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## Information/Action

### *Credentialing and Certificated Assignments Committee*

#### **Proposed Amendments to Title 5 of the California Code of Regulations to Establish a Special Teaching Authorization in Physical Education for Holders of Designated Subjects Special Subjects Teaching Credentials**

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**Executive Summary:** This agenda item presents proposed amendments to 5 California Code of Regulations §80037 to establish a special teaching authorization in physical education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps.

**Recommended Action:** Staff recommends that the Commission approve the proposed amendments for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law and the scheduling of a public hearing.

**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.

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# **Proposed Amendments to Title 5 of the California Code of Regulations to Establish a Special Teaching Authorization in Physical Education for Holders of Designated Subjects Special Subjects Teaching Credentials**

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## **Introduction**

This item presents proposed amendments to 5 California Code of Regulations (CCR) §80037 to establish a special teaching authorization in physical education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps (R.O.T.C.). The proposed amendments also include general clean-up of the current, outdated regulation language.

## **Background**

Education Code (EC) §33352 establishes the type and required instructional minutes of physical education instruction to be provided in the public schools. Specifically, subsection (b)(7) of EC §33352 requires a Local Education Agency (LEA) to provide a course of study for high school physical education that includes a developmentally appropriate sequence of instruction in the following eight areas:

- 1) the effects of physical activity upon dynamic health;
- 2) the mechanics of body movement;
- 3) aquatics;
- 4) gymnastics and tumbling;
- 5) individual and dual sports;
- 6) rhythms and dance;
- 7) team sports; and
- 8) combatives.

Basic military drill and physical fitness training activities associated with Basic Military Drill and R.O.T.C. courses may include instruction in some or all of the listed areas.

Although a special subjects teaching credential authorizes the holder to provide instruction in grades 12 and below, and in classes organized primarily for adults, the majority of individuals who hold special subjects teaching credentials in Basic Military Drill and R.O.T.C. are employed at the high school level. One of the prescribed conditions for high school graduation in subsection (a)(1)(F) of EC §51225.3 is completion of two courses in physical education (unless the pupil has been exempted). Subsection (b) of EC §51225.3 allows governing boards, with the active involvement of parents, administrators, teachers, and pupils, to adopt alternative means for completion of the prescribed course of study.

Some employing agencies allow holders of special subjects teaching credentials in Basic Military Drill and R.O.T.C. to teach physical education under EC §51225.3 while others do not. Pupils

attending schools that do not grant high school graduation credit in physical education for Basic Military Drill and R.O.T.C. courses are forced to enroll in traditional physical education courses in order to meet statutory graduation requirements, thereby causing enrollment declines in the Basic Military Drill and R.O.T.C. programs.

Holders of special subjects teaching credentials in Basic Military Drill and R.O.T.C. are not currently required to meet the same subject matter requirements that credentialed physical education credential holders must meet, which may explain the reticence of some local governing boards to recognize these courses as meeting the physical education graduation requirements. While physical education is an integral component in all branches of the military, Basic Military Drill and R.O.T.C. special subjects teaching credentials do not currently include a specific physical education teaching authorization.

The proposed Special Teaching Authorization in Physical Education will provide the holder with a distinct physical education authorization in the areas of basic military drill and physical fitness training. The proposed minimum requirements for the Special Teaching Authorization in Physical Education are possession of a preliminary (which requires a minimum of four years of military experience) or clear (which requires, in addition to the requirements for the preliminary credential, completion of a Commission-approved program of personalized preparation) Designated Subjects Special Subjects Teaching Credential in Basic Military Drill or R.O.T.C.; satisfaction of California's basic skills requirement; and verification of subject-matter knowledge in Physical Education.

