
6A

Action

Legislative Committee

Legislative Concepts for Commission Consideration

Executive Summary: Staff will present legislative concepts for the 2008 legislative year for Commission consideration.

Recommended Action: That the Commission accept the legislative proposals presented in this agenda item for Commission sponsorship and direct staff to seek authors for the proposals.

Presenters: Mary Armstrong, Director; Marilyn Errett, Administrator; Anne Padilla, Consultant; and Rod Santiago, Consultant, Office of Governmental Relations

Strategic Plan Goal: 2

Support policy development related to educator preparation, conduct and professional growth.

- ◆ Propose new legislation.

Legislative Concepts for 2008

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Legislative Proposal #1

Credential Discipline

Proposed Concept:

This proposal seeks to implement educator discipline reform through the following measures:

- **“No Contest” Pleas:** Eliminate the distinction between a guilty plea and “no contest” plea for misdemeanor convictions for credential holders.
- **Disclosure of Findings:** Eliminate “one year” limit on providing probable cause findings to school district employers.
- **Licensing Discipline Reciprocity:** Provide for mandatory revocation of credentials if an educator is revoked by another state’s licensing agency.
- **Criminal Probation Reciprocity:** Provide for mandatory revocation of credentials if the terms of criminal probation prohibit unsupervised contact with minors or surrender of a credential.

Reason/ Need for Proposals:

“No Contest” Pleas

Most licensing agencies currently treat “no contest” pleas as guilty pleas.

Under the Education Code, statutes dealing with employment treat “no contest” pleas as guilty pleas, whereas the licensing statutes do not, thus creating inconsistency.

Under current law if a credential holder pleads guilty or is found guilty of certain misdemeanor offenses the credential is mandatorily revoked. However, if the credential holder pleads “no contest” the credential is subject to a discretionary review by the Committee of Credentials and an administrative law judge which can take a substantial period of time to complete.

Disclosure of Findings

Under current law, Education Code §44242.5(e)(2), the adverse action findings of the Committee of Credentials can be made available for *one year* from the date the Committee makes its recommendation to a school district providing the credential holder has applied for employment in the district. If more than a year has passed a school district must obtain a verified release from the credential holder. The year barrier can be difficult for employing districts to be aware of potential problems especially in the case of substitute teachers who work in multiple districts.

Licensing Discipline Reciprocity

Eliminate need for discretionary review by California if another state has revoked a credential.

Criminal Probation Reciprocity

Eliminate need for discretionary review when an educator has been barred from teaching by the criminal courts.

Results of Administrative Avenues, if any, Attempted to Resolve the Problem:

No statutory changes are required.

Consequence if Law is Not Changed:

- **“No Contest” Pleas:** Status quo remains.
- **Disclosure of Findings:** Status quo remains.
- **Licensing Discipline Reciprocity:** Educators who have had credentials revoked by another state may still teach in California while the discretionary review process is taking place.
- **Criminal Probation Reciprocity:** Educators who have been ordered by terms of probation not to have contact with children may still teach in California while the discretionary review process is taking place.

Education Code Section(s) Affected:

§§44009 (a); 44012; 44424; 44425 and 44425.5

Reciprocity measures would require new stand alone sections in the Education Code.

Cost Analysis:

Minor/Absorbable

Strategic Plan Goal Furthered by the Proposed Legislation

Goal 1: Promote educational excellence through the preparation and certification of professional educators.

- Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action.

Possible Support and/or Opposition:

Unknown at this time.

Other Comments:

A recent Associated Press series highlighted the teacher discipline process in all fifty states. While generally favorable about California's system, the articles highlighted these issues as potential problems and barriers to efficient enforcement.

Staff Recommendation

Staff recommends that the Commission approve the legislative proposal and direct staff to seek an author.

Legislative Proposal #2

Designated Subjects Career Technical Education Credential

Proposed Concept:

This proposal seeks to implement several of the recommendations of the Commission's Career Technical Education Panel through the following measures:

- **Term of Preliminary Credential:** Reduce the term of the Preliminary Credential from 5 to 3 years.
- **Experience Requirement:** Reduce the years of experience required for the Preliminary Credential from 5 to 3 years.
- **Clear Credential Option:** Allow National Board for Professional Teaching Standards (NBPTS) certification to meet requirements for the clear credential.
- **Remove Barrier for Initial Requirement:** Move the U.S. Constitution requirement from the Preliminary Credential to the Clear Credential, thus eliminating a barrier for beginning CTE teachers.

