
4B

Action

Legislative Committee

Analyses of Bills

AGENDA INSERT

Executive Summary: Staff will present analyses of educator preparation or licensing bills introduced by Legislators. The analyses will summarize current law, describe the bill's provisions, estimate its costs and recommend amendments, if applicable.

Recommended Action: Staff will recommend a position in each bill analysis submitted for the Commission's consideration.

Presenter: Marilyn Errett, Administrator, Office of Governmental Relations

Strategic Plan Goal: 2

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

- ◆ Inform key legislators and policy makers on issues and ideas relevant to the Commission's scope of action

Bill Analysis

Note: Based on recent amendments to SB 1186 (Scott), this agenda insert updates the SB 1186 analysis in the June 2008 Commission agenda. To aid readers who have already reviewed the item in the agenda, amendment content is highlighted. Deleted sections in the amended version are highlighted and identified with a “~~strikethrough~~.” Other amendments are explained in the highlighted sections.

Bill Number:	Senate Bill 1186
Author:	Senator Jack Scott
Sponsors:	Commission on Teacher Credentialing
Subject of Bill:	Teacher Quality
Date Introduced:	February 12, 2008
Date Last Amended:	May 27, 2008
Status in Leg. Process:	Assembly Education Committee (Hearing set for June 4, 2008)
Recommended Position:	Move from “Sponsor” to “Support”
Date of Analysis:	May 30, 2008
Analyst:	Marilyn Errett

Background

In its introduced version, SB 1186 included the Commission’s proposal for a Teaching Performance Assessment (TPA) for candidates earning an Education Specialist Credential. Due to funding issues related to program level implementation of the TPA for Multiple Subject and Single Subject Credentials, Senator Scott determined that the success of SB 1186 could be hampered by retaining the Education Specialist Credential TPA language. The amended version of the bill does not include this section.

While the amended version of SB 1186 does not include the language related to the Commission’s sponsorship, it does address several issues relevant to the Commission’s work and areas of concern.

Analysis of Bill Provisions as Amended

SB 1186 has now become Senator Scott's 2008 Teacher Quality Omnibus Bill and accordingly contains numerous provisions related to teachers and credential requirements. Specifically, SB 1186 would do the following:

Recruitment of Fully Prepared Teachers to School Sites

- Clarify that a school district may fill a teaching position on the basis of a credential waiver or emergency-type permit only after the governing board of the district annually resolves that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment, that is school site specific, and, if a suitable fully prepared teacher is not available, has made reasonable efforts to recruit an individual for the assignment in accordance with a specified "hierarchy" of hiring criteria. (Would amend CA Education Code §44225.7) In addition, the most recently amended version of SB 1186 makes slight changes to the "hierarchy" of hiring to reflect NCLB Highly Qualified Teacher requirements and to ensure that teachers who are not yet fully prepared receive support while they are serving in the classroom.

Basic Skills Requirement

- ~~Exempt from the basic skills test requirement an applicant who possesses a master's degree or higher degree from a regionally accredited institution of higher education. (Would amend CA Education Code §44252)~~
- Exempt from the basic skills test requirement an applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University. (Would amend CA Education Code §44252)
- Clarify that the basic skills requirement does not apply to an applicant for an eminence credential. (Would amend CA Education Code §44252)
- Delete from current law the basic skills test exemption for an applicant who achieves a passing score, as determined by the Superintendent of Public Instruction, on either the Graduate Record Examinations (GRE) General Test, the Scholastic Aptitude Test (SAT) Reasoning Test, or the ACT Plus Writing. (Would amend CA Education Code §44252)

Certification to Teach English Learners (This topic is no longer included in SB 1186.)

- ~~Authorize the holder of a valid California teaching credential to provide instructional services to students who are English learners, if the teacher has earned certification issued by the National Board for Professional Teaching Standards in "English as a New Language" at either the "Early and Middle Childhood" level or the "Early Adolescence through Young Adulthood" level. (Would add CA Education Code §44253.12)~~

Grant Application Criteria (Alternative Certification and Certificated Staff Mentor Programs)

- Adds to the grant application selection process for alternative certification (intern) programs the criteria that the program demonstrate the capacity to provide “mentoring support and assistance” including the number of teachers serving as certificated staff mentors for each school site where interns will be assigned. (Would amend CA Education Code §44385)
- Adds to the grant application selection process for the certificated staff mentor program the criteria that the school district assures that “each experienced teacher receiving a stipend as a certificated staff mentor is providing mentoring and support services to candidates participating in alternative certification programs or to beginning teachers participating in the Beginning Teacher Support and Assessment program. (Would amend CA Education Code §44560 and §44561)

SB 1186 also contains amendments affecting the California Peer Assistance and Review Program for Teachers, employment sections of the Education Code, technical clean-up and Education Code conformance language.

