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# 8A

## Action

### *Credentialing and Certificated Assignments Committee*

### **Proposed Title 5 Regulations to Implement Assembly Bill 2210**

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**Executive Summary:** Assembly Bill 2210 was chaptered on August 30, 2004. The bill requires the Commission to adopt regulations to clarify that an induction program is required for the multiple subject and single subject SB 2042 professional clear credentials. This agenda item proposes Title 5 regulations to clarify the requirement.

**Recommended Action:** Approve the proposed amendments to the California Code of Regulations Title 5 for the 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

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Sustain high quality standards for the preparation of professional educators

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## **Proposed Title 5 Regulations to Implement Assembly Bill 2210**

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### **Introduction**

At the November/December 2004 Commission meeting, the Commission directed staff to meet with stakeholders to discuss possible guidelines employing agencies may use to determine if a Commission-approved Induction Program is unavailable. There was insufficient time to discuss guidelines at the December 10<sup>th</sup> stakeholders meeting, however input was provided through e-mail. This agenda item reviews the outcome of that discussion.

### **Background**

Governor Schwarzenegger signed Assembly Bill 2210 (Liu, Statutes of 2004, Chapter 343) on August 30, 2004 (see Attachment B for a copy of the bill). The bill establishes completion of a Commission-approved induction program as the required route for earning an SB 2042 professional clear multiple subject or single subject teaching credential. If an induction program is unavailable to the preliminary credential holder, the candidate will be allowed to complete a Commission-approved fifth year program. It also allows a candidate to complete a fifth year program if the candidate must complete subject matter course work to meet No Child Left Behind (NCLB) "highly qualified teacher" requirements. The chart on the next page displays the options SB 2042 preliminary credential holders may complete to earn a professional clear credential.

Assembly Bill 2210 contained an urgency clause, which made the bill effective the day Governor Schwarzenegger signed the bill on August 30, 2004. The bill did not include a transition period; consequently the Commission does not have the authority to include a transition period in the regulations. Credentials with an issuance date of August 30, 2004 and after will include a statement clarifying the induction requirement. The bill requires the Commission to adopt Title 5 regulations to clarify that, other than specified exceptions, the Commission-approved induction program is required for the SB 2042 professional clear credential.

**SB 2042 Preliminary Credential Holder Options to Earn a Professional Clear Credential**

<b>Employment Status</b>	<b>Option available to earn a SB 2042 professional clear credential</b>
Employed (public school district, county office of education, state operated school, nonpublic nonsectarian school, charter school, & private schools)	Commission-approved induction program offered by an agency, consortium or college or university
Substitute Teacher	College or university Commission-approved induction program (if this option is not being offered, this employment status would require employment to complete the induction program)
Not Employed in Educational Setting	College or university Commission-approved induction program (if this option is not being offered, this employment status would require employment to complete the induction program)
NCLB compliant as determined by the employing agency	Commission-accredited SB 2042 fifth year program
Employed, eligible for induction, but induction not available	Commission-accredited SB 2042 fifth year program

The proposed regulations provide that an employing agency, defined as a public school district, county office of education, state operated school, nonpublic, nonsectarian school, charter school and private school, determines if a Commission-approved induction program is available to a SB 2042 preliminary credential holder. At both the September/October and November/December 2004 Commission meetings, the question of how does an employing agency verify unavailability of a Commission-approved induction program including when a college or university is offering such a program, was asked.

The statute requires completion of induction to earn a professional clear credential. There are three ways that induction can be offered: by an employing school district, a consortium or a college or university. All three programs must meet the same standards and be approved by the Commission. An employing agency can verify if it does not offer induction either through the agency or a consortium, however how would an employing agency verify that induction is not available at a local college or university? This question was posed to the stakeholders through the e-mail guideline discussion. In response, there was a consensus that the process should be kept simple and clear. The Commission currently maintains a list of approved induction programs on its web site. Commission staff is currently developing an improved way to display this information allowing the viewer to sort by county, district, consortium and college and university. Once the improvements are completed, an employing agency will have information about approved induction programs through the Commission's web site. A candidate who is employed where induction is not available will work with the employing agency to determine availability of induction. It is anticipated that this group would be small since 99.71% of public school districts offer induction. The proposed regulations include private schools as employing agencies, thus allowing them to determine if induction is available to the preliminary credential holder. The majority of candidates who would not have access to induction would be private school teachers and employees of some charter schools. Although not eligible for state funding,

there is nothing in the induction standards that restricts private schools from seeking Commission approval for an induction program. A draft form an employing agency will complete when induction is not available can be found in Attachment A.

