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Action

Credentialing and Certificated Assignments Committee

Modifications to the Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of- Country Credentialed Teachers

Executive Summary: Modifications to the proposed amendments and additions to Title 5 of the California Code of Regulations pertaining to Education Specialist Instruction Credentials for out-of-state and out-of-country credentialed teachers as requested by the Department of Finance.

Recommended Action: Staff recommends that the Commission approve the modifications to the proposed regulations pertaining to Education Specialist Instruction Credentials for out-of-state and out-of-country credentialed teachers.

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Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Grant credentials, certificates and permits as set out in regulation and statute

Modifications to the Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers

Introduction

The modifications to the proposed amendments to 5 California Code of Regulations (CCR) §80048.3.1(c)(4) detailed in this item are to avoid potential claims for reimbursement of mandated costs by California school districts.

Background

Commission staff conducted a public hearing on March 8, 2012 for amendments and additions to Title 5 of the CCR pertaining to the requirements for out-of-state and out-of-country credentialed teachers. The proposed amendments and additions to the regulations were approved by the Commission at the public hearing.

Prior to submission of the regulation packet to the Office of Administrative Law, the Department of Finance contacted Commission staff to express concerns that proposed language in 5 CCR §80048.3.1(c)(4) could potentially result in claims for reimbursement of mandated costs by California school districts.

Government Code §17514 defines mandated costs as: *any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.* “Executive order” as defined in Government Code §17516 includes regulations issued by state agencies.

The Department of Finance identified the language requiring that a director of curriculum and instruction approve the California Standards for the Teaching Profession (CSTP) activities associated with the experience route for out-of-state credentialed teachers as a “higher level of service” that could result in reimbursement claims for mandated costs. To alleviate the concerns expressed by the Department of Finance, Commission staff sent a 15-Day Notice detailing the proposed modifications to 5 CCR §80048.3.1(c)(4) in accordance with the requirements specified Government Code §11346.8(c). The 15-Day Notice was sent on May 23, 2012 and the written comment period will end on June 7, 2012. Written comments during the 15-Day Notice period were restricted to the recent modifications to the proposed language.

Modifications to the Proposed Regulation Amendments

§80048.3.1(c)(4)

In response to a request from the Department of Finance to avoid any potential claims for reimbursement of mandated costs, the requirement for approval of the CSTP activities by a director of curriculum and instruction at a public school employer has been deleted. Although requiring that the CSTP activities be approved by a director of curriculum and instruction at a regionally-accredited private school will not create mandated costs, this requirement has also been deleted for consistency. Commission staff will review the written justification provided by the applicant to ensure that the listed activities are related to the CSTP.

15-Day Notice Mailing List and Responses

The 15-Day Notice detailing the proposed modifications to 5 CCR §80048.3.1(c)(4) was mailed to the one individual who responded in favor of the proposed amendments and additions during the initial 45-day written comment period prior to the public hearing on March 8, 2012. There were no other oral or written comments received during the initial 45-day comment period or at the public hearing. The 15-Day Notice was also posted on the Commission's website at <http://www.ctc.ca.gov>.

Tally of Responses

As of Thursday, June 1, 2012, the Commission had received the following written responses in opposition of the proposed modifications to 5 CCR §80048.3.1(c)(4) detailed in the 15-Day Notice:

Opposition

0 organizational opinions

0 personal opinions

Total Responses: 0

Next Steps

Staff recommends approval of the modifications to the proposed amendments in 5 CCR §80048.3.1(c)(4) in order to receive approval of the proposed amendments and additions by the Department of Finance. Upon receipt of approval by the Department of Finance, the regulation packet will be submitted to the Office of Administrative Law for final review.

The following is the entire text of the proposed amendments and additions to Title 5 of the CCR, clearly showing the deleted text in ~~double strike through~~. Single underline and strikeout is text already noticed for the 45-day comment period and the public comment period closed on March 5, 2012.