Summary of Current Law

Recruitment of Fully Prepared Teachers to School Sites

- Current law¹ requires an annual governing board resolution verifying that the school district has made reasonable efforts to recruit fully prepared teachers and, when none are available, to subscribe to the “hiring hierarchy” as specified. The law does not currently focus attention at the school site level.

Basic Skills Requirement

- Current law requires passage of a basic skills exam for all initial issuances of credentials and permits,² but enumerates specific exemptions to the requirement,³ such as an exemption for an applicant for a Designated Subjects Adult Education Credential if the credential subject area does not require a baccalaureate degree, an exemption for an applicant who earned a credential prior to the implementation date of the basic skills requirement, and an exemption for an applicant who is credentialed in another state who has passed a basic skills proficiency examination administered by the state in which the person is credentialed. Current law⁴ is silent regarding the basic skills requirement for the eminence credential.

¹ CA EC Sec.44225.7

² CA EC Sec 44242

³ CA EC Sec. 44252

⁴ CA EC Sec 44262

Certification to Teach English Learners (This topic is no longer included in SB1186.)

- Current law⁵ delineates the requirements and authorization for Crosscultural Language and Academic Development (CLAD) certification and a route for holders of Designated Subjects Credentials or Service Credentials with a Special Class Authorization for certification to teach English learners.⁶ In addition, current law⁷ requires the Commission to include preparation and authorization to teach English learners in Multiple Subject and Single Subject preparation programs and to issue this certification as of July 1, 2000.
- Currently, teachers credentialed to teach in elementary, middle school, secondary and special education classes in other states may qualify for a clear California credential if they have earned certification in the subject area from the National Board for Professional Teaching Standards.⁸
- California teachers who hold a preliminary Multiple Subject, Single Subject or Special Education Teaching Credential may qualify for a clear California credential if they have earned certification in the subject area from the National Board for Professional Teaching Standards.⁹

Grant Application Criteria (Alternative Certification and Certificated Staff Mentor Programs)

- Current law specifies criteria for approving grant applications for state funded alternative certification programs (intern).¹⁰ This program is administered by the Commission.
- The California Department of Education administers the certificated staff mentor program.¹¹

Current Commission Practice

The Commission adheres to the laws governing the issuance of waivers and emergency type permits, the basic skills requirement and to the issuance of English learner authorizations. Current regulations¹² for the Eminence Credential include a basic skills requirement. The Commission issues clear Multiple Subject, Single Subject and Special Education credentials in accordance with the laws related to National Board Certification. (Strikethroughs reflect topics that are no longer included in SB 1186.)

Fiscal Impact

Minor/absorbable impact to the Commission.

⁵ CA EC Sec 44253.3

⁶ CA EC Sec 44253.11

⁷ CA EC Sec 44259.5

⁸ CA EC Sec 44398

⁹ CA EC Sec 44399

¹⁰ CA EC Sec 44385

¹¹ CA EC Sec 44561

¹² T5 Cal. Code Regs. Sections 80043-80045

Relevant Commission Legislative Policies

Policy 1: The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California and opposes legislation that would lower standards for teachers and other educators.

Organizational Positions

Support

Association of California School Administrators
California School Boards Association
Public Advocates
California Federation of Teachers

Opposition

California Federation of Teachers

Reason for Suggested Position

SB 1186 targets several worthwhile issues in the area of teacher recruitment, teacher quality and teacher retention. It begins to address the difficult problem of the maldistribution of fully prepared teachers, as identified by the Center for the Future of Teaching and Learning,¹³ by focusing on hiring practices at individual school sites and on ensuring that each school site that hires intern teachers is able to provide the support and assistance necessary for successful professional development. SB 1186 addresses additional proxies for the basic skills requirement to respond to what some members of the Legislature have considered redundant and overly bureaucratic credential requirements. ~~Further addressing considerations of redundancy, it recognizes national certification for teachers of English learners.~~ (Strikethroughs reflect topics that are no longer included in SB 1186.)

For these reasons, staff recommends a **Support** position on SB 1186.

¹³ www.cftl.org (Multiple publications on this topic)

Bill Analysis

Note: Based on recent amendments to AB 2517 (Portantino), this agenda insert updates the AB 2517 analysis in the June 2008 Commission agenda. To aid readers who have already reviewed the item in the agenda, amendment content is highlighted.

