(c) The program provides appropriate, on-site direction to the quality of the field experience assignments, including identification of an on-site and/or school-based mentor.
- 7(d) Significant, intensive field experiences occur in at least one setting in which the candidate is able to perform a wide range of the typical responsibilities of a full-time administrator.
- 7(e) Authentic and significant experiences addressing a variety of school levels and a variety of school settings are required for each candidate, including field experiences, at least one of which involves a site with a diverse school population.
- 7(f) Field experiences include opportunities to deal with long term educational policy issues in the school or district.
- 7(g) *For an internship program, an assessment of the internship assignment is made to determine what additional experiences need to be planned for the candidate to provide a full range of administrative experiences.*
- 7(h) *For an internship program, specific supplementary administrative experiences are assigned to interns on the basis of the above assessment.*



## **Standard 8: Guidance, Assistance and Feedback**

The program sponsor has an effective system by which the candidate's performance is guided, assisted and evaluated in each field experience. In this system, at least one supervising administrator and at least one program supervisor provide complete, accurate and timely feedback to the candidate.

***For an internship program: For this standard, the definition of "field experiences" includes, but is not limited to, the responsibilities of the internship assignment.***

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 8(a) Guidance, assistance, and feedback encompass all of the components of the Standards of Candidate Competence and Performance in Category III which occur in the field experiences.
- 8(b) The support and assessment of each candidate is coordinated effectively between the candidate's supervising administrator(s), program supervisor(s) and the candidate.
- 8(c) The information given to each candidate about their performance accurately and fully describes strengths and weaknesses and provides constructive suggestions for improvement.
- 8(d) The final field experience evaluation is made by the program supervisor with the involvement of the supervising administrator and the candidate.

### ***Category III: Standards of Candidate Competence and Performance***

#### **Standard 9: Assessment of Candidate Performance**

Prior to recommending each candidate for a Preliminary Administrative Services Credential, one or more persons responsible for the program determine on the basis of thoroughly documented evidence that each candidate has demonstrated a satisfactory performance on the full range of standards of candidate competence and performance in Standards 10 through 15 of Category III. Satisfactory performance is defined as achieving at least minimal competence as expected for entry-level administrators, and appropriate for the developmental stage of each candidate. During the program, candidates are guided and coached on their performance in relation to the standards of candidate competence and performance using formative assessment processes. Verification of candidate competence is provided by a representative of the program sponsor and at least one district supervisor.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 9(a) By design, candidates are assessed through the use of formative assessments embedded throughout the program and a summative assessment at the program's conclusion. Candidates are informed of the expectations for their performance, guided and coached in the completion of formative assessment tasks that prepare them for summative assessment, and provided timely feedback on their performance in relation to the standards of candidate competence and performance in Category III.
- 9(b) There is a systematic summative assessment administered by qualified individuals who are knowledgeable about the standards of candidate competence in Category III. Candidates are assessed using documented procedures or instruments that are clear, fair and effective.
- 9(c) The assessment is administered by the program sponsor and includes at least one program supervisor.
- 9(d) The assessment includes two or more assessment methods such as performance, portfolio, presentation, research project, field-experience journal, work sample, interview, oral examination and written examination.
- 9(e) The systematic procedures that govern the summative assessment include a defensible process and criteria, such as rubrics, for evaluating performance, an appeal process, and a procedure for candidates to repeat portions of the assessment as needed.
- 9(f) One or more persons who are responsible for the program recommend candidates for the Preliminary Administrative Services Credential on the basis of all available information of each candidate's competence and performance.

- 9(g) The program sponsor ensures that thorough records of each candidate's performance in the summative assessment are maintained.
- 9(h) The program staff periodically evaluates the quality, fairness and effectiveness of assessment practices and uses assessment data as one source of information about the quality of the preparation program.
- 9(i) The program includes a clearly specified process for making credential recommendations and verifying that candidates have completed all requirements before recommending them for the credential.

## **Standard 10: Vision of Learning**

Each candidate is able to promote the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 10(a) Each candidate is able to facilitate the development of a shared vision for the achievement of all students based upon data from multiple measures of student learning and relevant qualitative indicators.
- 10(b) Each candidate is able to articulate and demonstrate strategies for implementing the shared vision so that the entire school community understands and acts on the mission of the school as a standards-based educational system.
- 10(c) Each candidate knows how to leverage and marshal sufficient resources to implement and attain the vision for all students and subgroups of students.
- 10(d) Each candidate can identify and address barriers to accomplishing the vision.
- 10(e) Each candidate is able to shape school programs, plans, and activities to ensure integration, articulation, and consistency with the vision.
- 10(f) Each candidate is able to use the influence of diversity to improve teaching and learning.