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80048.3.1. Specific Requirements for Preliminary Level I and Professional Clear or Level II Education Specialist Instruction Credential for Experienced Out-of-State Credentialed Teachers.

- (a) The following pertains to individuals who have two years of appropriate teaching experience earned in a state or U.S. territory other than California.
- (1) The minimum requirements for the five-year preliminary Level I Education Specialist Instruction Credential are all of the following, ~~(1A)~~ through ~~(7G)~~.
- ~~(1A)~~ Five Two years of full-time special education teaching experience in the disability area of the credential sought and earned in a state or U.S. territory other than California.
- ~~(2B)~~ RigorousSatisfactory performance evaluations.
- ~~(3C)~~ A valid professional level special education teaching credential from another state or U.S. territory, with a comparable authorization to the credential sought. Individuals with generic special education authorizations as defined in subdivision (c) may apply for the five-year Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education and shall be required to verify completion of an equivalent Level I or preliminary program as specified in subdivision (c)(2) prior to issuance of the Level II credential.
- ~~(4D)~~ Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education or a state-approved teacher preparation program offered by a local educational agency and appropriate to the disability area of the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.
- ~~(5E)~~ A baccalaureate or higher degree from a regionally accredited institution of higher education.
- ~~(6F)~~ An offer of employment as specified in 80048.3(a)(8). An individual who has completed all other requirements (1) through (7) but does not have an offer of employment may apply for a Certificate of Eligibility as specified in 80048.3(a)(9).Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.

~~(7G) Passage of the California Basic Educational Skills Test (CBEST) administered pursuant to Meet the basic skills requirement as described in Education Code §44252. A one-year nonrenewable Level I Education Specialist Instruction Credential may be issued to an applicant who has not passed the CBEST and has satisfied Individuals who meet the requirements in subdivisions subsections (a)(1)(A) through (a)(61)(F) above and Title 5 s80071.4(e) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.~~

~~(b2) The following are the minimum requirements for the professional-clear Level II Education Specialist Instruction Credential for an individual who meets the requirements specified in (a)(1)(A) through (a)(1)(G)are both of the following:~~

~~(1A) A five-year preliminary Level I Education Specialist Instruction Credential issued pursuant to subdivision (a)(1) Possession of a California English learner authorization issued pursuant to the requirements specified in Education Code §44253.3, and~~

~~(2B) Completion of all requirements for the professional-clear Level II Education Specialist Instruction Credential, as specified in Title 5 s80048.4.Completion of either of the following:~~

~~1. A master's degree or higher in a field related to the credential, or the equivalent number of graduate-level semester units, earned at a regionally accredited institution of higher education and verified by official transcript; or~~

~~2. Completion of 150 clock hours of activities addressing one or more of the six California Standards for the Teaching Profession (CSTP).~~

~~(C) An individual applying for the clear credential on initial application for California certification who has not previously been issued a Level I credential must satisfy the basic skills requirement as described in Education Code §44252. If all requirements specified in subdivisions (a)(1) and (a)(2) are met, other than the basic skills requirement, the individual will be issued a five-year Level I credential as described in (a)(1)(G).~~

~~(D) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.~~

~~(b) The following pertains to individuals who have less than two years of appropriate teaching experience earned in a state or U.S. territory other than California.~~

~~(1) The minimum requirements for the five-year Level I Education Specialist Instruction Credential are all of the following. (A) through (E).~~

