
4B

Action

Legislative Committee

Analyses of Bills

Executive Summary: Staff will present analyses of educator preparation and 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.

Presenters: Mary Armstrong, Director; Marilyn Errett, Administrator; Anne Padilla, Consultant; and Erin Duff, Assistant Consultant, 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

Assembly Bill 544 (Coto) American Indian Languages Credential

Recommended Position: Support

Sponsor: Santa Ynez Band of Chumash Indians

Bill Version: As Amended May 13, 2009

Analysis of Bill Provisions

AB 544 would add a new section to the Education Code¹ to establish an American Indian Languages Credential authorizing individuals fluent in Native American languages to teach those languages in public schools. Specifically, the bill would institute the following provisions:

- Upon recommendation of the tribal government of a federally recognized Indian tribe in California, require the Commission to issue an American Indian Languages Credential to a candidate who meets the following requirements;
 - Demonstrated fluency in the specified tribal language based on an assessment developed and administered by the recommending federally recognized Indian tribe.
 - Successfully completed a criminal background check for credentialing purposes.
 - Submitted an application, fee and recommendation for the credential to the Commission through the federally recognized Indian tribe.

The credential would be issued initially for a two-year period and renewed for an additional three-year period upon recommendation of the tribal government. After the three-year period, the credential holder would be eligible for a clear American Indian Languages Credential upon application and the recommendation of the tribal government, in consultation with the applicant's public school employer. Holders of the credential would be prohibited from teaching any other subject area in the public schools unless they also hold a "valid teaching credential issued by the State of California."

Each federally recognized American Indian tribe would be encouraged to develop a written and oral assessment that should be successfully completed before an applicant is recommended for an American Indian Languages Credential. The language assessment method and content would be developed by each federally recognized Indian tribe based upon the following determinations:

- Which dialects of the tribal language will be included in the assessment.

¹ EC 44262.5

- Whether the Indian tribe will standardize its writing system.
- The standard of knowledge and fluency required to qualify for an American Indian Languages Credential in their tribal languages.
- Standards for effective teaching methods to be evaluated in the classroom.

Upon agreement by the tribe, each tribe recommending a candidate for an American Indian Languages Credential would develop and administer a technical assistance program guided by the *California Standards for the Teaching Profession*. The program could include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian language teacher.

Public school personnel, responsible for evaluating teachers in accordance with local governing board policy, would be required to provide individuals employed to teach on the basis of the American Indian Languages Credential with information on the teaching personnel evaluation process and with information on the *California Standards for the Teaching Profession*.

Commission Activity

Single Subject Credential: Languages Other Than English, Native American Language

At its April 2008 meeting, the Commission approved alternative assessment options for less commonly taught languages for which no approved subject matter programs exist and for which there is no California Subject Matter Examination: Languages Other Than English. This action included an assessment option for American Indian languages that includes a language assessment process locally developed and administered by approved assessor agencies/organizations including tribes and tribal organizations. The assessment process also requires that candidates pass a standardized examination in linguistics, culture and literature using the alternative assessment template approved by the Commission. To earn a Single Subject Teaching Credential, the candidate would need to meet all other Single Subject credential requirements including successfully completing a Commission accredited teacher preparation program. As of this writing, there have been no applications to the Commission requesting assessor agency/organization approval for American Indian languages.

Fiscal Impact

Minor/Absorbable costs for establishing a credentialing protocol with interested federally recognized Indian tribes, computer programming and informational leaflets.

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

Santa Ynez Band of Chumash Indians (Sponsor)
Inter-Tribal Council of California, Inc.
Karuk Tribe
Lytton Band of Pomo Indians
Morongo Band of Mission Indians
Picayune Rancheria of the Chukchansi Indians
Rumsey Band of Wintun Indians
Shasta Unified School District
Viejas Band of Kumeyaay Indians
Winnemem Wintu Tribe

Opposition

None noted at this time

Reason for Suggested Position

Federal Law

The Native American Languages Act of 1990² allows exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and encourages state and territorial governments to make similar exceptions.

Other States

According to “A Compilation of Federal and State Education Laws regarding Native Language in Curriculum and Certification of Teachers of Native Languages,”³ at least 16 other states have developed policies to allow Native American language teachers to teach in public schools. Those states include: Alaska, Arizona, Hawaii, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, Wisconsin and Wyoming. While laws and regulations vary across states, there are many similarities. Twelve of these states involve tribes either directly or indirectly, in the process of certifying, licensing, or endorsing the teachers of Native Languages for service in the state public schools. Thirteen states do not require a baccalaureate degree. AB 544 is closely modeled after the laws established in Idaho and Oregon.

