
8B

Action

Credentialing and Certificated Assignments Committee

Proposed Amendments and Deletions to Title 5 Sections 80048.3, 80413.1, 80457 and 80523.1

Executive Summary: Four sections of Title 5 of the California Code of Regulations that are being updated due to changes in statute and regulation.

Recommended Action: Staff recommends that the Commission approve the proposed amendments and deletions of four sections of Title 5 of the California Code of Regulations for purpose of beginning the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing.

Presenter: Dale Janssen, Director,
Certification, Assignment and Waivers Division

Proposed Amendments and Deletions to Title 5 Sections 80048.3, 80413.1, 80457 and 80523.1

Introduction

At the June 2003 Commission meeting the Commission staff presented the first of three agenda items pertaining to updating 65 sections of Title 5 of the California Code of Regulations. This agenda item is the third and final in the series of agenda items. Staff is recommending amending and deleting sections of Title 5 that have been changed due to statutory changes and changes in other sections of Title 5.

Background

During the process of making changes to the sections of Title 5 of the California Code of Regulations sections pertaining to the Administrative Services Credential the Commission staff found that certain sections of Title 5 were in some cases more restrictive than the statute cited as a reference. At the direction of the Executive Director the Professional Practices Division, the Professional Services Division and the Certification, Assignment and Waivers Division reviewed Title 5 sections that pertained to each Division. As a result of that review, staff found 65 sections of Title 5 that needed to be either deleted or updated. The affected sections were classified as either Changes Without Regulatory Effect, Sections to be Deleted that Require a Public Hearing and Sections to be Updated that Require a Public Hearing. This is the third agenda item that addresses sections to be updated that require a public hearing.

Proposed Changes to Title 5 Regulations

§80048.3. Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential.

Staff is proposing the deletion of Section (b) because both Assembly Bill (AB) 1620 (Statutes of 1998, Chapter 547, Scott) and AB 877 (Statutes of 2000, Chapter 703, Scott) changed the requirements for out-of-state trained teachers. Education Code Section 44275.3 clearly defines the requirements for the Preliminary Education Specialist Credential; consequently this section is no longer necessary.

§80413.1. Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared Outside California.

This section was originally promulgated in 1986, since that time the Legislature has passed and Governor's have signed three major pieces of legislation that changed the requirements for out-of-state trained teacher's to earn a California teaching credential. Consequently staff is proposing that this section be deleted. Education Code Section

44275.3 clearly defines the requirements for multiple and single subject credentials for teachers prepared outside of California.

§80457. Acceptance of College or University Work for Purposes of Certification in California.

The Western Association of School and Colleges is being deleted because it was deleted from Education Code Section 44227 by SB 299 (Statutes of 2001, Chapter 342, Scott).

§80523.1. Experience in Lieu of Student Teaching.

Staff is proposing adding the Education Specialist Credential to this section because special education credentials were added to the appeal process outlined in Section 80509 in 1998.

Staff Recommendation

Staff recommends that the Commission approve the amendments and deletions of four sections of Title 5 of the California Code of Regulations for purpose of beginning the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing.

§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~~

~~(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.~~

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.

~~§80413.1. Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared Outside California.~~

- ~~(a) The minimum requirements for the preliminary multiple or single subject teaching credential for out-of-state applicants shall include all of the following:~~
- ~~(1) A baccalaureate or higher degree from an accredited institution of postsecondary education;~~
 - ~~(2) The completion of a teacher training program approved by the appropriate agency in the state where the course work was completed;~~
 - ~~(3) Verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Section 80071 of Title 5 Regulations; or by completion of a subject-matter waiver program as provided for in Education Code Section 44310 and described in Sections 80085-80094 of Title 5 Regulations;~~
 - ~~(4) Demonstration of a knowledge of the various methods of teaching reading by one of the means described in Education Code Section 44259(e) or a course completed as part of the out-of-state teacher education program;~~
 - ~~(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;~~
 - ~~(6) Passage of the California Basic Education Skills Test described in Education Code Section 44252.~~
- ~~(b) The minimum requirements for the clear multiple or single subject teaching credential include, in addition to those cited above for the preliminary multiple or single subject credential, all of the following:~~
- ~~(1) A fifth year of study completed in one of the following ways:
 - ~~(A) As specified in Education Code Section 44259(b), by one of the means described in Section 80424 of this article, or~~
 - ~~(B) Verification of a master's or higher degree from an out-of-state accredited postsecondary educational institution demonstrating completion of an educationally related and organized program involving at least 30 semester units of post-baccalaureate course work;~~~~
 - ~~(2) Completion of the Health Unit, as specified in Education Code Section 44261, which may be satisfied by a course of study of at least one semester unit, or its equivalent, which may be offered or accepted by an accredited community college, college, or university;~~
 - ~~(3) The completion of the study and practice of methods of teaching individuals with exceptional needs, as described in Section 80032.2 of Title 5 Regulations.~~
- ~~(c) The procedures for direct application to be followed by the applicant and by the Commission are specified in Section 80430.1.~~

~~Authority cited: Section 44225(b), Education Code. Reference: Sections 44227, 44252, 44259, 44280, 44281, 44310 and 44335, Education Code; and Section 67.5, Chapter 1247, Statutes of 1977.~~

§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.

Authority cited: Section 44225(q), Education Code. Reference: Sections 44227 and 44252, Education Code.

§80523.1. Experience in Lieu of Student Teaching.

The Commission may assign to its certification staff the authority to issue Multiple or Single Subject Teaching Credentials or Education Specialist Instruction Credentials to applicants who meet the requirements established in Section 80509~~(a)~~ when the applicant verifies that he or she has completed the three years of experience after completion of the baccalaureate degree and professional preparation program excluding student teaching.

Authority cited: Section 44225, Education Code. Reference: Sections 44225(g) and 44252(a), Education Code.