SB 2042 preliminary credential holders who are either employed as day-to-day substitutes or are not employed in an educational setting have the option of either completing a college or university induction program, as displayed in the chart above, or once employed an agency or consortium induction program offered by the employing agency. The SB 2042 preliminary credential is issued for five years, therefore the credential holder has five years to complete induction. If a candidate is not employed or not employed in a position were the credential holder is eligible for induction during the five-year period, the Commission staff has regulatory authority to grant an extension of time once the holder obtains employment and is eligible for induction.

The discussion during the September/October 2004 Commission meeting focused on the definition of a beginning teacher. Following is the language that establishes completion of a Commission-approved induction program as the requirement for a professional clear credential, the bill reads:

*(B) If an approved induction program is verified as unavailable to a beginning teacher, or if the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter coursework to be qualified for a teaching assignment, the commission shall accept completion of an approved fifth-year program after completion of a baccalaureate degree at a regionally accredited institution as fulfilling the requirements of paragraph (2). The commission shall adopt regulations to implement this subparagraph.*

This subsection raises the issue, who is a beginning teacher? The same section of the statute provides the beginning teacher definition. The statute reference 44259(c)(2) reads:

*(2) Subject to the availability of funds in the annual Budget Act to provide statewide access to eligible beginning teachers, as defined in subdivision (d) of Section 44279.1 ...*

Education Code section 44279.1(d) reads:

*(d) For the purpose of this article, unless the context otherwise requires, "beginning teacher," means a teacher with a valid California credential, as defined in Section 44259, or an intern participating in the program established pursuant to Article 11 (commencing with Section 44380) of Chapter 2.5, who is serving in the first year or second year of service.*

Based on the definition found in 44279.1(d), a beginning teacher is one who is serving in the first or second year of service. Program Element 6(b) of the Induction Standards states who is eligible for induction:

*6(b) The program informs all candidates of their eligibility for induction. Eligible candidates include those new to the profession who are teaching on preliminary credentials, those teaching on preliminary credentials who were prepared out of state and have less than five years experience, and those teaching on intern credentials.*

The proposed Title 5 regulations also include the requirement that a beginning teacher must be eligible for a Commission-approved induction program before an employing agency can determine if induction is unavailable. By clearly defining a beginning teacher as one who is eligible to participate in induction, a credential holder will know when they can begin to complete the professional clear credential requirements, either through a college or university induction program, one offered by the employing agency or a fifty year program if eligible. Further, if every teacher is to complete induction to earn an SB 2042 professional clear credential, the number of exceptions as stated in the bill should be very few.

### **Proposed Title 5 Language**

Below is proposed Title 5 language to implement the induction requirement.

The proposed language reflects that a Commission-approved induction program is the official program to complete the requirements for a multiple subject or single subject SB 2042 professional clear teaching credential. A candidate who obtains verification for the employing agency that induction is unavailable or NCLB highly qualified teacher requirements may enroll in a Commission-approved fifth year program.

The other proposed changes update this section to reflect action taken by the Commission in November 2003 requiring an examination for the multiple subjects credential to meet the requirements of the federal No Child Left Behind Act.

The proposed amendments to the Title 5 regulations:

#### **§80413. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California.**

(a) The minimum requirements for the five-year preliminary multiple and single subject teaching credentials for California-prepared applicants shall include successful completion of all of the following:

(1) A baccalaureate degree or higher degree, except in professional education, from a regionally accredited institution of higher education.

(2) Passage of the California Basic Educational Skills Test (CBEST), as described in Education Code Section 44252, unless exempt by statutes or regulations.

~~(2) (3) A Commission-approved multiple subject or single subject program of professional preparation in multiple or single subject, as appropriate to the credential sought as described in Education Code Section 44259(b)(3).~~

~~(3) 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 program as provided for in Education Code Section 44310 and described in Sections 80085, 80085.1, 80086, 80087, 80088, and 80094 of Title 5 Regulations.~~

(4) Completion of a study of alternative methods of developing English language skills, including the study of reading, as provided in Education Code Section 44259(b)(4). In addition multiple subject applicants shall pass the reading instruction competence assessment as provided in Education Code Section 44283. The following (A), for all applicants, and (B), for multiple subject applicants specified in Education Code Section 44283.