## **Standard 11: Student Learning and Professional Growth**

Each candidate is able to promote the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 11(a) Each candidate understands and is able to create an accountability system of teaching and learning based on student learning standards.
- 11(b) Each candidate is able to use research and site-base data to design, implement, support, evaluate and improve instructional programs and to drive professional development of staff.
- 11(c) Each candidate utilizes multiple assessment measures to evaluate student learning to drive an ongoing process of inquiry focused on improving the learning of all students and all subgroups of students.
- 11(d) Each candidate knows how to shape a culture where high expectations for all students and for all subgroups of students is the core purpose.
- 11(e) Each candidate is able to guide and support the long-term professional development of all staff consistent with the ongoing effort to improve the learning of all students relative to state-adopted academic performance standards for students.
- 11(f) Each candidate promotes equity, fairness, and respect among all members of the school community.
- 11(g) Each candidate is able to provide opportunities for parents and all other members of the school community to develop and use skills in collaboration, leadership, and shared responsibility.
- 11(h) Each candidate knows and is able to support the use of state-adopted learning materials and a wide array of learning strategies to support student learning.
- 11(i) Each candidate coordinates the design, implementation and evaluation of instructional programs that serve the diverse learning styles and needs of all students and lead in the continual development and improvement of those programs.
- 11(j) Each candidate utilizes technological tools to manage and evaluate instructional programs and promote and support the use of technology in instruction and learning.

## **Standard 12: Organizational Management for Student Learning**

Each candidate promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 12(a) Each candidate is able to monitor and supervise faculty and staff at the site, and manage and evaluate the instructional program.
- 12(b) Each candidate can establish school operations, patterns, and processes that support student learning.
- 12(c) Each candidate understands and is able to manage legal and contractual policies, agreements and records in ways that foster a professional work environment and secure privacy and confidentiality for all students and staff.
- 12(d) Each candidate demonstrates the ability to coordinate and align fiscal, faculty, staff, volunteer, community and material resources to support the learning of all students and all groups of students.
- 12(e) Each candidate demonstrates the ability to sustain a safe, efficient, clean, well-maintained, and productive school environment that nurtures student learning and supports the professional growth of teachers and support staff.
- 12(f) Each candidate is able to utilize the principles of systems management, organizational development, problem solving, and collaborative decision-making techniques fairly and effectively.
- 12(g) Each candidate is able to utilize effective and positive nurturing practices in establishing student behavior management systems.
- 12(h) Each candidate demonstrates the ability to utilize successful staff recruitment, selection and induction approaches, and understand the collective bargaining process, including the role of administrator and the union.
- 12(i) Each candidate is able to effectively evaluate and use a wide range of technologies, including assistive technologies when appropriate, to support instruction and effective school administration.
- 12(j) Each candidate is able to effectively use technology to manage multiple types of databases within a school and to use data to improve instruction.

### **Standard 13: Working with Diverse Families and Communities**

Each candidate promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 13(a) Each candidate is able to incorporate information about family and community expectations into school decision making and activities.
- 13(b) Each candidate recognizes the goals and aspirations of diverse family and community groups.
- 13(c) Each candidate values diverse community stakeholder groups and treats all with fairness and with respect.
- 13(d) Each candidate demonstrates the ability to support the equitable success of all students and all subgroups of students through the mobilization and leveraging of community support services.
- 13(e) Each candidate knows how to strengthen the school through the establishment of community partnerships, business, institutional, and civic partnerships.
- 13(f) Each candidate is able to effectively communicate information about the school on a regular and predictable basis through a variety of media and modes.
- 13(g) Each candidate is able to facilitate parent involvement and parent education activities that support students' success.

## **Standard 14: Personal Ethics and Leadership Capacity**

Each candidate promotes the success of all students by modeling a personal code of ethics and developing professional leadership capacity.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 14(a) Each candidate demonstrates skills in shared decision making, problem solving, change management, planning, conflict management, and evaluation, and fosters and develops those skills in others.
- 14(b) Each candidate models personal and professional ethics, integrity, justice, and fairness and expects the same behaviors from others.
- 14(c) Each candidate demonstrates the ability to make and communicate decisions based upon relevant data and research about effective teaching and learning, leadership, management practices, and equity.
- 14(d) Each candidate is able to utilize technology to foster effective and timely communication to all members of the school community.
- 14(e) Each candidate is able to reflect on personal leadership practices and recognize their impact and influence on the performance of others.
- 14(f) Each candidate demonstrates the ability to encourage and inspire others to higher levels of performance, commitment, and motivation.
- 14(g) Each candidate knows how to sustain personal motivation, commitment, energy, and health by balancing professional and personal responsibilities.
- 14(h) Each candidate engages in professional and personal development.
- 14(i) Each candidate demonstrates knowledge of the curriculum and the ability to integrate and articulate programs throughout the grades.
- 14(j) Each candidate knows how to use the influence of a position of leadership to enhance the educational program rather than for personal gain.
- 14(k) Each candidate protects the rights and confidentiality of students and staff.