Bill Number:	Assembly Bill 2517
Author:	Assembly Member Anthony Portantino
Sponsor:	Governor Schwarzenegger Office of the Secretary of Education
Subject of Bill:	Educator Preparation Programs
Date Introduced:	February 21, 2008
Date Last Amended:	May 23, 2008
Status in Leg. Process:	Senate (Awaiting committee assignment)
Recommended Position:	Watch
Date of Analysis:	May 30, 2008
Analyst:	Marilyn Errett

Analysis of Bill Provisions

AB 2517 would allow the Commission on Teacher Credentialing (Commission) to approve for educator preparation program accreditation purposes the following entities in addition to institutions of higher education:

- School Districts
- County Offices of Education
- Community-Based or Nongovernmental Organizations

The measure stipulates that all programs must meet the Commission's standards and would also require all accredited programs to submit recommendations for credentials electronically.

As amended on May 23, 2008, AB 2517 states, “The commission may assess a fee on an institution seeking approval for an educator preparation program, except institutions governed by other state entities.”

Summary of Current Law

California Education Code section 44227 states that the Commission may approve any “*institution of higher education to recommend to the Commission the issuance of credentials to persons who have successfully completed a teacher education program of the institution if the program meets the standards approved by the Commission.*”

In addition, California Education Code sections 44325-44329.5 allow the establishment of intern programs offered by school districts. These programs can be offered for multiple subject and single subject credentials as well as for education specialist credentials for students with mild to moderate disabilities. Subsection (e) of section 44325 establishes a pilot program for district intern programs wishing to offer preparation for an education specialist credential in any of the special education credential disability areas.

In 2002, the Commission sponsored SB 1655 (Chap. 225) to add alternative routes for earning administrative services credentials. One of the options, in California Education Code section 44270.5, allows a candidate for the clear credential to complete a program “accredited by the Commission,” but does not specify that the program need be offered by an institution of higher education. California Education Code section 44253.10 authorized a staff development program for a certificate authorizing the instruction of English learners, to be offered by, “any school district, county office of education, or regionally accredited college or university that meets the standards included in the guidelines established pursuant to this subdivision or any organization that meets those standards and is approved by the Commission.” This certificate option sunset on January 1, 2008.

Title 5 regulations (CCR, sections 80034-80042) specify that, in addition to institutions of higher education, local educational agencies may offer personalized preparation programs for designated subjects credentials such as career technical education credentials and adult education credentials.

The Commission’s Preconditions for initial institutional accreditation include the following reference related to institutional viability:

Pursuant to Education Code Section 44227(a), each program of professional preparation shall adhere to the following requirements of the Commission.

(1) Accreditation and Academic Credit. *To be granted initial institutional accreditation by the Commission to become eligible to submit programs or to be granted initial program accreditation or continuing accreditation by the Committee on Accreditation, the program(s) must be proposed and operated by an institution that (a) is fully accredited by the Western*

Association of Schools and Colleges or another of the six regional accrediting associations, and (b) grants baccalaureate academic credit or postbaccalaureate academic credit, or both. (This provision does not apply to professional preparation programs offered by school districts.) For school districts wishing to offer a professional preparation program, the Superintendent of the district shall submit verification of the governing board's approval of sponsorship of the program.

The law is silent regarding fees for accreditation.

Current Commission Practice

The Commission is responsible for determining the initial accreditation of institutions. Most recently, at its April 9-10, 2008 meeting, the Commission approved Hebrew Union University. The institution may now submit educator preparation programs to the Committee on Accreditation. The Commission's Committee on Accreditation is responsible for the initial and ongoing accreditation of educator preparation programs.

There were 94 institutions/program sponsors approved to offer educator preparation in the 2003-04 year. Now, with the inclusion of Designated Subject programs in the accreditation system and approval of additional sponsors, there are 140 institution/program sponsors currently approved to offer educator preparation in California.

The Commission allows some service credential programs to use alternative standards for California program accreditation, such as those for the pupil personnel services credential in school counseling, to meet the standards set by the national professional organization to accredit programs for professional licensure.

The Commission does not currently charge a fee for accreditation.

Fiscal Impact

Unknown. The May 23, 2008 amendment allowing the Commission to charge a fee for accreditation of non-governmental entities could mitigate cost to the Commission for accreditation of these entities.

The costs related to AB 2517 depend on the number of new entities that apply for institutional and program accreditation. These programs, if initially accredited, would become part of the ongoing accreditation system. Appendix A includes an estimate of accreditation costs per institution based on the seven year accreditation cycle.

