

PUBLIC HEARING

August 14, 2003

Proposed Amendment to California Code of Regulations, Title 5 Section 80020.1, Concerning Additional Assignment Authorizations for Specialist Teaching Credentials in Learning and Severely Handicapped

Introduction

The proposed amendment to California Code of Regulations, Title 5 Section 80020.1, concerning additional assignment authorizations for Specialist Teaching Credentials in Learning and Severely Handicapped is being presented for public hearing. Included in this item are the background of the proposed regulations, a brief discussion of the proposed changes, and the financial impact. Also included are the responses to the notification of the public hearing and a copy of the notification distributed in Coded Correspondence 03-0019 dated June 24, 2003.

Background of the Proposed Regulations

In January of 2003, the Commission approved the addition of Title 5 Section 80020.1 to align the authorizations of both pre-Ryan special education credentials with the current Ryan Education Specialist Credential and the authorization for the low incidence disability areas for the Ryan Specialist Teaching Credential through the use of an assignment option. The assignment option allows local employing agencies to assign special education credential holders to serve students ages birth to preschool consistent with the special education subject area of their credential if the teacher meets the requirements of the regulations and also has the requisite knowledge and skills to serve in the assignment. Teacher consent is also required.

During the public hearing process, one of the professional organizations responding to the regulations pointed out that the Ryan Specialist Teaching Credential in Learning and Severely Handicapped should have been included in the realignment process. Since 1997, when the Early Childhood Special Education (ECSE) Specialist Credential and Certificate were created, which authorizes service to mild/moderate and moderate/severe students ages birth to pre-K, there has been some confusion in the field regarding the definition of "preschool" and whether an individual who held a Ryan Specialist Teaching Credential in Learning and Severely Handicapped would need to obtain the Early Childhood Education Specialist Certificate to serve students birth to pre- K.

This proposal would allow local employing agencies to allow individuals who hold Specialist Teaching Credentials in Learning and Severely Handicapped to serve mild/moderate and moderate/severe students ages birth to preschool if the individual meets the requirements of the regulations. The individual must have three years of prior teaching experience at the age level and in the disability area authorized by the credential. The July 1, 2003 date allows employers to continue to assign individuals with the three years of special education experience but would not allow "new" individuals to qualify for this option. Individuals who do not have the three years of appropriate experience must obtain the ECSE Certificate for service to mild/moderate and moderate/severe students. Teacher consent is also required.

Proposed Changes

80020.1(c)(2) The Commission is proposing to allow individuals who hold specific special education credentials in learning and severely handicapped who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to pre-kindergarten level.

Financial Impact

California Commission on Teacher Credentialing: None

California Colleges and Universities: None

Private Persons: None

Mandate Costs: None

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the California Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-accredited programs
- Credential Analysts at the California Institutions of Higher Education with Commission-accredited programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

As of Thursday, July 24, the Commission had received two written response to the public announcement:

<i>In Support</i>	<i>In Opposition</i>
0 organizational opinions	1 organizational opinion
1 personal opinions	0 personal opinion

Total Responses: 2

Responses Representing Individuals in Support

1. Rick Bigby, Superintendent/Principal, Allenswort Elementary School District

Responses Representing Organizations Not in Support

1. Tehama County Department of Education/SELPA: J. Sarge Kennedy, Assistant Superintendent, Student Programs and SELPA Operations
Comment: Revise so that the 3 years of successfully teaching ages birth through (rather than to) pre-school may include student teaching experience.
Commission Response: The wording in the proposed regulation is consistent with other sections of Title 5 Regulations. Student teaching is completed while an

individual is enrolled in a professional preparation program that exposes the candidate to a variety of instructional activities while under the supervision of a credentialed teacher. Student teaching is used to earn a credential. The purpose of this assignment option is use experience completed after the credential is earned and the individual is the teacher of record in a classroom.

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendment to California Code of Regulations, Title 5 Section 80020.1, concerning additional assignment authorizations for Specialist Teaching Credentials in Learning and Severely Handicapped.

Proposed Amendment to Title 5 Section 80020.1

Title 5 Section 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 preschool 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: and
 - (2) Specialist Instruction Teaching Credential with a major in Learning Handicapped or Severely Handicapped.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

1900 Capitol Avenue
Sacramento, California 95814
(916) 445-0184



OFFICE OF THE EXECUTIVE DIRECTOR

June 24, 2003

03-0019

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: Proposed Amendment to California Code of Regulations, Title 5 Section 80020.1, Concerning Additional Assignment Authorizations for Specialist Teaching Credentials in Learning and Severely Handicapped

Notice of Public Hearing is Hereby Given

In accordance with Commission policy, the following Title 5 Regulation is being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined.

A public hearing on the proposed actions will be held:

August 14, 2003

10:00 am

California Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Terri H. Fesperman at 916-323-5777 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.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on August 12, 2003. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 21 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.

Authority and Reference

Education Code Section 44225(q) authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Sections 44225(b) and 44225(e) of the Education Code and govern the procedures of the Commission.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Existing law and regulations allow special education credential holders to serve students in grades preschool, K-12 and adults with Ryan Credentials and grades K-12 with Education Specialist Credentials.

This proposal would allow local employing agencies to allow individuals who hold Specialist Teaching Credentials in Learning and Severely Handicapped to serve mild/moderate and moderate/severe students ages birth to preschool if the individual meets the requirements of the regulations. The individual must have three years of prior teaching experience at the age level and in the disability area authorized by the credential. The July 1, 2003 date allows employers to continue to assign individuals with the three years of special education experience but would not allow "new" individuals to qualify for this option. Individuals who do not have the three years of appropriate experience must obtain the ECSE Certificate for service to mild/moderate and moderate/severe students. Teacher consent is also required.

80020.1(c)(2) The Commission is proposing to allow individuals who hold specific special education credentials in learning and severely handicapped who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to pre-kindergarten level.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None
Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private persons or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss at (916) 322-4974 or at the address mentioned in the previous sentence. 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. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

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.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.