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# 6B

## Action *Legislative Committee*

### Analyses of Bills

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**Executive Summary:** Staff will present analyses of educator preparation and licensing bills introduced by Legislators. The analyses will summarize current law, describe the bills' 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:** Marilyn Errett, Administrator; Anne Padilla, 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

April 2010

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# Bill Analysis

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## AB 2160 (Bass)

### Employment Option to Teach Students with Autism: Sunset Date Extension

**Recommended Position:** Watch

**Sponsor:** California Alliance of Child and Family Services

**Bill Version:** As Introduced February 18, 2010

#### Analysis of Bill Provisions

AB 2160 would extend the sunset date of an employment option for local educational agencies and schools. The employment option allows teachers who hold a credential authorizing the instruction of students with mild and moderate disabilities, and who meet other specified requirements, to serve students with autism spectrum disorder (ASD). The bill would extend the inoperative date of the employment option from August 31, 2011 to October 1, 2013. The date repealing the Education Code section would be extended from January 1, 2012 to January 1, 2014.

#### Background

Education Code section 44265.1 outlines the option for local educational agencies and schools to assign teachers who hold a credential authorizing the instruction of students with mild and moderate disabilities to serve students with ASD. Teachers assigned under this code section must meet one of the following requirements prior to assuming classroom responsibilities.

- Has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves pupils with autism pursuant to their individualized education programs and received a favorable evaluation or recommendation to teach pupils with autism from the local educational agency or school.

Or

- Has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

Teachers assigned in this manner first need to consent to the assignment. Local educational agencies and schools are required to report teacher assignments based on this option as a part of the assignment monitoring process conducted by the county office of education and reported annually to the Commission.

Under current law, this employment option will become inoperative either two years after the Commission regulation adoption date implementing the recommendations of its Special Education Workgroup or on August 31, 2011, whichever occurs first, and will be repealed on January 1, 2012 unless a later enacted statute extends or deletes the sunset date. The regulations

for both the Special Education Limited Assignment Permit and the Special Education Added Authorizations were approved by the Office of Administrative Law on July 3, 2009.<sup>1</sup>

In April 2008, the Senate and Assembly leadership introduced a package of bills related to services for children affected by ASD. The bill package was a result of recommendations by a Blue Ribbon Legislative Panel. Among the bills was AB 2302 (Chap. 41, Stats. 2008) authored by Assembly Member Bass introducing the employment option now in Education Code section 44265.1. A similar bill, now in law<sup>2</sup> and also with a sunset date, allows teachers authorized to provide instruction to students with moderate/severe disabilities to teach three and four-year-olds affected by ASD.<sup>3</sup> The Commission adopted a “Support” position on both bills.

### **Commission Activity**

Based on recommendations of the Commission’s Special Education Workgroup in the Commission’s 2007 “Report on the Study of Special Education Certification,” the Commission approved new pathways for teachers to become authorized to teach students with ASD. The pathways are intended to increase the number of teachers with an ASD authorization.

- **Added Authorization for Autism Spectrum Disorders**

Prior to the Commission’s approval of Added Authorizations for special education teachers, only teachers who held a credential authorizing the instruction of students with moderate to severe disabilities could be assigned to teach students with ASD. The Added Authorization for ASD can be added to any existing special education credential to expand the assignment areas for the teacher who holds the credential. For example, a teacher who currently holds an Education Specialist Credential in Special Education: Mild/Moderate Disabilities is not authorized to instruct students with ASD. But, if the teacher completes a Commission-approved program for the Added Authorization for ASD, the authorization area for that teacher is expanded. As of this writing, six Added Authorization Programs for ASD have been approved and six more are in the pipeline. More than half of the approved programs offer some or all of the courses online.

- **Special Education Limited Assignment Permit: Autism Spectrum Disorders**

To address immediate local needs and to provide a bridge for veteran teachers who are adding an authorization for ASD, the Commission approved the Special Education Limited Assignment Permit. A veteran special education teacher who has completed a three semester unit course in autism or who has completed one year of instruction of students who are autistic is eligible for this permit and can apply through the employing agency. The permit is valid for one year, but can be renewed if the teacher completes six semester units toward either the Special Education Added Authorization or the Education Specialist Credential in Special Education: Moderate/Severe. This option allows for two renewals, thus providing a three year period for teachers to complete the necessary coursework.

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<sup>1</sup> 5 Cal Code Regulations §80048.7 and 5 Cal Code Regulations §§80027 and 80027.1

<sup>2</sup> EC 44265.2

<sup>3</sup> AB 131 (Chap. 487, Stats. 2008, Beall)

- **Revised Standards for Education Specialist Credentials in Special Education Include Preparation to Teach Students With Autism**

The Commission has approved standards for the revised Education Specialist programs that include preparation for the instruction of students with ASD. The authorization statements for credentials based on the revised programs will include ASD. The new programs will transition into place by December 31, 2011. Candidates enrolled in a program based on the prior standards will have through January 31, 2013 to complete their credential coursework.

As part of its assignment monitoring duties and in accordance with the reporting requirements in AB 2302, the Commission has tracked the number of individuals assigned to teach students with autism through the use of the employment option for assigning teachers to teach students with ASD. To date, the Commission has only one year of data. In addition, by law, county offices of education are required to monitor only ¼ of the schools and districts within their jurisdiction each year. According to the 2007-08 assignment reports from county offices of education, 45 individuals were assigned using this option. If the ¼ report is a fair representation of statewide assignments, it could be assumed that approximately 180 individuals were assigned using this option in the 2007-08 school year.