Relevant Commission Legislative Policies

Policy 6: The Commission supports alternatives to existing credential requirements that maintain high standards for the preparation of educators and opposes alternatives that do not provide sufficient assurances of quality.

Organizational Positions

Support

Association of California School Administrators
California Association of Private School Organizations
California Catholic Conference

Opposition

California Federation of Teachers
Californians Together
Public Advocates

Reason for Suggested Position

In November 2007, the Governor's Advisory Committee on Education Excellence issued their report "*Students First*" at the conclusion of their two-year exploration of changes and reforms in education (<http://www.everychildprepared.org/>). The advisory committee focused on four areas in education: governance, finance, teachers and administrators. The advisory committee also published a technical report. One of the recommendations in this report addressed expanding opportunities for credential programs by allowing multiple pathways including alternative program providers. AB 2517 is the result of these recommendations.

Currently, school districts are authorized by law to offer district intern programs for specified teaching credentials as long as the program meets Commission program standards and meets all accreditation requirements. Some of these programs are part of a consortium coordinated by a county office of education. In addition, school districts and county offices of education are authorized through regulation to offer programs of professional preparation for designated subjects credentials. These programs must also meet the Commission's standards and are now included in the accreditation process. Further, school districts are authorized to offer Tier II programs for the administrative services credential if they meet guidelines adopted by the Commission and, prior to the January 1, 2008 sunset date, programs to prepare veteran teachers to teach English learners could be offered by professional organizations such as the California Teachers Association.

AB 2517 would expand the authority of local educational agencies to offer educator preparation programs including traditional teacher preparation and service credential preparation. Nongovernmental agencies, such as professional organizations or private professional development agencies, would also be authorized to offer educator preparation programs as long as all Commission standards and accreditation requirements are met. Because the May 23, 2008, amendment is permissive regarding fees for accreditation, if AB 2517 becomes law, the Commission could hold public discussions regarding this topic.

The Commission would need to address changes in the law through the regulatory process. In particular, the Commission would need to address the fiscal and institutional viability of nongovernmental organizations interested in providing an educator preparation program through a revision of Title 5 regulations and of the Preconditions for initial institutional accreditation. Under current regulations, the Commission requires regional accreditation for institutions of higher education offering educator preparation programs and relies on the California Department of Education to ensure the viability of school districts and county offices of education.

Policy makers within the Administration have expressed the need to address impending K-12 educator shortages by broadening the range of possible educator program sponsors. On the other hand, some education organizations question this direction and feel that the current sponsorship limitations provide greater assurance of continued professionalism in the field. The Administration, in sponsoring AB 2517, ensures that all programs would be required to meet the Commission's standards, including the Common Standards, Program Standards and Pre-conditions. The accreditation process would ensure that programs would continue to meet the Commission's requirements. If AB 2517 becomes law, the Commission could define requirements, other than regional accreditation, that could establish the institutional viability of alternative providers.

Discussion by members of the Assembly Education Committee, before the bill passed unanimously, complimented the Commission's standards and accreditation system. Members expressed the opinion that the Commission's standards and accreditation system would be strong gatekeepers and would prevent sub-standard programs from providing educator preparation. As AB 2517 begins its review in the Senate, state policy makers will have further discussions about the need for the bill and the ability of the Commission to ensure quality.

For these reasons, staff recommends a **Watch** position on AB 2517.

AB 2517 (Portantino)
Appendix A

Accreditation Costs

For every 12 approved program sponsors/institutions, the Commission needs about 1 FTE consultant staff to focus on accreditation. Staff provide technical assistance to support the initial application for approval, review the Biennial Reports (Program Data), facilitate the review of the Program Assessment documents, provide technical assistance prior to an Accreditation Site Visit and facilitate the site visit and, if necessary, the institution's process to address stipulations or facilitate the re-visit.

There were 94 institutions/program sponsors approved to offer educator preparation in the 2003-04 year. Now, with the inclusion of Designated Subject programs in the accreditation system and approval of additional sponsors, there are 140 institution/program sponsors currently approved to offer educator preparation in California. (Three additional consultant positions will revert to the Professional Services Division for the increased accreditation purposes as of July 1, 2008.)