In addition to those changes, staff is also recommending other changes to clean-up the Education Code relating to CTE teachers.

Reason/ Need for Proposal:

At the December 2006 Commission meeting, staff presented a plan to convene an advisory panel to review the credential requirements and program standards for the Designated Subjects: Vocational Education Credentials. Since March 2007, staff has worked with the Career Technical Education (CTE) Advisory Panel and focused discussions on the major issues related to the preparation, quality, and assignments of CTE teachers. The charge to the group included the following tasks:

1. Review vocational education credential requirements to determine if they are appropriate to meet the need for teachers in today's K-12 schools. Recommend new or modified requirements where necessary.
2. Review credential types and authorizations for alignment to the adopted 2005 California Career and Technical Education Standards and the current instructional needs for K-12 vocational education teachers. Recommend changes to the current types and authorizations consistent with these.
3. Review and update vocational education teacher preparation program standards to be consistent with California statutes and current research-based best practices for teachers. Recommend updated standards and program requirements to the Commission.

The CTE panel proposed six initial recommendations for changes to the program. Of those six, four require statutory changes:

Term of Preliminary Credential

Individuals teaching vocational education courses would be required to complete teacher preparation earlier in their teaching career, thereby reducing the length of time a CTE teacher is in the classroom without completing teacher preparation.

Experience Requirement

To align with the trend of shorter tenure in an occupation, reducing the number of years of work experience required to qualify for a CTE Credential from 5 to 3 years would enable more individuals to meet the work experience requirement, enhancing teacher recruitment.

Clear Credential Option

Current law allows teachers with a preliminary Multiple Subject, Single Subject, or Education Specialist Teaching Credential to meet requirements for the clear credential by attaining NBPTS certification. The NBPTS offers certification in Career and Technical Education. Allowing the NBPTS CTE certification to meet requirements for the clear CTE credential provides another option for CTE teachers to meet clear requirements.

Remove Barrier for Initial Requirement

Presently, taking a course or passing an examination for the U.S. Constitution is required for the Preliminary Credential. This becomes an obstacle for those who are entering without college experiences. Recruitment could be increased by delaying that requirement until the credential is cleared of the other requirements.

Results of Administrative Avenues, if any, Attempted to Resolve the Problem:

Proposal requires statutory changes.

Consequence if Law is Not Changed:

Status quo remains and streamlining/enhancements to the credential are not authorized as recommended by the panel.

Education Code Section(s) Affected:

§§44253, 44260, 44260.1, 44260.8, 44399

Cost Analysis:

Minor/absorbable for these changes.

Strategic Plan Goal Furthered by the Proposed Legislation:

Goal 1: Promote educational excellence through the preparation and certification of professional educators.

Goal 2: Support policy development related to educator preparation, conduct and professional growth.

Changes to the CTE Credential both promote educational excellence and support policy development by removing barriers to CTE teacher recruitment and enhancing their qualifications.

Possible Support and/or Opposition:

The policy issues addressed in this proposal are supported by the Commission's CTE panel. Staff is in discussion with representatives of education organizations to determine their official support/opposition.

Staff Recommendation

Staff recommends that the Commission approve the legislative proposal and direct staff to seek an author.

Legislative Proposal #3

Teaching Performance Assessment (TPA) for Education Specialist Credentials

Proposed Concept:

This proposal seeks to implement a recommendation of the Commission's Special Education Advisory Workgroup through the following measure:

- **TPA for Education Specialist Credential:** Adapt the Teaching Performance Assessment (TPA) for use in Education Specialist Credential programs. This concept would require the use of a TPA in Education Specialist Credential programs by July 1, 2012.

Reason/ Need for Proposal:

In June 2006, the Commission first directed staff to begin a review and revision of the Education Specialist Credentials. Staff began by conducting public forums in locations throughout the state. The feedback from these forums served to inform a workgroup of educators, parents and other experts in the field of special education as they reviewed the credential structure requirements. SB 1209 (Chap 517, Stats 2006) provided further direction and required the Commission to provide a report and recommendations by December 2007.