The amendments to 5 CCR §80037 to establish a Special Teaching Credential in Physical Education for individuals who hold Preliminary or Clear Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill or R.O.T.C. are proposed under the authority granted to the Commission in the following subsections of EC §44225:

- (b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:*
- (1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.*
  - (2) Credentials for teaching adult education classes and vocational education classes.*
  - (3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.*
  - (4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses. The commission may establish standards and requirements for preliminary and professional credentials of each type.*

- (e) *Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credentialholders. The commission may grant an added or supplementary authorization to a credentialholder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission-approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.*
- (g) *Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.*

In addition to establishing a Special Teaching Authorization in Physical Education, the proposed regulation amendments also include general clean-up of the current, outdated language in 5 CCR §80037 as follows:

- 1) Move the requirement for a driving transcript from the Department of Motor Vehicles for the Limited Driver Training subject area to the subsection that clarifies the experience and/or education required for a special subjects credential;
- 2) Align the basic skills requirement language with current statute;
- 3) Amend the application form and fingerprint clearance language to align with other 5 CCR sections;
- 4) Clarify that recommendation for preliminary and clear special subjects credentials must be made by Commission-approved programs of personalized preparation (not an employing school district) to align with the requirements associated with designated subjects adult education and career technical education (CTE) credentials;
- 5) Provide the definition for “two years of successful teaching” required for a clear special subjects credential;
- 6) Incorporate the CTE program standards by reference, which is the program that must be completed for issuance of a clear special subjects credential;
- 7) Amend the health education requirement language to align with current statute and program requirements; and
- 8) Clarify that a clear special subjects credential will be issued with the Specially Designed Academic Instruction in English (SDAIE) authorization due to completion of an approved CTE program, since SDAIE components are embedded in the CTE programs.

## **Summary of Proposed Amendments to Regulations**

### ***§80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential***

**(a)(1)(E):** Subsection (a)(1) clarifies the experience and/or education required for issuance of a preliminary special subjects teaching credential, but it does not currently include language clarifying the experience and/or education requirement for the special subject of Limited Driver Training. Amendments to subsection (a)(1)(E) propose the addition of a new subsection to clarify that driving experience must be verified by submission of a current driving record from the Department of Motor Vehicles. This language was moved from subsection (a)(2)(E) that pertains to licenses, recommendations, and coursework requirements.

**(a)(2)(E):** Proposes deletion of the language requiring submission of a current driving transcript from this subsection and the addition of the language to subsection (a)(1)(E) as explained above.

**(a)(5):** EC §44252 allows for additional options to passage of the California Basic Educational Skills Test (CBEST) to satisfy California's basic skills requirement. Subsection (d) of EC §44252 specifically exempts applicants for a special subjects credential from the basic skills requirement unless a bachelor's degree is required for the special subject area. Driver Education and Training is the only special subject area that requires a bachelor's degree for initial issuance of a preliminary special subjects teaching credential. The proposed amendments to this subsection update the basic skills requirement language to match and align with statute and add language clarifying that only applicants for the special subject area of Driver Education and Training must satisfy the requirement for initial issuance of a preliminary special subjects teaching credential.

**(a)(6):** Proposed amendments delete reference to "Employing School District (ESD)" and "Commission-approved Local Education Agency (LEA)". Prior amendments to the Title 5 sections pertaining to Designated Subjects Adult and Career Technical Education (reference 5 CCR §§80034.2, 80035, 80035.1, 80036, 80036.1, and 80036.4) deleted the authority of ESDs to advise individuals regarding designated subjects teaching credential programs. Only Commission-approved programs of personalized preparation now have the authority to recommend individuals for preliminary and clear designated subjects credentials and the advisement will be provided by the program sponsor prior to submission of the preliminary credential application. The term 'LEA' pertains to a 'Local Education Agency', which does not accurately reflect all the types of agencies that are allowed to develop and implement designated subjects teaching credential programs. The program sponsor recommendation requirement is a proposed addition in subsection (a)(8).

**(a)(7):** Proposed amendments clarify the application name and add the reference to §80001, which provides definitions for applications used for certification purposes. In addition, proposes deletion of the LEA or ESD recommendation language that will be clarified in subsection (a)(8); deletes the language that duplicates the credential requirements listed in (1) through (6); and changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsection (a)(8) .