For the additional costs incurred in accreditation activities when peer reviewers are utilized (initial approval, program assessment and site visits), please see the table below:

Activity	Cost *
Technical Assistance prior to Initial approval (one time cost)	Calculated in the 1 FTE consultant per 12 approved program sponsors
Initial Approval -Staff review of Preconditions and Common Standards, and peer panel review of program proposal. 2 Volunteers—travel and per diem (one time cost—repeated for each approved program proposed by the sponsor)	\$1,000/per proposed program
Biennial Reports —staff review of Biennial Reports (submitted 3 out of every 7 years)	Calculated in the 1 FTE consultant per 12 approved program sponsors
Program Assessment —Peer readers. 2 volunteers (per program) — travel and per diem/per approved program.	\$1,000-\$8,000 depending on the number of programs a sponsor offers.
Technical Assistance prior to Site Visit-Consultant visits the sponsor for one full day at a minimum. Additional time and contact through phone and email (once every 7 years)	\$700 Additional activities calculated in the 1 FTE consultant per 12 approved program sponsors
Site Visit costs -Dependent on the size of the institution/program sponsor. Smallest team size of 3 plus a staff member to the largest team size of 10 plus a staff member or two. Site visit consists of 4 days and 3 nights at the site, travel and per diem for the volunteers (once every 7 years)	\$3,000-\$14,000
Address Stipulations/Re-Visit - Dependent on the stipulations, but a re-visit would be 2-3 people for 2 nights, travel and per diem. About half of the site visits would have stipulations to address and about half of these would involve a re-visit. (once every 7 years)	\$2000

*Costs are calculated beginning with the 2009-2010 year and the revised accreditation site visits

Reference

Legislative Guidelines And Possible Bill Positions

LEGISLATIVE GUIDELINES OF THE CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Adopted February 3, 1995

1. The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California and opposes legislation that would lower standards for teachers and other educators.
2. The Commission supports legislation that proposes to maintain or establish high standards of fitness and conduct for public school educators in California and opposes legislation that would lower standards of fitness or conduct for public school educators.
3. The Commission supports legislation that reaffirms that teachers and other educators have appropriate qualifications and experience for their positions, as evidenced by holding appropriate credentials, and opposes legislation that would allow unprepared persons to serve in the public schools.
4. The Commission supports the maintenance of a thoughtful, cohesive approach to the preparation of credential candidates and opposes legislation that would tend to fragment or undermine the cohesiveness of the preparation of credential candidates.
5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted and opposes legislation that would undermine initiatives or reforms that it previously has adopted.
6. The Commission supports alternatives to existing credential requirements that maintain high standards for the preparation of educators and opposes alternatives that do not provide sufficient assurances of quality.
7. The Commission opposes legislation that would give it significant additional duties and responsibilities if the legislation does not include an appropriate source of funding to support those additional duties and responsibilities.
8. The Commission supports legislation that affirms its role as an autonomous teacher standards board and opposes legislation that would erode the independence or authority of the Commission.

Possible Bill Positions for Commission Consideration

The Commission may adopt a position on each bill considered for action. The following chart describes the bill positions. The Commission may choose to change a position on a bill at any subsequent meeting.

Sponsor: Legislative concepts are adopted by the Commission and staff is directed to find an author for the bill and to aid the author's staff by providing background information and seeking support for the bill.

Support: The Commission votes to support a bill and directs staff to write letters of support to Legislative Committee members and to testify in support of the bill at Legislative Committee hearings. The Commission's support position will be recorded in the Legislative Committee's bill analysis. If the bill is successful in the Legislature, staff writes letters of support to the Governor.

Support if Amended: The Commission expresses support for the overall concept of a bill, but objects to one or more sections. The Commission votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, the Commission's position automatically becomes "Support."

Seek Amendments: The Commission expresses concern over one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Watch: The Commission expresses interest in the content of the bill but votes to direct staff to "watch" the bill for future amendments or for further movement through the Legislative process. Early in the Legislative session, the Commission may wish to adopt a "watch" position on bills that are not yet fully formed.

Oppose Unless Amended: The Commission objects strenuously to one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is not amended to reflect the Commission's recommendations, the Commission may vote to adopt an "Oppose" position at a subsequent meeting. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Oppose: The Commission expresses opposition to the overall concept of a bill and votes to direct staff to write letters of opposition to Legislative Committee members and to testify in opposition to the bill at Legislative Committee hearings. The Commission's "oppose" position will be recorded in the Legislative Committee bill analysis. If the bill is successful in the Legislature, staff writes letters of opposition to the Governor.

No Position: The Commission may choose to delay taking a position on a bill and may vote to direct staff to bring the bill forward at a subsequent meeting. The Commission may also choose to direct staff not to bring the bill forward for further consideration.