Guiding the final report of the workgroup were the following 5 questions:

1. What have these recommendations done to improve service delivery for children with special needs?
2. Have these recommendations improved access to and retention of effective special education personnel?
3. How have these recommendations improved skill levels and retention rates of teachers?
4. How do these recommendations streamline the current processes and reduce redundancies?
5. How do these recommendations align California requirements with federal requirements?

The Commission has received several updates on the activities of the special education workgroup and will receive the report to the Legislature at its December 2007 meeting. While the workgroup has an extensive list of recommendations, only one of those recommendations appears to require a change in statute. To that end, this recommendation is offered for Commission consideration for sponsored legislation in the 2008 legislative year.

TPA for Education Specialist Credential

The Commission's special education workgroup recommends for the Education Specialist Credential that, "A Learning to Teach Continuum" similar to the one for Multiple and Single Subject Credential candidates, should be implemented. This continuum would include multiple entry points, careful and continuous advisement, sequenced field experiences and support of candidates at all levels including the first years of teaching." Included in the panel's recommendation is that the TPA for Multiple Subject and Single Subject Teaching Credentials be adapted for the Education Specialist Credential.

The workgroup found that much of the current content of the TPA is relevant for all teachers, but that some adaptations would be necessary. These measures would be both generic to teaching such as content specific pedagogy, planning, assessment, and teaching English learners, but would also include specific special education knowledge, skills and abilities such as intervention strategies, IEPs, dynamic assessment and teaching a culminating lesson using disability specific differentiation strategies.

A TPA is not designed as a barrier to the teaching credential, but is rather a tool to ensure a teacher's readiness to enter the teaching force. Teachers who are not able to perform adequately in the classroom often leave the field. A special education TPA can help provide instructional safeguards for teachers and their students. Requiring a TPA for the Education Specialist Credential would accomplish the following objectives for ensuring the ability of new teachers to perform successfully in their classrooms:

- Provide a more uniform student teaching evaluation instrument for all Education Specialist Credential programs.
- Provide a series of formative assessment tools that foster candidate improvement activities.
- Provide a demonstration venue for essential teaching skills and abilities for all Education Specialist Credential candidates.
- Provide a bridge for beginning teacher support providers to enable more meaningful and effective support activities.

Results of Administrative Avenues, if any, Attempted to Resolve the Problem:

This proposal requires a change in the statute.

Consequence if Law is Not Changed:

A state-developed or state-approved TPA will not become a requirement for the preliminary education specialist credential.

Education Code Section(s) Affected:

§44320.2

Cost Analysis:

To revise the TPA to address the needs of the education specialist credential would cost approximately \$2M over a period of three years. The Commission could request expenditure authority to cover the cost from the 408 account.

Strategic Plan Goal Furthered by the Proposal:

Goal 1: Promote educational excellence through the preparation and certification of professional educators.

Goal 2: Support policy development related to educator preparation, conduct and professional growth.

Possible Support and/or Opposition:

The policy issues addressed in this proposal have been vetted extensively through the efforts of the Commission's special education workgroup and in several public forums. However, establishing a TPA for the Education Specialists Credential could pose an issue for teacher preparation programs regarding implementation funding.

Staff Recommendation

Staff recommends that the Commission approve the legislative proposal and direct staff to seek an author.

Legislative Proposal #4

Technical Clean-up

Proposed Concept:

This concept proposed technical, clean-up language to delete obsolete provisions in the Education Code.

- Delete Obsolete Language That Disallows District Intern Programs From Being Part of the Accreditation Process.
- Change Credential References From Vocational Education to Career Technical Education.
- Align Education Code Sections Related to the Content of Liberal Arts Programs.
- Align Education Code Sections Related to Independent Studies Teachers.
- Update Application References Regarding Variable Term Waivers.

Reason/ Need for Proposal:

Delete Obsolete Language That Disallows District Intern Programs From Being Part of the Accreditation Process

Prior to SB 2042, internship programs were not a part of the accreditation system. The Advisory Panel on Teacher Education, Induction and Certification for Twenty-First Century Schools placed their recommendations into a report entitled California's Future: Highly Qualified Teacher for All Students. Among the many recommendations made by the group was the recommendation that "The Commission should assess and affirm the quality and effectiveness of pre-internship, internship, and induction programs in an appropriate accountability system that includes program approval or accreditation by the CCTC." SB 2042 instituted the accreditation system that now includes internship programs.