The Assembly Education Committee analysis cites the American Indian Education Oversight Committee⁴ in affirming that, “Other states have developed memorandums of understanding with tribes to meet the requirements of the Native American Languages

² P.L. 101-477

³ Melody L. McCoy, The Native American Rights Fund, November 2003

⁴ The purpose of the American Indian Education Oversight Committee (AIEOC) is to provide input and advice to the California Superintendent of Public Instruction on all aspects of American Indian education programs established by the state.

Act of 1990. California will soon be reviewing a way to meet the requirement, but has nothing currently in place.”

AB 544 provides a route for California to align with federal law and to ensure that fluent speakers of American Indian languages are allowed to serve as the teacher of record in the public schools for this subject area only.

The purpose of AB 544 is to help increase the number of fluent speakers of American Indian languages. Many of these languages are threatened with extinction. For the most part, the last speakers of these languages are aging and not college educated. While the Commission has established an option for earning a credential to teach American Indian languages that can work well for more predominant American Indian languages and for speakers of the languages who are college educated, this option does not work for the most threatened languages because the only speakers do not qualify for Single Subject Teaching Credential program admittance.

AB 544 passed unanimously in the Assembly Education Committee. Several members of the Assembly Education Committee signed on as co-authors of the bill.

For these reasons, staff is recommending a **“Support”** position on AB 544.

Analyst: Marilyn Errett

Date of Analysis: May 14, 2009

Bill Analysis

Senate Bill 19 (Simitian) Education Data

Recommended Position: Support

Sponsor: Senator Simitian

Bill Version: As amended May 4, 2009

Analysis of Bill Provisions

Senate Bill 19 (Simitian) would authorize the use of federal grant funds received by the state pursuant to the American Recovery and Reinvestment Act of 2009⁵ to develop of a strategic plan to link education data systems.

Commission Activity

The Commission is an active participant in the creation of the California Longitudinal Teacher Integrated Data Education System (CalTIDES). CalTIDES is an integrated educator data base system that would allow better analysis of workforce trends, program quality and educator assignment for both the policy arena and the state budget. Commission staff recently completed work on the statewide educator identifier (SEID), the non-personal individual identifier that will be assigned to each educator entered into the CalTIDES data base system.

Fiscal Impact

This bill would have no fiscal impact on the Commission.

Relevant Commission Legislative Policies

Policy 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.

Organizational Positions

Support

- Advancement Project
- Bay Area Council
- California ACORN
- California Charter Schools Association
- Californians for Justice
- Children Now
- Education Trust – West

⁵ P.L. 111-5

Fight Crime: Invest in Kids
PICO California
Policy Analysis for California Education
Preschool California
Public Advocates

Opposition

None noted at this time.

Reason for Suggested Position

SB 1453 (Alpert, Chap. 1002, Stats. 2002) created the California Longitudinal Pupil Achievement Data System (CalPADS) and required the California Department of Education (CDE) to contract for the development of proposals which will provide for the retention and analysis of longitudinal pupil achievement data on the STAR, high school exit examination, and English language development assessments.

SB 1614 (Simitian, Chap. 840, Stats. 2006) required the CDE to contract for the development of a teacher data system, CalTIDES, to serve as a central state repository of information on the teacher workforce to inform policy, identify trends, and identify future teacher workforce needs.

SB 1298 (Simitian, Chap. 561, Stats. 2008) required the State Chief Information Officer (CIO), appointed by the Governor, to convene a working group comprised of representatives of the State Board of Education, the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the University of California, the California State University, and any other governmental entities that collect, report, or use individual pupil education data that would become part of the comprehensive education data system, including the Commission on Teacher Credentialing. The CIO was also required to form an advisory committee to the work group comprised of school and district administrators, teachers and faculty, education program providers, policymakers, researchers, parents, and pupils. Working together, the work group and its advisory committee were to create a strategic plan to link education data systems from all segments to accomplish specified goals. These goals include the following:

1. Provide an overall structural design for the linked education data systems.
2. Examine current state education data systems.
3. Examine the protocols and procedures to be used by state agencies in data processing so as to enable each state agency to accurately and efficiently collect and share data with the other agencies while complying with all applicable state and federal privacy laws.
4. Identity specific procedures and policies that would be necessary to ensure the privacy of pupil records information.

SB 1298 required this strategic plan to be delivered to the Legislature and the Governor by the CIO by September 1, 2009.

The Governor's proposed 2009-10 budget included a request for \$2 million in General Fund money to enable the CIO to comply with requirements of SB 1298. That \$2 million was not included in the 2009-10 Budget Act passed in February. The federal grant money is necessary for the continued work of all interested parties, including the Commission, toward completion of the education data system projects.

For this reason, staff is recommending a **“Support”** position on SB 19.