- (A) A professional level special education teaching credential from another state or U.S. territory, with a comparable authorization to the credential sought. Individuals with generic special education authorizations as defined in subdivision (c) may apply for the five-year Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education and shall be required to verify completion of an equivalent Level I or preliminary program prior to issuance of the Level II or clear credential.
 - (B) Completion of a teacher preparation program taken at a regionally accredited institution of higher education or a state-approved teacher preparation program offered by a local educational agency.
 - (C) A baccalaureate or higher degree from a regionally accredited institution of higher education.
 - (D) Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.
 - (E) Meet the basic skills requirement as described in Education Code §44252. Individuals who meet the requirements in subdivisions (b)(1)(A) through (b)(1)(D) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.
- (2) The following are the minimum requirements for the Level II or Clear Education Specialist Instruction Credential for an individual who meets the requirements specified in (b)(1)(A) through (b)(1)(E):
- (A) A five-year Level I Education Specialist Instruction Credential issued pursuant to subdivision (b)(1).
 - (B) Possession of a California English learner authorization issued pursuant to the requirements specified in Education Code §44235.3.
 - (C) One of the following:
 - 1. For the Level II credential, completion of the requirements specified in §§80048.4(a)(4) and (a)(5); or
 - 2. For the clear credential, completion of the requirements specified in §80048.8.1.

(D) Recommendation from a Commission-approved Level II or clear Education Specialist Instruction Credential program as specified in Education Code §44227(b).

(E) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.

(c) The following definitions apply to terms used in this section.

(1) Full-Time Teaching Experience: This is defined as teaching a minimum of 4 hours a day, unless the minimum statutory attendance requirement for the students served is less. Experience must be on a daily basis and for at least 75% of the school year. Experience may be accrued in increments of a minimum of one semester. No part-time or combination of teaching with other school employment will be accepted. All experience must be gained in public or regionally-accredited private schools in states or U.S. territories other than California while serving on ~~that state's~~ a valid teaching credential ~~that is comparable to the authorization sought~~. Experience may be gained in more than one state or U.S. territory other than California. This experience must be verified on the official letterhead of the ~~district or districts~~ out-of-state employer or employers by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed. Experience from outside of the United States will not be considered.

(2) Generic Special Education Authorizations: This is defined as a teaching credential issued by another state or U.S. territory in a specialty area that is not comparable to an available California special education specialty area. An individual with a generic special education authorization may verify completion of an equivalent program for Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education by one of the following:

(A) Provide a letter from the out-of-state program sponsor verifying completion of student teaching in the specialty area sought; or

(B) Provide a letter verifying two or more years of full-time teaching experience in the specialty area sought earned at a public or regionally-accredited private school located in another state or U.S. territory; or

(C) Complete the equivalent of a Commission-approved Level I program as specified in §80048.3(a)(2) or a Commission-approved preliminary program as specified in §80048.8(a)(2) in the specialty area sought.

(23) ~~Rigorous~~Satisfactory Performance Evaluations:

(A) The teaching effectiveness areas on the performance evaluations ~~must~~ may include, but are not limited to, all of the areas, 1. through 4., below. If these areas

are not included in the evaluations, the individual may submit a supplemental letter, on district letterhead, signed by the individual's principal or personnel officer in the district in which the evaluations took place. ~~If an evaluation or supplemental letter cannot be obtained that includes all of the four areas, then the individual would not qualify under this section. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.~~

1. The use of teaching strategies that motivates all students to engage in the learning process.
 2. The ability to establish and maintain high standards for student behavior.
 3. A demonstration of deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding.
 4. An ability to plan and implement a sequence of appropriate instructional activities.
- (B) Evaluations of the teacher's performance for at least two of the years of teaching experience from a state or U.S. territory other than California must be submitted ~~with at least one evaluation within the last two years of the experience. If evaluations or a supplemental letter cannot be obtained, the individual will not qualify under section (a).~~
- (C) Evaluation ratings must be satisfactory or better.
- (4) California Standards for the Teaching Profession (CSTP): The 150 clock hours of CSTP activities may be satisfied by staff development, college course work or other activities related to the CSTP. When applying for the Level II credential, a written list of the activities including a justification stating how each of the activities relates to the CSTP must be attached. An individual at the central office of a public school district or county office of education, or at a public school site or a regionally accredited private school who is responsible for curriculum and instruction in the specialty area of the teacher's credential must sign the written justification agreeing that the activities relate to the CSTP as stated. The following are the six CSTP areas:
- (A) Engaging and supporting all students in learning.
 - (B) Creating and maintaining effective environments for student learning.
 - (C) Understanding and organizing subject matter for student learning.
 - (D) Planning instruction and designing learning experiences for all students.