## **Standard 15: Political, Social, Economic, Legal and Cultural Understanding**

Each candidate promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

*An accreditation team determines whether the preliminary preparation program meets this standard based on evidence provided by the program. The team must determine that the quality of the program has been clearly and effectively substantiated in relation to the following elements.*

- 15(a) Each candidate understands their role as a leader of a team and is able to clarify the roles and relationships of individuals within the school.
- 15(b) Each candidate is able to ensure that the school operates consistently within the parameters of federal, state, and local laws, policies, regulations, statutory and fiscal requirements.
- 15(c) Each candidate demonstrates responsiveness to diverse community and constituent views and groups and generate support for the school by two-way communication with key decision makers in the school community.
- 15(d) Each candidate knows how to work with the governing board and district and local leaders to influence policies that benefit students and support the improvement of teaching and learning.
- 15(e) Each candidate knows how to influence and support public policies that ensure the equitable distribution of resources and support for all the subgroups of students.
- 15(f) Each candidate is able to welcome and facilitate constructive conversations about how to improve student learning and achievement.

## **Overview of Program Types and Approval Procedures for Professional Clear Administrative Services Credential Programs**

An administrator seeking to complete requirements for the Professional Clear Administrative Services Credential may select from any of five separate preparation options established by California law. Three of those options are completed through programs accredited or approved by the Commission based on standards or guidelines adopted by the Commission. A description of each of those three options is provided below, and includes the program accreditation or approval process to be used for each option and the standards or guidelines under which the review will be based.

### **Standards-based Professional Clear Administrative Services Credential Program Accredited by the California Commission on Teacher Credentialing**

This is in many respects the same option as has been offered by institutions of higher education for candidates for the professional clear credential in recent years. Such programs are accredited based on the Standards of Quality and Effectiveness for Standards-based Professional Clear Administrative Services Credential Programs. Program proposals must respond to the Commission's Common Standards for educator preparation programs contained in Part 2 of this handbook, as well as both the Preconditions and Standards for Professional Clear Administrative Services Credential Programs contained in Part 4. These programs will be included in the periodic accreditation reviews conducted by the Commission in its ongoing accreditation process.

The Standards of Quality and Effectiveness for Standards-based Professional Clear Administrative Services Credential Programs and related Preconditions were revised to some degree in 2003. Notable changes included the removal of language referencing courses or units, as revisions to Title 5 regulations now allow these programs to be offered by entities other than colleges and universities; and the replacement of the previous five thematic areas related to curriculum content as described in Standard 3 with the six CPSEL Standards.

### **Demonstration of Mastery of Fieldwork Performance Standards**

This option is for administrators who at an early stage are able to demonstrate that they have reached a level of administrative competence expected to merit recommendation for the Professional Clear Administrative Services Credential. Entities that operate the Standards-based program described above have the authority to recommend a candidate found to merit recommendation for the professional clear credential, regardless of whether the candidate has completed any other of the program's normal requirements for its candidates. The Commission expects that when exercising this option, programs will:

- Evaluate candidates' prior experience and education to determine that they have substantial administrative knowledge and ability prior to considering them for this option;

- Use the same fieldwork assessment procedures as all other program candidates to determine whether an early recommendation for the credential is merited; and
- Maintain records of the procedures used in implementing this option and results of the assessment that forms the basis for the credential recommendation.

Once an entity receives Commission accreditation for its Standards-based Professional Clear Administrative Services Credential Program, it has authority to offer this Mastery of Fieldwork Performance Standards option. No additional program proposal documentation is required to implement this option. Entities that offer this option will have the procedures used in implementing this option reviewed along with the traditional standards-based program through the periodic program reviews conducted by the Commission in its ongoing accreditation process.

### **Guidelines-based Professional Clear Administrative Services Credential Program Approved by the California Commission on Teacher Credentialing**

This option was created through legislation enacted in 2002, and allows for the establishment of an individualized program focusing on support, mentoring and assistance for the new administrator. The Commission approves the alternative programs offered under this option based on the Program Provider Guidelines for Alternative Professional Clear Administrative Services Credential Programs contained in Part 5 of this handbook. These alternative programs are referred to as “approved” rather than “accredited” as they undergo different processes in their initial and ongoing program reviews. The Commission will not include these programs in the periodic program reviews the Commission normally conducts in its ongoing accreditation process. Alternative program proposals must respond to each of the Guidelines and accompanying expectations, but are not subject to, nor should they respond to, the Common Standards contained in Part 2 of this handbook, nor the Preconditions or Program Standards contained in Part 4. These alternative programs are subject to alternative program review procedures that may be conducted on a periodic basis by the Commission.

### **Entities Authorized to Submit Proposals for Programs Leading to the Professional Clear Administrative Services Credential**

California regulations allow any entity able to demonstrate that its proposed program meets the Commission’s program standards or guidelines to submit a program proposal for review and possible accreditation or approval. Institutions of higher education, local education agencies, and other educational entities thus have the option of submitting program proposals for either a standards-based traditional professional clear administrative services credential program or an alternative, guidelines-based professional clear administrative services credential program.

Entities interested in developing a standards-based program should refer to Part 4 of this handbook for applicable program requirements. Entities interested in developing a guidelines-based alternative program should refer to Part 5 of this handbook for applicable program requirements.

