
1H

Action

Public Hearing

Proposed Addition of 5 California Code of Regulations §80033 Pertaining to Intern Teaching Credentials

AGENDA INSERT

Executive Summary: This agenda item proposes the addition of §80033 to Title 5 of the California Code of Regulations pertaining to intern teaching credentials as approved by the Commission at the April 2013 meeting.

Recommended Action: Staff recommends that the Commission adopt the proposed regulations pertaining to intern teaching credentials.

Presenter: Tammy A. Duggan, Consultant, Certification Division

Strategic Plan Goal

I. Educator Quality

- ◆ Develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and certification of educators who have demonstrated the capacity to be effective practitioners.

August 2013

Proposed Addition of 5 California Code of Regulations §80033 Pertaining to Intern Teaching Credentials

Updated Tally of Responses

August 2, 2013

Support

2 organizational opinions
0 personal opinions

Opposition

1 organizational opinion
0 personal opinions

Grand Total Responses: 3

Responses Representing Organizational Support

(copies of the letters are provided in Appendix A)

1. Bill Lucia, President, edVoice
2. California Federation of Teachers, Californians for Justice, Californians Together, Disability Rights Education and Defense Fund, Public Advocates Inc., and RYSE Center

Responses Representing Organizational Opposition

1. Eric Scroggins, Executive Vice President, California, Teach For America

Comments: We write to provide written comment on the Proposed Addition of 5 California Code of Regulations §80033 Pertaining to the Intern Teaching Credentials. We have appreciated the opportunity to partner with the Commission on Teacher Credentialing and the many stakeholders in this process to move toward regulations which ensure support for intern teachers, something which Teach For America believes to be critical and in which we have long been deeply invested and engaged. We additionally appreciate the focus paid to the needs of English Learners, as so many of our teachers are working with students who are English Learners and are deeply committed to the success of their EL students.

Overall, we believe that the proposed regulations reflect the consensus achieved by the Commission through a stakeholder engagement process sustained over several months. We laud the Commission's compromise-orientation and on-going revisions to ensure that the proposed regulations do not contradict the statutes which clearly authorize Intern Credential holders to teach English Learners. And, as we review the specifics of the proposed regulations, we believe that there are a few minor adjustments which would improve upon them, largely so as to ensure needed flexibility at the local level.

Under section 80033(b), relating to the support and supervision of intern teachers, we respectfully request and suggest language which would allow employing agencies and programs a greater level of discretion as they provide quality support and mentorship. We wholeheartedly agree that mentors need to meet high standards and be well-positioned to provide support to the new teachers who they mentor and support. Our experience suggests that a specific credential or

even specific years of experience are not ideal filters through which one can determine who the best mentors will be, and, at the same time, we understand that there are not currently perfect alternate standards which will fit all situations and contexts. We believe that those closest to the teachers and classrooms—namely the employing agencies and approved programs—should be empowered to make decisions regarding who, in their specific contexts, will be the most effective mentors for their intern teachers, and we believe the current proposed language is too narrow and unnecessarily restricts the ability of employing agencies and local programs to make these decisions.

Specifically, section (b)(3) currently reads: “Prior to an intern teacher assuming daily teaching responsibilities, the California employing agency must identify a mentor for the intern teacher that possesses a valid, corresponding life or clear teaching credential and a minimum of three years of successful teaching experience,” and we are concerned that this language excludes and does not envision some potentially excellent mentors for intern teachers, including former teachers who are now scholars related to new teacher support, as well as excellent practitioners who may have come from out of state, and we are additionally concerned that this proposed approach will place a burden on smaller rural and charter schools with small staffs, in particular. To strike a balance between the need for ensuring quality and also the need for flexibility at the school-level, we suggest the following alternative language “*Prior to an intern teacher assuming daily teaching responsibilities, the California employing agency must identify a mentor for the intern teacher ~~that who~~ possesses a valid, ~~corresponding life or clear~~ teaching credential, ~~and a minimum of three years of successful teaching experience~~ and who the employing agency deems to be an appropriate mentor.” The spirit behind our suggested amended language is simply to allow a greater level of autonomy and responsibility at the level of the employing agency and the program, as these entities are the closest to their schools, classrooms, teachers and students, and are well-positioned to make good decisions in terms of designating appropriate mentors for their intern teachers.*

Response: The word “corresponding” proposed in subsection (b)(3) as related to the credential that must be held by a mentor teacher is not intended to exclude potential mentors. One definition for “corresponding” is “having the same or nearly the same relationship” and the intent of the word in subsection (b)(3) is to ensure that a multiple subject intern teacher is mentored by the holder of a Multiple Subject Teaching Credential, a single subject intern teacher is mentored by the holder of a Single Subject Teaching Credential, or a special education intern teacher is mentored by the holder of a special education teaching credential. The proposed language in (b)(3) does not require that the mentor teacher hold a credential in the same content or specialty area as the intern teacher. The exact type of teaching credential that must be held by a mentor teacher will be specified in the Memorandum of Understanding developed between the employer and the program sponsor. Commission staff recommends the rejection of this suggested edit.