~~(A) A study of alternative methods of developing English language skills, including the study of reading, as specified in Education Code Section 44259(b)(4); and~~

~~(B) The reading instruction competence assessment specified in Education Code Section 44283 upon adoption of the implementing regulations.~~

(5) Subject-matter knowledge:

(A) For a multiple subject credential, an applicant enrolled in a teacher preparation program prior to July 1, 2004 shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310. An applicant enrolled in a teacher preparation program on or after July 1, 2004 shall meet this requirement by passage of an examination as provided in Education Code Sections 44280, 44281 and 44282.

(B) For a single subject credential, an applicant shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310.

~~(6) Demonstration of knowledge of the The Constitution of the United States requirement, as specified provided in Education Code Section 44335, by one of the means described in Section 80415 of Title 5 Regulations.~~

~~(6) The California Basic Educational Skills Test (CBEST), as described in Education Code 44252, unless exempt by statutes or regulations.~~

~~(7) Demonstration of basic competency in the use of computers in the classroom as provided in Education Code Section 44259(b)(7).~~

~~(8) The recommendation from a regionally accredited institution of higher education that has a Commission-approved program in the preliminary credential sought, as specified provided in Education Code Section 44227.~~

~~(b) The minimum requirements for the professional clear multiple or single subject teaching credentials must be completed within five years from the initial date of the issuance of the preliminary credential. The requirements include, in addition to those cited above for the preliminary multiple or single subject teaching credential, successful completion of all of the following:~~

~~(1) Possession of a valid preliminary teaching credential or certificate, or completion of equivalent requirements as determined by the Commission. A fifth year of study to be completed as specified in Education Code Section 44259(e)(4), by one of the means described in Section 80424 of Title 5 Regulations.~~

~~(2) Completion of a Commission-approved program of beginning teacher induction as specified in Education Code Section 44259(c)(2). If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the employing agency verifies that the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter course work to be qualified for a teaching assignment, the beginning teacher may complete a Commission-accredited fifth year program.~~

~~(3) A health education unit requirement, as specified provided in Education Code Section 44259(c)(4)(A), by one of the means described in Section 80421 of Title 5 Regulations.~~

~~(3) (4) Special education training, as specified provided in Education Code Section 44259(c)(4)(B), as described in Section 80032.2 of Title 5 Regulations.~~

~~(4) (5) Study of advanced computer-based technology, including the uses of technology in educational settings, as specified provided in Education Code Section 44259(c)(3) (4)(C), as described in Section 80422 of Title 5 Regulations.~~

~~(5) (6) Effective July 1, 2005 advanced study in the area of Teaching English Learners.~~

(7) An application for a professional clear multiple subject or single subject credential shall only be submitted by either (A) or (B) below:

(A) A Commission-approved induction program; or

(B) ~~The recommendation from a A regionally accredited institution of higher education with a Commission-accredited fifth year. that has a Commission-approved program in the professional clear credential sought, as specified in Education Code Section 44227.~~

(c) All applicants for multiple subject and single subject professional clear credentials issued pursuant to Education Code Section 44259(c) with an issuance date on or after August 30, 2004 shall complete the requirements in subsection (b)(2) above.

(d) Definitions:

(1) The term “employing agency” as used in this section shall mean:

(A) Public school districts in California.

(B) County offices of education or county superintendents of schools in California.

(C) Schools that operate under the direction of a California state agency.

(D) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.

(E) Charter Schools as defined in Education Code Section 47600.

(F) Private schools.

(2) A beginning teacher is one who is eligible to participate in a Commission-approved induction program.

NOTE

Authority cited: Section 44225, Education Code. Reference: Sections 44227, 44251, 44252, 44259, 44280, 44281, 44283, 44310 and 44335, Education Code.

### **Next Step**

If the Commission approves the proposed amendments to the California Code of Regulations Title 5 for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing, the public hearing would be held during the April 14, 2005 Commission meeting.



## Attachment B

### AB 2210 LEGISLATIVE COUNSEL'S DIGEST

AB 2210, Liu. Marian Bergeson Beginning Teacher Support and Assessment System.