**Part 5: California Standards of Quality and Effectiveness for  
Professional Clear Administrative Services Credential Programs**

**Preconditions**

**Program Design and Curriculum**

**Support and Mentoring Plan**

**Candidate Competence and Performance**



## **Preconditions for Standards-based Professional Clear Administrative Services Credential Programs\***

The General Preconditions established by the Commission (Preconditions 1–7) and the Preconditions established by state law (Preconditions 8-10) found in the section of this handbook for Preliminary Administrative Services Credential Programs also apply to these Professional Clear Administrative Services Credential Programs and must be addressed in program proposals. In addition, the following preconditions specific to the Professional Clear Credential must be addressed.

### **Specific Preconditions Established by the Commission for the Professional Clear Administrative Services Credential**

- (1) **Initial Employment Requirement.** An entity that operates a program for the Professional Clear Administrative Services Credential shall determine, prior to admission to the credential program, that the candidate is employed in a position requiring an administrative credential. Statutory basis: Education Code Section 44270 (b) and 44270.1 (a)(2).
- (2) **Prerequisite Credential.** An entity that operates a program for the Professional Clear Administrative Services Credential shall determine, prior to admission to the credential program, that the candidate possesses a valid Preliminary Administrative Services Credential. Statutory basis: Education Code Section 44270.1 (a)(1).
- (3) **Individualized Induction Plan.** An entity that operates a program for the Professional Clear Administrative Services Credential shall provide for the development of a written individualized program of professional development activities (professional credential induction plan) for the advanced preparation program based upon individual needs. The plan shall be developed in consultations among the candidate, employer and university representative. Statutory basis: Education Code Section 44270.1 (a)(3).
- (4) **Non-university Activities Option.** A college or university that operates a program for the Professional Clear Administrative Services Credential may allow approved non-university activities to be included in the professional credential induction plan in consultations among the candidate, employer's representative and university representative. Statutory basis: Education Code Section 44270.1 (a)(3).
- (5) **Administrative Experience Requirement.** An entity that operates a program for the Professional Clear Administrative Services Credential shall determine, prior to recommending a candidate for the credential, that the candidate has verified completion of a minimum of two years of successful experience in a full-time administrative position in a public school or private school of equivalent status while holding the Preliminary Administrative Services Credential. Statutory basis: Education Code Section 44270.1 (a)(2).
- (6) **Inclusion of University Coursework.** An entity that operates a program for the Professional Clear Administrative Services Credential shall ensure that the professional credential induction plan developed for each candidate includes university coursework among the required professional development activities. Statutory basis: Education Code Section 44270.1(a)(3).

\* These preconditions do not apply to the guidelines-based professional clear programs addressed in Part 6.



# **Standards of Quality and Effectiveness for Standards-based Professional Clear Administrative Services Credential Programs**

## **Category I**

### **Program Design and Curriculum**

#### **Standard 1**

##### **Program Design, Rationale and Coordination**

**The professional credential program is supported by a cogent rationale, draws on a defined knowledge base, is responsive to the individual candidate's needs, and is coordinated effectively.**

##### **Rationale**

New administrators need to experience programs that are designed cohesively on the basis of a sound rationale that makes sense, and that are coordinated effectively in keeping with their intended designs. The program should be designed to give options to individual candidates to pursue coursework and other professional development opportunities that meet their own particular needs.

##### **Factors to Consider**

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The program has an organizational structure that forms a logical sequence among the instructional components and that provides for coordination of the administrative components of the program, such as admission, advisement, retention, candidate support and assessment, and program evaluation.
- There is effective coordination between the program's faculty and staff, between the education unit and the program sponsor's other departments, and between the program sponsor, schools, districts, county offices, and other agencies where candidates are beginning their administrative responsibilities.
- The overall design of the program is consistent with a stated rationale that has a sound theoretical and scholarly basis, and is relevant to the contemporary conditions of schooling (such as recent demographic changes).
- Any non-university activities included a university-based program are deemed appropriate by the candidate, the employer's representative and the university advisor. The professional



credential induction plan specifies which non-university activities will be included and the expected learning that will occur from the activities.

- All programs include university coursework in the professional credential induction plan for each candidate. Required coursework is responsive to the candidate's needs and addresses content identified in Standard 3.
- The program meets other factors related to this standard of quality that are brought to the attention of the team by the program sponsor.

## Standard 2

### Design of the Professional Credential Induction Plan

**The candidate, the university advisor, and the employer's representative(s) work together to develop a professional credential induction plan for the support and professional development of each beginning administrator. The design of the plan is coherent, is based on a stated rationale, and includes a mentoring component, advanced academic coursework, and may include non-university based professional development activities.**

### Rationale

The professional credential induction plan outlines the plan to build professional competence for each beginning administrator. This plan builds on each beginning administrator's assessed needs and outlines specific activities for facilitating each beginning administrator's professional development.

### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The professional credential induction plan is designed to meet the individual assessed needs of the beginning administrator.
- Assessments of individual professional development needs, interests, job responsibilities, and career goals inform the plan for professional induction.
- The professional credential induction plan includes individual performance goals, outlines specific strategies for achieving those goals, establishes timelines, and documents the beginning administrator's progress in meeting the established goals.
- The professional credential induction plan outlines the coursework, the individual assistance, and the professional development opportunities that will be made available to the beginning administrator to address the established performance goals.
- An experienced colleague or mentor, a university advisor, and the candidate work together to design an appropriate plan and reflect periodically on progress in meeting the professional development goals established in the professional credential induction plan.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

### **Standard 3**

#### **Curriculum Content**

**The content of the curriculum has a strong conceptual base and is organized to address principles of administrative practice in the thematic areas defined below:**

- Facilitating the development, articulation, implementation and stewardship of a vision of learning that is shared and supported by the school community
- Advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional growth
- Ensuring management of the organization, operations and resources for a safe, efficient, and effective learning environment
- Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
- Modeling a personal code of ethics and developing professional leadership capacity
- Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context

#### **Rationale**

The principles outlined in these broad thematic areas are intended to suggest a holistic, integrated approach to instructional leadership and to the design of a curriculum intended to produce such leaders. Each set of principles interrelate in important ways and are expected to be woven throughout the curriculum.

#### **Factors to Consider**

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The curriculum themes are incorporated into the program in ways that include systematic study, application of key concepts in job settings and opportunities for personal reflection and integration of thematic study into a personal vision of administrative responsibility.
- These themes are reflected throughout all courses and induction support activities, rather than only in one or two specific courses or activities.
- The program emphasizes the importance of inquiry into these thematic areas as a part of all experiences in the program.
- Activities in the professional credential induction plan include and reflect an integration of these thematic areas.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

## Standard 4

### Scope and Delivery of the Professional-Level Curriculum

**The curriculum for the university and non-university components of the Professional Administrative Services Credential program builds upon the foundation of the Preliminary Administrative Services Credential program, and applies conceptual knowledge to administrative practice in ways that engage candidates in important issues of theory and practice.**

### Rationale

The candidate's preliminary level program was designed to acquaint candidates with the broad range of administrative and leadership responsibilities in schools. The prior coursework and field experiences have prepared persons to begin administrative service. The curriculum at the professional level should extend those learnings, and allow for in-depth study of defined areas of interest for the new administrator.

### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- Curriculum content is characterized by a depth of experience that challenges candidates, fosters critical reflection, extends understanding, and allows for meaningful integration of theory and practice.
- Coursework systematically extends the depth of content offered at the preliminary level, and is geared to the needs of beginning administrators.
- Candidates have opportunities to select and pursue specific areas of interest within university and non-university curricular offerings.
- Coursework and other professional development activities are designed to thoughtfully engage candidates in challenging learning activities and reflect on their own practice as beginning administrators.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

## Standard 5

### Curricular Individualization

**The curriculum of the program provides for specialization and individual development based on an assessment of each candidate's needs, interests, and career goals.**

#### Rationale

A range of curricular offerings within the university and non-university component of the program to effectively meet the needs of beginning administrators in a variety of contexts. Specialization and individualization may occur by providing a variety of coursework, specialized strands, or by individualized learning opportunities within a specific course or professional development experience.

#### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- Areas of curricular specialization and a range of options within these specializations are available and clearly defined for candidates in the program.
- Candidates have opportunities to select and pursue specific areas of interest within the curricular offerings.
- Assessments of student needs and interests result in careful planning and selection of appropriate coursework and other professional development opportunities.
- Consideration is given to the new administrator's work responsibilities in planning the timing of coursework and professional development experiences.
- The curricular plan is outlined in the candidate's professional credential induction plan.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

## Category II

### Support and Mentoring Plan

#### Standard 6

##### Provision of Mentoring Experiences

**The beginning administrator's professional credential induction plan specifies provisions for mentoring and support activities to be provided by one or more experienced colleagues throughout the candidate's enrollment in the credential program.**

##### Rationale

The guidance, advice, feedback, and support provided by a more experienced colleague assists the new administrator in the performance of his/her role and helps to facilitate the development of professional norms. Sharing of the knowledge of practice needs to be a planned part of the design for administrative induction. Candidates may experience more than one mentor, and the primary mentor may change. The professional credential induction plan should outline the ways in which mentor(s) will work with beginning administrators to help them achieve their defined goals.

##### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The mentoring component of the professional credential induction plan is developed collaboratively by the candidate, the university advisor, and the mentor administrator.
- Mentoring occurs on a regular, ongoing basis and reflects the candidate's changing needs and stage of professional development.
- Support and mentoring activities are appropriate to the individual needs of beginning administrators and are provided in ways that encourage reflection, build trust, and facilitate professional growth and development.
- Mentoring experiences may be individual or group activities, and may include, but need not be limited to, orientation of new administrators, job-alike meetings, function/division orientation, and mentoring.
- Activities are balanced to provide an awareness of a full range of administrative responsibilities, address both site level and district level functions, and provide experiences with diverse populations.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

## Standard 7

### Mentor Qualifications

**Experienced administrators selected as mentors are qualified for this professional role, prepared for their responsibilities, assigned appropriately, evaluated for their effectiveness, and recognized for their contributions.**

### Rationale

Mentors play a key role in the induction experience of the beginning administrator. They need to understand the needs of beginning administrators and be prepared to help and assist in the development of administrative expertise. They will be most effective if they are paired with candidates who share similar job responsibilities and are committed to assume responsibility with the employer, the university, and the candidate, for the mentoring component of the professional credential induction plan.

### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- Appropriate criteria for mentor selection and assignment are established by each school district or employing agency. These criteria give attention to the person's professional expertise, coaching skills, and knowledge of the profession.
- Training/orientation is provided by the university, district, county office, or professional organizations to prepare mentors for their roles and responsibilities.
- Mentors maintain regular and ongoing contact with candidates.
- Mentoring relationships are evaluated on a regular basis, and changed or supplemented as necessary.
- Mentors value and embrace their professional responsibility to nurture and support new administrators.
- Mentors are recognized in appropriate ways by employers and by the university.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

## Category III

### Candidate Competence and Performance

#### Standard 8

##### Expectations for Candidate Performance

**Expectations for excellence in candidate performance are developed for each candidate, aligned with the principles of administrative practice outlined in Standard 3, and included in the individual induction plan.**

##### Rationale

Six areas related to principles of administrative practice were identified in Standard 3 as the conceptual themes to be woven through the advanced level of preparation for school administrators. Candidate expectations will fall within the broadly defined thematic areas, but will be different for each candidate, depending on past experiences, current job assignments, and future career development goals and plans. The defined expectations and ways in which performance in meeting those expectations will be measured, and the plan for assessing the achievement of the performance goals will be a part of the candidate's professional credential induction plan.

##### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The individualized program of studies, including the university and non-university components, is designed to foster development that is congruent with the six themes related to administrative practice (Standard 3).
- Areas of special emphasis are recognized and defined in appropriate ways in each candidate's professional credential induction plan includes clearly stated expectations and indicates how progress in each thematic area will be developed and assessed.
- The candidate, the university supervisor, and the mentor all have input into the design of the expectations, and the ways in which competence will be measured.
- Curriculum offerings, individual mentoring experiences and other professional development experiences are offered to prepare candidates to meet the defined expectations.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.



## Standard 9

### Assessment of Candidate Competence

**Prior to recommending each candidate for a Professional Clear Administrative Services Credential, the program advisor and the mentor verify that the candidate has met the expectations for excellence in candidate performance that are outlined in the professional credential induction plan.**

### Rationale

If the completion of a professional preparation program is to constitute a mark of professional competence, as the law suggests, responsible members of the program staff must carefully and systematically document and determine that the candidate has fulfilled the standards of professional competence established for the professional credential induction program.

### Factors to Consider

*The following factors serve as a guide for initial program design and ongoing program evaluation.*

- The methods used assess performance authentically and recognize the complexity and highly variable nature of administrative responsibilities.
- The assessment system (both during the program and at the conclusion) is systematic, fair, uses multiple measures and multiple sources, and is tied to the curriculum, field experiences and themes of competence.
- The candidate is assessed by program faculty and school personnel who have demonstrated expertise, have been oriented to the assessor role and trained in the specified criteria, and are periodically evaluated in the assessment role.
- Candidates are provided feedback on their progress at multiple points in the program.
- A culminating assessment brings closure to the induction period and establishes directions for continuing growth and professional development.
- The program meets other factors related to this standard of quality brought to the attention of the team by the program sponsor.

**Part 6: California Guidelines for Professional Clear Administrative  
Services Credential Guidelines-based Programs**

**Guidelines  
and  
Related Expectations**



# **Program Provider Guidelines for Alternative Professional Clear Administrative Services Credential Programs**

## **Guideline 1: Program Design and Coordination**

The program sponsor identifies the basis upon which decisions will be made in determining developmental objectives for each candidate in the program and for assessing the advancement of each candidate toward those objectives during the course of the program. The program is coordinated effectively, and key program personnel are identified and their responsibilities are clearly defined.

### **Guideline 1 Expectations:**

- The program sponsor identifies general administrator performance expectations for use in identifying each candidate's strengths and weaknesses, setting developmental objectives, and measuring progress. These general expectations may be the California Professional Standards for Educational Leaders or a similar set of administrator performance expectations that focus on instructional leadership.
- The program sponsor provides its general administrator performance expectations to each candidate at the outset of the candidate's participation in the program and explains the performance expectations.
- The program identifies the individual responsible for coordination of the program, key personnel involved in program implementation, and the reporting relationships between the identified personnel. The program identifies the person or entity to whom the authority to certify program completion is designated.

## **Guideline 2: Evaluation of Program Quality**

The program sponsor conducts ongoing evaluation of the quality and effectiveness of the program for the purpose of identifying needs for program improvement and to ensure that the program is providing mentoring, support and assistance of high quality that is targeted to meet individual candidates' needs. The program sponsor maintains records of services provided to candidates, candidate assessments and other documentation of program and candidate activities for use in external program assessment activities to be conducted by the Commission.