Deleting “life or clear” as related to the level of teaching credential that must be held by a mentor teacher will allow holders of preliminary teaching credentials to be assigned as mentor teachers. Such action could be problematic since the majority of preliminary teaching credentials require completion of an induction or Level II (for holders of Level I Education Specialist Instruction Credentials) credential program to qualify for the clear credential. (The only exception to completion of an induction or Level II program to qualify for a clear credential is for out-of-state prepared teachers with at least two years of out-of-state teaching experience.)

It would be very difficult for the holder of a preliminary teaching credential to teach, complete an induction or Level II program, and mentor an intern teacher all at the same time. The renewal requirements associated with preliminary teaching credentials are why the Administrative Services Credential regulations were recently amended to require possession of a life or clear credential prior to issuance of a Preliminary Administrative Services Credential. Commission staff recommends the rejection of this suggested edit.

Lastly, requiring a minimum of three years of successful teaching experience ensures that mentors assigned to intern teachers have a minimum level of classroom teaching experience. Replacing the three years of teaching experience requirement with "...and who the employing agency deems to be an appropriate mentor" would allow individuals with little to no teaching experience to be assigned as a mentor to an intern teacher who also has little to no teaching experience. Three years of teaching experience is consistent with other Title 5 sections that require employers to assign educators to guide and assist permit holders [reference 5 California Code of Regulations (CCR) §80026.5 pertaining to emergency permits and §§80027 and 80027.1 pertaining to limited assignment permits]. Commission staff recommends the rejection of this suggested edit.

Additionally, we request a technical correction in Section (g)(2)(B) and suggest that it be amended to account for the fact that there is no Section 8004(e) (sic), which means that the final clause would simply read "sections 8004(a) through (d)" rather than referencing sections 8004(a) though (sic) (e), as it currently does.

Response: Proposed amendments to 5 CCR §80004 are in progress that will add subsection (e) to clarify the authorization of the World Language: English Language Development (WL: ELD) content area. The WL: ELD regulation packet will soon be submitted to the Office of Administrative Law (OAL) for final review and OAL will have thirty business days to complete their review. The reference to subsection (e) was included in subsection (g)(2)(B) of the proposed intern regulations in anticipation of OAL's approval of the earlier proposed amendments to 5 CCR §80004 (reference OAL Notice File Number Z-2013-0416-07). A non-substantive correction will be made to the proposed intern teaching credential regulations to change "(d)" to "(e)" in subsection (g)(2)(B) if the earlier proposed amendments to 5 CCR §80004 are not approved by OAL. Commission staff recommends the rejection of this suggested edit.

Finally, we observe that while the disclosures regarding the proposed regulatory action indicate that there have been initial determinations made by the Commission that these proposed regulations are not likely to create a cost impact for a representative private person, we believe that it is entirely foreseeable that some intern programs will add significantly to their requirements as a result of these regulations, and that program costs will go up and be borne by participants in these programs and, ultimately, will negatively impact the diversity of the teaching force. As an organization that places enormous value on diversity in the teaching profession, we feel a particular responsibility to raise this issue, especially given the positive role that alternative pathway programs have had in California and across the nation's increasingly diverse student body. Over 55% of our new teachers are either people of color or grew up in a low-income community, and we look forward to working with the Commission, our program partners and other stakeholders in this process to ensure that added requirements do not create

financial constraints which may well have the unintended consequence of reducing the diversity of the teaching force.

Response: There are currently no 5 CCRs related to the issuance of intern teaching credentials. The purpose of the proposed addition of 5 CCR §80033 is to clarify, interpret, and make specific the Education Code sections related to intern teaching credentials. The proposed regulations do not add additional requirements for the issuance of intern teaching credentials. The cost impact concerns expressed above are ambiguous. However, if directed at the support/mentoring and supervision of intern teachers, this requirement has always been included in in the intern credential program standards and is also required, but not specified, in statute. The proposed regulations simply set the minimum number of hours of support/mentoring and supervision that must be provided to an intern teacher each year. Although other issues outside the purview of the Commission may affect the costs associated with an intern teaching credential program, Commission staff does not anticipate that the proposed regulations will have a direct impact on the costs to be borne by intern program participants.