Existing law establishes the Marian Bergeson Beginning Teacher Support and Assessment System for, among other purposes, providing an effective transition into the teaching career for 1st-year and 2nd-year teachers, improving the educational performance of pupils through improved training, information, and assistance for new teachers, ensuring the professional success and retention of new teachers, and ensuring that an individual induction plan is in place for each participating beginning teacher and is based on an ongoing assessment of the beginning teacher.

Existing law requires possession of a valid preliminary teaching credential, possession of a valid equivalent credential or certificate, or completion of equivalent requirements for the professional clear multiple or single subject teaching credential. Existing law further requires completion of designated studies, completion of a 5th-year program after completion of a baccalaureate degree at an accredited institution, and subject to the availability of funding in the annual Budget Act, completion of a program of beginning teacher induction for those credentials.

This bill would require the Commission on Teacher Credentialing to determine that a candidate has fulfilled the induction program requirement if the candidate earned a preliminary teaching credential by completing an accredited internship program of professional preparation and that internship program fulfills induction standards and is approved by the commission. The bill would require the commission to accept as fulfilling the induction program requirement completion of a 5th-year program after completion of a baccalaureate degree at an accredited institution if an approved induction program is verified as unavailable to a beginning teacher, or if a beginning teacher is required by federal law to complete subject matter coursework.

This 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 44259 of the Education Code is amended to read:

44259. (a) Except as provided in subparagraphs (A) and (C) of paragraph (3) of subdivision (b), each program of professional preparation for multiple or single subject teaching credentials shall not include more than one year of, or the equivalent of one-fifth of a five-year program in, professional preparation.

(b) The minimum requirements for the preliminary multiple or single subject teaching credential are all of the following:

(1) A baccalaureate degree or higher degree from a regionally accredited institution of postsecondary education. Except as provided in subdivision (c) of Section 44227, the baccalaureate degree shall not be in professional education. The commission shall encourage accredited institutions to offer undergraduate minors in education and special education to students who intend to become teachers.

(2) Passage of the state basic skills examination that is developed and administered by the commission pursuant to Section 44252.5.

(3) Satisfactory completion of a program of professional preparation that has been accredited by the committee on accreditation on the basis of standards of program quality and effectiveness that have been adopted by the commission. Subject to the availability of funds in the annual Budget Act for this purpose, and in accordance with the commission's assessment and performance standards, each program shall include a teaching performance assessment as set forth in Section 44320.2 which is aligned with the California Standards for the Teaching Profession. The commission shall ensure that each candidate recommended for a credential or certificate has demonstrated satisfactory ability to assist pupils to meet or exceed state content and performance standards for pupils adopted pursuant to subdivision (a) of Section 60605. Programs that meet this requirement for professional preparation shall include any of the following:

(A) Integrated programs of subject matter preparation and professional preparation pursuant to subdivision (a) of Section 44259.1.

(B) Postbaccalaureate programs of professional preparation, pursuant to subdivision (b) of Section 44259.1.

(C) Internship programs of professional preparation, pursuant to Section 44321, Article 7.5 (commencing with Section 44325), Article 11 (commencing with Section 44380), and Article 3 (commencing with Section 44450) of Chapter 3.

(4) Study of alternative methods of developing English language skills, including the study of reading as described in subparagraphs (A) and (B), among all pupils, including those for whom English is a second language, in accordance with the commission's standards of program quality and effectiveness. The study of reading shall meet the following requirements:

(A) Commencing January 1, 1997, satisfactory completion of comprehensive reading instruction that is research-based and includes all of the following:

(i) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding skills.

(ii) A strong literature, language, and comprehension component with a balance of oral and written language.

(iii) Ongoing diagnostic techniques that inform teaching and assessment.

(iv) Early intervention techniques.

(v) Guided practice in a clinical setting.

(B) For the purposes of this section, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text and the relationship of direct, systematic, explicit phonics to the components set forth in clauses (i) to (v), inclusive.

A program for the multiple subjects credential also shall include the study of integrated methods of teaching language arts.

(5) Completion of a subject matter program that has been approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310) or passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280). The commission shall ensure that subject matter standards and examinations are aligned with the state content and performance standards for pupils adopted pursuant to subdivision (a) of Section 60605.

(6) Demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Section 44335.

(7) Commencing January 1, 2000, demonstration, in accordance with the commission's standards of program quality and effectiveness, of basic competency in the use of computers in the classroom as determined by one of the following:

(A) Successful completion of a commission-approved program or course.