(E) Assessing students for learning.

(F) Developing as a professional educator.

(5) Professional Level Special Education Teaching Credential. This is defined as a special education teaching credential issued by another state or U.S. territory that is, at a minimum, comparable to a California five-year Level I or preliminary Education Specialist Instruction Credential.

~~(d) An individual who has previously been issued a preliminary Level I Education Specialist Instruction Credential based on Education Code s44274 is not eligible for a credential issued under this section.~~

~~(e) An individual who has previously been issued a California preliminary Specialist Instruction Credential in Special Education is eligible for a credential issued under this section provided the following (1) and (2) are met.~~

~~(1) Verification of all provisions of (a), and~~

~~(2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.~~

~~(3) The credential will be valid five years from the date of application.~~

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252, 44253.3, 44265, 44274 and 44274.2, 44339, 44340, and 44341, Education Code.

§ 80048.3.2 Specific Requirements for Level I and Clear or Level II Education Specialist Instruction Credential for Out-of-Country Credentialed Teachers.

(a) The minimum requirements for the five-year Level I Education Specialist Instruction Credential for individuals who complete special education programs outside the United States are:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education or the equivalent as specified in §80457(c) if completed outside the United States.

(2) Completion of a special education teacher preparation program, including student teaching, determined to be equivalent to a program completed at a regionally accredited institution of higher education in the United States as specified in §80457(c) and approved by the appropriate agency in the country where the program was completed at one of the following two levels:

- (A) Comparable program: This is defined as 24 semester units of special education course work with at least 12 of the 24 semester units, including student teaching, in the specialty area sought; or
- (B) Generic program: This is defined as 24 semester units of special education course work, including student teaching, that lacks focus in a specific specialty area. An individual with a generic program may apply for the Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education, but shall be required to verify completion of an equivalent Level I program as specified in §80048.3(a)(2) or preliminary program as specified in §80048.8(a)(2) prior to issuance of the Level II or clear credential.
- (3) Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.
- (4) Meet the basic skills requirement as described in Education Code §44252. Individuals who meet the requirements in subdivisions (a)(1) through (a)(3) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.
- (b) The minimum requirements for the five-year Clear or Level II Education Specialist Instruction Credential for an individual who meets the requirements specified in (a)(1) through (a)(4) are:
- (1) Subject-matter competence as specified in Education Code §§44280, 44281, 44282, and 44310. Candidates for the specialty area of Early Childhood Special Education are exempt from this subject-matter competence requirement.
- (2) Methods of teaching reading course as specified in Education Code §44259(b)(4) or examination as specified in Education Code §44283.
- (3) Verification of knowledge of the Constitution of the United States, as specified in Education Code §44335, by one of the means described in §80415.
- (4) The study of health education as specified in Education Code §44259(c)(4)(A).
- (5) The study of computer-based technology that includes the uses of technology in educational settings as specified in Education Code §44275.4(d)(6).
- (6) Two semester or three quarter unit non-special education pedagogy course.
- (7) Supervised field experience in general education. This requirement may be satisfied by official transcript verifying one semester unit of general education student teaching or a letter verifying 45 clock hours of supervised field experience in a general education classroom.

(8) One of the following:

(A) For the Level II credential, completion of the requirements specified in §§80048.4(a)(4), (a)(5), and (a)(6); or

(B) For the clear credential, completion of the requirements specified in §80048.8.1.

(9) Recommendation from a Commission-approved Level II or clear Education Specialist Instruction Credential program as specified in Education Code §44227(b).

(10) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227(b), 44252, 44259, 44265, 44275.4, 44280, 44281, 44282, 44283, 44310, 44335, 44339, 44340, and 44341, Education Code.