We thank the Commission and all the stakeholders in this process for their time and commitment to these issues. While the many groups and individuals involved in this work may, at times, hold different perspectives on specific issues or differ on specific language, and may, at time, also be coming from different experience bases in the teacher preparation field, it is clear that we all share an unwavering commitment to serving the needs of all of California's students. We look forward to ongoing collaboration and partnership with the Commission and the many stakeholders engaged in this critical work, and appreciate the opportunity to comment on the proposed regulations.



July 26, 2013

Ms. Tammy A. Duggan
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95811

RE: Proposed Amendments to Title 5 CCR—Sec. 80033 Intern Teaching Credentials

Dear Ms. Duggan:

I write to comment on, and recommend approval of, the proposed amendments to Title 5 regulations governing Intern Teaching Credentials in California, ensuring Intern Credential holders retain authority to be legitimately designated as the teacher of record in all classrooms, including classrooms with English learners and other students with special needs.

Early iterations of the proposed changes to Title 5 regulations and accompanying policies advocated by some would have clearly been unlawful by requiring the Commission to violate explicit provisions of law, including but not limited to subdivision (g) of Section 44225, which requires the Commission to establish alternative methods for entry into the teaching profession, including district interns authorized by Article 7.5 (commencing with Section 44325), and specifically Section 44326, which explicitly authorizes Intern Credential holders to teach English Learners and students with special needs. In addition, initial suggestions for authorities cited and parent statute references were not applicable to Intern Credential holders and would have resulted in unauthorized new mandates and unlawful regulations. Had the Commission accepted all the specific prescriptive recommendations and comments, it would have contradicted statute, overstepped the Legislature and, therefore, its own rulemaking authority.

The rulemaking package approved for notice of regulatory action and Public Hearing on August 2, 2013 reflects the culmination of a process that included several challenging Commission hearings and a formal process to consider technical legal and policy-related comments, objections and recommendations from many stakeholders over a period of several months. Taken as a whole, the package accurately reflects the Commission's consensus after its leadership and senior staff worked carefully to develop compromise solutions to balance the legal and policy positions of all stakeholders concerned about strengthening effective instruction opportunities for all students, including English learners and other students with special needs.

Although there may be room for minor fine-tuning, EdVoice believes the Commission's proposed rule maintains the mandated legitimate scope of authority of Intern Credential holders. And, the package now identifies accurate statutory references to exercise Commission authority to adjust the expectations and clarify the responsibilities of intern candidates, employers and program sponsors.

If you have any questions regarding our comment, please don't hesitate to contact me at (916) 448-3868.

Sincerely,

A handwritten signature in black ink that reads "Bill Lucia".

Bill Lucia
President, EdVoice

Cc: Members, Commission on Teacher Credentialing
Karen Stapf Walters, Governor's Senior Education Policy Advisor



Dr. Mary Vixie Sandy, Executive Director
Members, California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811-4213

July 29, 2013

**RE: SUPPORT FOR PROPOSED REGULATIONS REGARDING INTERN CREDENTIALS
(5 C.C.R. § 80033)**

Dear Executive Director Sandy and Members of the Commission:

As organizations committed to ensuring that California's most vulnerable students are taught by teachers fully prepared to meet their needs, we write to express our strong support for the proposed regulations regarding intern teaching credentials (Item 1H, August 2013 Agenda). Together we represent and/or work with low-income parents and students throughout California, including English learner ("EL") students, immigrants, and students with disabilities.

After much discussion and debate, broad input from dozens of organizations and individuals, and a careful review of research regarding the instruction for English learner students, the Commission adopted new policies to strengthen the preparation and support that intern teachers receive, thereby improving instruction for the tens of thousands of students taught by interns. We have been core stakeholders in the public process that led to the Commission's adoption of these new intern policies in April 2013 and these related proposed regulations.

These regulations provide much needed clarity to the field and to the public regarding the supervision, support, and preservice training that interns must be provided, and the conditions under which interns are allowed to assume full responsibility for a class of students. They are also necessary to comply with the California Administrative Procedure Act, which past Commission policies regarding interns have failed to do.

We urge you to adopt the proposed regulations. Doing so will have an immediate and long-term positive impact on the educational opportunities available to the tens of thousands of English learner students in California who are currently taught by intern teachers.

Sincerely,

California Federation of Teachers
Californians for Justice
Californians Together
Disability Rights Education and Defense Fund
Public Advocates Inc.
RYSE Center