### **Guideline 2 Expectations:**

- The program evaluation process includes an opportunity for candidates to provide the program sponsor with their perceptions of the quality of the various aspects of the program, including those areas in which the program successfully provided appropriate mentoring, support and assistance, and those areas in which candidates perceived program deficiencies.
- The program evaluation process includes an opportunity for mentors to provide information on their perceptions of the quality of various aspects of the program, including the appropriateness and sufficiency of mentor training requirements, the effectiveness of criteria for mentor assignment, and the quality of the mentor evaluation process.
- The program sponsor uses information obtained through the program evaluation process to identify areas in need of improvement and takes appropriate actions to improve and ensure program quality.
- The program sponsor maintains records of program policies and procedures, services provided to candidates, candidate assessment data, number of mentors, number of participants, and other data related to the program's value, scope and content.
- The program sponsor consents to providing program information to the Commission upon request and to cooperate with program audit and reporting activities conducted by the Commission.

### **Guideline 3: Initial Assessment of Candidate Competence**

Within the candidate's first 90 days of employment in a position requiring possession of an administrative services credential, the program sponsor initially assesses candidates based on the program's general administrator performance expectations. This initial assessment includes a candidate self-assessment component in which the candidate describes current job responsibilities and challenges, and perceived personal strengths and weaknesses. The results of this initial assessment inform decisions concerning the administrator's needs and developmental objectives to be met during the course of the program. Mentoring, support and assistance activities initially focus on those areas in which the initial assessment indicates additional support is needed for the candidate to be successful in his/her current assignment.

#### **Guideline 3 Expectations:**

- The program's initial assessment is designed to measure a candidate's initial level of competence in each of the program's general administrator performance expectations in a way that can be compared to future assessments of candidate competence so that the program sponsor can determine the candidate's progress and increased administrative effectiveness over time.
- The results of the initial assessment are shared with the candidate and individual(s) assigned to provide the candidate with mentoring, support and assistance to ensure that all parties have a clear understanding of the candidate's initial strengths, weaknesses, and areas of focus for the mentoring, support and assistance to be provided to the candidate.
- The program sponsor maintains a record of each candidate's initial assessment results for comparison with subsequent assessments to determine candidate progress over the course of the program.
- The assessment examines candidate competence authentically, systematically and fairly, and takes into account the highly variable nature of administrative responsibilities.

#### **Guideline 4: Individualized Mentoring Plan**

The program sponsor establishes a process through which a mentoring plan is created for each administrator served by the program. The plan addresses the mentoring, support and assistance needs of each administrator, and may identify additional learning activities needed for the administrator's professional development. The plan includes developmental objectives that the individual administrator is expected to meet over the course of the program.

#### **Guideline 4 Expectations:**

- The program sponsor initially assesses each candidate's strengths and weaknesses based on the program's general administrator performance expectations, and uses the results of this assessment to create an appropriate individualized mentoring plan.
- The candidate's developmental needs and current work context are considered and addressed in the development of the plan.
- The candidate, employer, and a program representative participate in the development of the plan and provide written approval of the initial plan.
- The program sponsor provides an opportunity to review and amend the plan as necessary to meet the administrator's needs or address changes in the administrator's assignment or other aspects of the administrator's work context. The candidate, employer, and a program representative review and approve any changes to the individualized mentoring plan.

## **Guideline 5: Provision of Mentoring, Support and Assistance**

The program sponsor provides mentoring, support and assistance that is designed to meet the individual administrator's needs, and is conducted on a regular, ongoing basis throughout the course of, at minimum, the administrator's first two years of administrative service while possessing the Preliminary Administrative Services Credential.

### **Guideline 5 Expectations:**

- The program sponsor, an employer representative, and the administrator collaborate to identify the mentoring, support and assistance needs of the administrator and appropriate means for providing these services.
- The administrator's individual mentoring plan identifies an administrator meeting the qualifications described in Guideline 6 who will serve as the lead mentor\* for the administrator.
- The administrator's individual mentoring plan identifies the frequency of regularly scheduled meetings between the administrator and lead mentor. Communication formats for these meetings may be varied (e.g. phone, e-mail, teleconference) but must allow reasonable access for the administrator to the individual(s) assigned to provide support.
- The program sponsor ensures that the administrator has access to mentoring and support in crises or other sensitive situations that occur at times other than the regularly scheduled meetings between the administrator and lead mentor.
- The program sponsor identifies other individuals, in addition to the lead mentor, who have expertise in specific areas applicable to the administrator's current assignment and who will be available to the administrator as needed to provide additional information and guidance.
- The program sponsor provides a list of additional resources that may assist the administrator in succeeding in the current administrative assignment.
- The program sponsor provides opportunities for communication between administrators served by the program to allow for peer engagement and support.

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\* "Lead mentor" refers to the individual who will serve in the primary mentoring role for the candidate. These guidelines encourage the use of other qualified individuals to assist in the mentoring role, but require that the program assign a lead mentor to serve as the administrator's primary contact and to lead in the coordination of all mentoring activities.



## **Guideline 6: Mentor Qualifications and Assignment**

The program sponsor establishes specific qualifications for the selection of lead mentors\* and criteria to be used in determining the appropriate assignment of lead mentors to individual administrators served by the program. Qualifications for lead mentors include appropriate mentor training and experience. The program sponsor establishes an evaluation process for lead mentors and uses the evaluation results to amend mentor selection qualifications and/or training requirements, and to reassign or replace mentors as needed.