Analyst: Erin C. Duff

Date of Analysis: May 5, 2009

Bill Analysis

Senate Bill 199 (Ducheny) California Subject Matter Projects

Recommended Position: Support

Sponsor: Senator Ducheny

Bill Version: As Amended April 22, 2009

Analysis of Bill Provisions

Senate Bill 199 would authorize the establishment of three additional California Subject Matter Projects (CSMP) (physical education-health, arts and foreign language), deletes the sunset date for CSMP, reduces membership of advisory boards for individual subject matter projects, adds the Superintendent of Public Instruction (SPI) to the Concurrence Committee, and specifies that Career Technical Education teachers may be provided support by the CSMP.

Commission Activity

The Commission on Teacher Credentialing (Commission) is represented on the CSMP Concurrence Committee, the governing body of the program and on specific subject matter projects.

In July 2008, the Commission received a \$561,000, three-year federal grant from the United States Department of Education to help the California Foreign Language Project (CFLP) expand to the national level by 2011. The Commission is collaborating with CFLP to implement the Initiative for Model Professional Activities and Capacity Building for Teachers of Foreign Languages (IMPACTFL) project, an expansion of the already successful CFLP model to enhance professional development of foreign language teachers. Project coordinators plan to help other states and institutions replicate the IMPACTFL project model across the nation.

In addition, the CSMP has agreed to provide expert subject matter facilitators at the Commission's upcoming conference, *Supporting Teacher Educators: Pedagogy to Engage Today's Students* on June 23-24, 2009 in Ontario, California.

Background

CSMP were established for the purpose of developing and enhancing teachers' subject matter knowledge in the following six specified areas: writing, reading and literature; mathematics; science; history-social science; world history; and international studies and for the purpose of developing and enhancing teachers' instructional strategies to improve student learning and academic performance as measured against the state's K-12 Academic Content Standards.

CSMP are administered by the University of California (UC) and governed by a Concurrence Committee whose duties include, but are not limited to, the following:

1. Ensuring that the statewide and local subject matter projects comply with requirements of current statute.
2. Developing rules and regulations for the statewide subject matter projects.
3. Selecting a contractor for a four-year independent evaluation of the effectiveness of the subject matter projects (due January 1, 2011).

The Concurrence Committee is composed of individuals who are affiliated with leadership, management, or instruction, in education or education policy entities including a representative from the Commission on Teacher Credentialing.

The current sunset date for the CSMP is January 1, 2013. SB 199 proposes to delete the sunset clause and make the programs permanently operable.

Currently, the CSMP operate six subject matter projects as established in statute:

- The California Writing Project
- The California Reading and Literature Project
- The California Mathematics Project
- The California Science Project
- The California History-Social Science Project
- The World History and International Studies Project

In addition, statute gives the UC, through the Concurrence Committee, the ability to establish and maintain subject matter projects in other academic areas. Subject matter projects in the arts, foreign language and physical education/health were also incorporated into the CSMP; however, unlike the six initial projects, these projects have not been officially recognized in law or in the annual budget process. UC has funded these three projects from within their existing funds.

Fiscal Impact

SB 199 would not have any fiscal impact on the Commission's budget.

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

Support⁶

Association of California School Administrators
California Alliance for Arts Education
California Alliance for Arts Education

⁶ Senate Committee on Education analysis, April 15, 2009

California Association for Health, Physical Education
Recreation and Dance
California Language Teachers Association
California Postsecondary Education Commission
California Teachers Association
Californians Together
The California State University
University of California

Opposition

None noted at this time.

Reason for Suggested Position

The CSMP was established in 1988 to provide professional development to educators. AB 1734 (Mazzoni, Chap. 333, Stats. 1998) ensured that these projects would be consistent with the state's K-12 Academic Content Standards. The CSMP now serves over 800 school districts in close to 100 sites statewide on campuses across the higher education segments. The projects annually provide training to over 40,000 teachers, administrators and university faculty.

The evaluation of the CSMP by SRI International⁷ found that the professional development offered by the CSMP reflects characteristics of effective professional development and that teachers consistently rate CSMP professional development more highly than other professional development. Additionally, teachers believe that the CSMP has contributed more to their content knowledge, ability to teach their subject and skills for working with English language learners than other sources of professional development. Lastly, teachers report that their participation in the CSMP has positive effects on their students, including improving students' conceptual understanding and their performance on standardized tests.

For these reasons, staff recommends a **“Support”** position on SB 199.

Analyst: Anne L. Padilla

Date of Analysis: May 8, 2009

⁷ SRI International (December 23, 2005). Evaluation of the California Subject Matter Projects (CSMP). Final Report

APPENDIX A

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.