Change Credential References From Vocational Education to Career Technical Education

The title of the Designated Subjects Vocational Education credential was changed by SB 52 (Chapt. 520, Stats. 2007). The credential is now called the Designated Subjects Career Technical Education teaching credential. With the new law, the other sections of the Education Code must be changed to conform to the name change.

Align Education Code Sections Related to the Content of Liberal Arts Programs

Education Code §44314 was amended in 1987 to expand the 'diversified' or 'liberal arts' program to include 84 semester hours, or its equivalent, across ten subject areas. While that change happened, Education Code §44263 listed only 4 areas and was never changed to reflect the 10 areas.

Align Education Code Sections Related to Independent Studies Teachers

Education Code §51747 states that independent study may be one of the options available in § 44865; however, it does not list independent study as one of the options for which a teacher may provide consent for assignment.

Update Application References Regarding Variable Term Waivers

Education Code §44225(m) states that individuals can apply for variable term waivers. Waivers are restricted to employing school districts or agencies, therefore individuals must apply through their employer. Consequently, it is necessary to remove this reference from the Education Code.

Results of Administrative Avenues, if any, Attempted to Resolve the Problem:

There are no administrative avenues. This concept proposes the removal of language from the Education Code that is no longer operative.

Consequence if Law is Not Changed:

Confusion in the law.

Education Code Section(s) Affected:

§§44225(m), 44252(e), 44256(d), 44260.8(b), 44263, 44270(a)(1)(B), 44327, 44830(h) and (i) and (j), 44865

Cost Analysis

No fiscal impact.

Strategic Plan Goal Furthered by the Proposal:

Goal 1: Promote educational excellence through the preparation and certification of professional educators.

Goal 2: Support policy development related to educator preparation, conduct and professional growth.

Possible Support and/or Opposition:

No opposition is anticipated.

Legislative Proposal #5
Approved by the Commission
At the August 2007 Meeting

*Course Work Route for the Bilingual Crosscultural Language and Academic
Development (BCLAD) Certificate*

Proposed Concept:

This proposal seeks to clarify language in the Education Code to provide options for individuals earning a BCLAD Certificate by implementing the following measure:

- **Course work alternative:** Allow a course work alternative to the current examination only route for earning a BCLAD Certificate.

Reason/Need for Proposal:

Teachers who would like to add an authorization to teach in a bilingual or dual immersion classroom may earn a BCLAD Certificate by passing an examination on the specific target language and culture. Unlike the CLAD Certificate, which can be earned by passing an exam or by passing specified courses, the BCLAD allows for only the examination route.

The Commission recently worked with a panel of experts to update bilingual certification. One of the panel's recommendations, endorsed by the Commission at the July/August 2006 meeting, is to make the BCLAD Certificate parallel to the CLAD Certificate by allowing for both an examination and course work route. Access to the BCLAD Certificate would be expanded by offering this second route. Programs would be standards based, aligned with specifications governing the examination, and accredited by the Commission.

Although current law lists a course work route for the CLAD Certificate, the existing language in statute is not explicit that a BCLAD Certificate could be earned solely through a course work route.

Results of Administrative Avenues, If Any, Attempted to Resolve the Problem

This proposal requires a statutory change.

Consequence if Law is Not Changed:

Teachers interested in earning a BCLAD Certificate would continue to have only the examination route for earning the certificate.

Education Code Section(s) Affected:

§44253.7

Cost Analysis

Because the Commission has already convened an advisory group to consider changes to bilingual credentialing, staff believes that there will be a minor and absorbable cost impact on the Commission.

Strategic Plan Goal Furthered by the Proposal:

- Goal 1: Promote educational excellence through the preparation and certification of professional educators.
- Goal 2: Support policy development related to educator preparation, conduct and professional growth.

Possible Support and/or Opposition:

Unknown at this time.

Staff Recommendation

Staff recommends that the Commission approve the legislative proposal and direct staff to seek an author.