### **Guideline 6 Expectations:**

- The program sponsor creates a list of prospective lead mentors of sufficient number to serve all administrators served by the program. All mentors listed meet the qualifications for lead mentors established by the program sponsor.
- Lead mentor qualifications address the number of years of administrative experience and other teaching and services experience; the level and quality of training in support and mentoring; special skills and/or experiences applicable to administrative responsibilities; and other characteristics conducive to successful mentoring, support and assistance.
- The program sponsor's criteria of assignment of lead mentors to individual administrators consider similarities in their current responsibilities and work contexts; geographic proximity; ease of interaction; and other characteristics likely to result in a positive mentoring relationship.
- The program sponsor creates a mechanism for each administrator in the program to evaluate his/her lead mentor. The evaluation provides information on each lead mentor's strengths and weaknesses, identifies areas in which additional training may be required, and rates the overall performance of the mentor from the perspective of the administrator being mentored.
- The program sponsor uses the results of the lead mentor evaluations to make any necessary changes to lead mentor selection qualifications, amend training requirements, and reassign or replace mentors who receive unsatisfactory evaluations.

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\* "Lead mentor" refers to the individual who will serve in the primary mentoring role for the candidate. These guidelines encourage the use of other qualified individuals to assist in the mentoring role, but require that the program assign a lead mentor to serve as the administrator's primary contact and to lead in the coordination of all mentoring activities.

## **Guideline 7: Assessment of Candidate Competence**

The program sponsor conducts ongoing assessment of the candidate's competence based on the program's general administrator performance expectations, and provides the results to the candidate and the candidate's lead mentor to be used as an indicator of candidate progress, and to redirect the focus of mentoring, support and assistance, if needed. Prior to certifying that each candidate has completed program requirements, the program sponsor conducts a culminating assessment of the candidate's competence based on the program's general administrator performance expectations and the developmental objectives identified in the candidate's individualized mentoring plan. Through this assessment the program sponsor and the lead mentor verify that the candidate has met the developmental objectives established in the individualized mentoring plan and has reached a level of administrative competence appropriate to merit recommendation for the Professional Clear Administrative Services Credential.

### **Guideline 7 Expectations:**

- Candidates are provided feedback on their progress at multiple points in the program.
- Each candidate's individualized mentoring plan is reviewed periodically on the basis of the assessment results and amended as necessary to respond to changes in the candidate's needs for mentoring, support and assistance.
- The assessment examines candidate competence authentically, systematically and fairly, and takes into account the highly variable nature of administrative responsibilities.
- A culminating assessment forms the basis for certifying that the candidate has successfully completed the program and has reached a level of competence meriting possession of a Professional Clear Administrative Services Credential



## CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

### Members of the Commission

#### January 2004:

##### *Chair*

Lawrence Madkins, Teacher

##### *Vice Chair*

Elaine C. Johnson, Public Representative

Kristen Beckner, Teacher

Beth Hauk, Teacher

Steve Lilly, Faculty Member

Os-Maun Rasul, Non Administrative  
Services Credential Holder

Alberto Vaca, Teacher

Leslie Littman, Designee, Office of  
Superintendent of Public Instruction

##### *Ex Officio Representatives*

Karen Symms-Gallagher, Association of  
Independent California Colleges and  
Universities

Sara Lundquist, California Postsecondary  
Education Commission

Athena Waite, Regents, University of  
California

Bill Wilson, California State University

### Executive Director

Dr. Sam W. Swofford

### Functions of the Commission

The Commission:

- Administers local assistance grant programs that support prospective teachers in completing the requirements for a teaching credential.
  - Reviews allegations of misconduct against a credential holder or applicant and, when necessary, disciplines educators.
- #### Operation of the Commission
- The Commission holds regular public meetings throughout the year. Those who wish to speak at a meeting may make request by writing to the Commission in advance or by submitting a request before the start of the meeting.
- Awards credentials to candidates who have fulfilled all the requirements of the credential.
  - Develops and adopts standards to govern the structure and content of educator programs.
  - Oversees teacher-licensing examinations in California administered by contracts with professional testing companies.

## **Recent Commission Reports**

The Commission publishes several reports a year as part of its oversight, coordination, reporting, and planning responsibilities. These reports are available on the World Wide Web at <http://www.ctc.ca.gov/>. Recent reports include:

### **2003**

*California Mathematics Initiative for Teaching: Report to the Legislature*

*2001-2002 Annual Report: Emergency Permits and Credential Waivers*

*Final Report of the Independent Evaluation of the Beginning Teacher Support and Assessment Program (BTSA)*

*Teacher Supply in California 2001-2002 -- A Report to the Legislature*

*Paraprofessional Teacher Training Program--2002 Report to the Legislature*

*Seventh Annual Accreditation Report to the California Commission on Teacher Credentialing By the Committee on Accreditation*

### **2002**

*Preliminary Report on Teacher Retention in California*

*CCTC Annual Report on California Teacher Preparation Programs--Academic Year: 2000-2001*

*2000-01 Annual Report: Emergency Permits and Credential Waivers*

*Teacher Supply in California 2000-2001 -- A Report to the Legislature*

*1999-2000 AB 471 Report*