#### **Fiscal Impact**

No significant impact to the Commission.

#### **Organizational Positions**

##### **Support**

California Alliance of Child and Family Services (Sponsor)  
Association of California School Administrators  
California Association of Private Special Education Schools  
California School Boards Association

##### **Opposition**

None noted at this time.

#### **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.

#### **Reason for Suggested Position**

The Commission has spent the past several years studying special education credentialing needs and acting upon the recommendations of its Special Education Workgroup. Noting the considerable increase in the need for services to students with ASD, the Commission moved options for veteran special education teachers through the regulatory process as quickly as possible. The employment assignment option for ASD was intended to sunset on August 31, 2011, coordinating with the Commission's implementation of the Special Education Added Authorization and the Special Education Limited Assignment Permit "bridge." Although the

Special Education Limited Assignment Permit is now in place for veteran teachers and several programs for the Special Education Added Authorization: ASD are approved, some representatives in the field have expressed the need for a longer transition period. The goal is to see more Added Authorization programs offered in order to provide greater accessibility for teachers. With that in mind, AB 2160 extends the August 31, 2011 sunset date to October 1, 2013. While the Commission has followed through and completed the work required to make the new options available, it also seems reasonable to listen to the needs of the field.

For these reasons, staff recommends a neutral position of **Watch**.

**Analyst:** *Marilyn Errett*

**Date of Analysis:** *March 26, 2010*

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# Bill Analysis

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## Assembly Bill 2040 (Brownley) Teacher Leaders

**Recommended Position:** Support

**Sponsor:** Author

**Bill Version:** As amended March 23, 2010

### Analysis of Bill Provisions

AB 2040 would require the Commission on Teacher Credentialing (Commission) to convene an advisory panel of stakeholders with expertise in the field of teacher leadership to explore the recognition of leadership roles within a teaching career pathway. The Commission would be required to consider the advisory panel's findings and report to the Governor and Legislature by January 1, 2012.

### Background

The subject of teacher leaders has become an education policy focus in part due to the statewide increase in the use of experienced teachers as mentors, support providers, master teachers, teacher leaders, and providers of professional development services to other teachers. This increased use of the knowledge, skills and abilities of experienced teachers as peer developers and supporters has come in large part as a result of programs such as induction and internships, as well as local efforts to improve teacher quality in order to improve student achievement. Policy makers question whether teachers are appropriately recognized, prepared, and compensated for these types of roles with the existing teaching credential structure.

Educational Testing Service (ETS) has begun work on developing model teacher leader standards. The origins of this effort came from their collaboration with the Kansas State Department of Education and led to the recently adopted Kansas Teacher Leader Standards. ETS recently released the draft national Teacher Leader Standards for field review.

Other state education policy makers are also exploring teacher leadership and approaching this topic from a variety of perspectives. For instance, some states are interested in exploring teacher leadership as a means for retaining effective veteran teachers while others are viewing it as an important step towards improving student achievement by improving the instructional practice of all teachers. Eleven states<sup>4</sup> presently have some form of teacher leader recognition.

### Commission Activity

Currently, the Commission may issue Specialist Instruction Teaching Credentials recognizing teachers with advanced preparation in the fields of Agriculture, Bilingual, Early Childhood

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<sup>4</sup> Alabama, Arkansas, Delaware, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts and Ohio

Education, Gifted Education, Health Science, Mathematics and Reading. All of these credentials require that the holder have a valid basic credential. The Education Specialist Credentials and Special Education Specialist Credentials authorize the holder to teach special education students in the area of specialization listed on the credential.

In the area of new policy development, the Commission considered two information items on teacher leaders at recent meetings<sup>5</sup>. Commission staff is also attending meetings of the ETS-sponsored effort to develop Model Teacher Leader Standards. The Commission will receive another update on Teacher Leaders at a future meeting from the Professional Services Division.

Additionally, the Commission will begin its review of Administrator preparation this summer. This review could also serve to inform the proceedings of the advisory panel on teacher leaders proposed in AB 2040.

### **Fiscal Impact**

This study can be funded within the current Commission budget.

### **Organizational Positions**

#### **Support**

None noted at this time.

#### **Opposition**

None noted at this time.

### **Relevant Commission Legislative Policies**

Policy 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.

### **Reason for Suggested Position**

The study outlined in the bill is closely aligned with the Commission's policy for examining changes in the educator preparation system. The Commission has already begun to explore the subject of teacher leaders and staff is closely monitoring developments in this area at the national level. For these reasons, staff recommends a "**Support**" position.

**Analyst:** *Anne L. Padilla*

Date of Analysis: *March 29, 2010*

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<sup>5</sup> <http://www.ctc.ca.gov/commission/agendas/2008-10/2008-10-2F.pdf>  
<http://www.ctc.ca.gov/commission/agendas/2009-12/2009-12-3E.pdf>

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# LEGISLATIVE GUIDELINES OF THE CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Adopted February 3, 1995

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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.

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## Possible Bill Positions for Commission Consideration

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*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.