(B) Successful passage of an assessment that is developed, approved, and administered by the commission.

(c) The minimum requirements for the professional clear multiple or single subject teaching credential shall include all of the following requirements:

(1) Possession of a valid preliminary teaching credential, as prescribed in subdivision (b), possession of a valid equivalent credential or certificate, or completion of equivalent requirements as determined by the commission.

(2) Subject to the availability of funds in the annual Budget Act to provide statewide access to eligible beginning teachers, as defined in subdivision (d) of Section 44279.1 and except as provided in paragraph (3), completion of a program of beginning teacher induction, including one of the following:

(A) A program of beginning teacher support and assessment approved by the commission and the Superintendent of Public Instruction pursuant to Section 44279.1, a provision of the Marian Bergeson Beginning Teacher Support and Assessment System.

(B) An alternative program of beginning teacher induction that is provided by one or more local educational agencies and has been approved by the commission and the superintendent on the basis of initial review and periodic evaluations of the program in relation to appropriate standards of credential program quality and effectiveness that have been adopted by the commission, the superintendent, and the State Board of Education pursuant to this subdivision. The standards for alternative programs shall encourage innovation and experimentation in the continuous preparation and induction of beginning teachers. Any alternative program of beginning teacher induction that has met state standards pursuant to this subdivision may apply for state funding pursuant to Sections 44279.1 and 44279.2.

(C) An alternative program of beginning teacher induction that is sponsored by a regionally accredited college or university, in cooperation with one or more local school districts, that addresses the individual professional needs of beginning teachers and meets the commission's standards of induction. The commission shall ensure that preparation and induction programs that qualify candidates for professional credentials extend and refine each beginning teacher's professional skills in relation to the California Standards for the Teaching Profession and the standards of pupil performance adopted pursuant to Section 60605.

(3) (A) If a candidate satisfies the requirements of subdivision (b), including completion of an accredited internship program of professional preparation, and if that internship program fulfills induction standards and is approved as set forth in this subdivision, the commission shall determine that the candidate has fulfilled the requirements of paragraph (2).

**(B) If an approved induction program is verified as unavailable to a beginning teacher, or if the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter coursework to be qualified for a teaching assignment, the commission shall accept completion of an approved fifth-year program after completion of a baccalaureate degree at a regionally accredited institution as fulfilling the requirements of paragraph (2). The commission shall adopt regulations to implement this subparagraph.**

(4) Preparation, in accordance with commission standards, that addresses the following:

(A) Study of health education, including study of nutrition, cardiopulmonary resuscitation, and the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and the use of

tobacco. Training in cardiopulmonary resuscitation shall also meet the standards established by the American Heart Association or the American Red Cross.

(B) Study and field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs.

(C) Study, in accordance with the commission's standards of program quality and effectiveness, of advanced computer-based technology, including the uses of technology in educational settings.

(d) The commission shall develop and implement standards of program quality and effectiveness that provide for the areas of study listed in subparagraphs (A) to (C), inclusive, of paragraph (4) of subdivision (c), starting in professional preparation and continuing through induction.

(e) A credential that was issued prior to January 1, 1993, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission may not, by regulation, invalidate an otherwise valid credential unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no more restrictive than the credential 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.

(f) A credential program that is approved by the commission may not deny an individual access to that program solely on the grounds that the individual obtained a teaching credential through completion of an internship program when that internship program has been accredited by the commission.

(g) Notwithstanding this section, persons who were performing teaching services as of January 1, 1999, pursuant to the language of this section that was in effect prior to that date, may continue to perform those services without complying with any requirements that may be added by the amendments adding this subdivision.

(h) Subparagraphs (A) and (B) of paragraph (4) of subdivision (b) do not apply to any person who, as of January 1, 1997, holds a multiple or single subject teaching credential, or to any person enrolled in a program of professional preparation for a multiple or single subject teaching credential as of January 1, 1997, who subsequently completes that program. It is the intent of the Legislature that the requirements of subparagraphs (A) and (B) of paragraph (4) of subdivision (b) be applied only to persons who enter a program of professional preparation on or after January 1, 1997.

(i) The commission shall grant teaching credentials based on the requirements for those credentials that were in effect on December 31, 1998, to candidates who were in the process of meeting those requirements for teaching credentials before the effective date of the commission's implementation of this section.

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 expedite the credentialing process as it relates to the induction program requirements, it is necessary that this act take effect immediately.