Additional proposed amendments clarify that the requirement in EC §44340 to include fingerprints when filing an application is met with the submission of fingerprints via Livescan (electronic process) as required by the Department of Justice. Penal Code §11077.1 as amended by Senate Bill 970 (Chap. 470, Stats. 2003) now requires submission of fingerprints via Livescan and no longer accepts fingerprint cards. Specifically, the proposed amendments delete the language pertaining to fingerprint cards and replace it with language requiring completion of livescan if fingerprint clearance is not already on file at the Commission.

**(a)(8):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials. The proposed addition of this subsection is to require recommendation for a preliminary special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards are appropriate to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1 that provides the definition of for “Commission-approved program of personalized preparation” as related to CTE programs.

**(b)(2):** Proposes the deletion of the language requiring the ESD to verify the two years of teaching experience required for issuance of a clear special subjects teaching credential. The Commission-approved program sponsor will verify the teaching experience prior to recommending the individual for the clear credential.

Due to prior amendments, §80034 now provides the definitions and terms related to designated subjects adult education teaching credentials, only. Therefore, additional proposed amendments to this subsection delete the reference to subsection §80034(f), delete “or the equivalent,” and add the definition for “two years of successful teaching” as related to special subjects teaching credentials.

**(b)(3):** Designated subjects programs were previously approved by the Commission but not accredited by the Committee on Accreditation. Since October 2008, designated subjects programs require approval by the Commission and accreditation by the Committee on Accreditation. The proposed amendments to this subsection delete the outdated language describing the requirements for the previous programs.

Although the requirements to qualify for a preliminary designated subjects career technical education (CTE) teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards are appropriate to both clear credential types. Therefore, the proposed amendments add language requiring completion of a program of personalized preparation based on the CTE program standards to qualify for the clear special subjects teaching credential and incorporates the program standards by reference.

**(b)(4):** Proposes clarification of the language pertaining to the health education requirement and includes the appropriate EC citation. Also proposes deletion of the reference to §80421, as this regulations section includes an EC reference that is no longer related to the health education requirement.

**(b)(5):** Proposed amendments clarify the application name and add the reference to §80001, which now provides definitions for applications used for certification purposes. Also proposes deletion of the LEA or ESD recommendation language that will be clarified in subsection (b)(6) and the language that duplicates the credential requirements listed in (b)(2) through (b)(4). Lastly, the proposed amendments delete the semicolon (;) after the application form and add the word “and” between the application form and fee since there will be only two requirements listed in this subsection.

**(b)(6):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials. The proposed addition of this subsection is to require recommendation for a clear special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects career technical education (CTE) teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards are appropriate to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1 that provides the definition of for “Commission-approved program of personalized preparation” as related to CTE programs.

**(c):** Proposed new subsection to establish the minimum requirements for the Special Teaching Authorization in Physical Education.

**(c)(1):** Proposed new subsection to clarify that possession of a preliminary or clear special subjects teaching credential in Basic Military Drill or R.O.T.C is required for the Special Teaching Authorization in Physical Education, as qualifying for a preliminary credential in these two special subjects areas include experience in the two areas of the authorization.

**(c)(2):** Proposed new subsection to require satisfaction of California’s basic skills requirement, for consistency with other similar authorizations [reference 5 CCR §80050(c)(3) pertaining to the Special Teaching Authorization in Health and 5 CCR §80048.9.4(a)(3) pertaining to the Special Class Authorization].

**(c)(3):** Proposed new subsection to require verification of subject-matter knowledge in Physical Education by passage of an examination(s) or completion of a subject-matter program. The proposed language includes references to the relevant EC sections pertaining to subject-matter examinations and programs. This subject-matter knowledge requirement is the same subject-matter knowledge requirement that must be satisfied by individuals seeking a Single Subject Teaching Credential in Physical Education [reference 5 CCR 80413(a)(5)(B)].

**(d):** Proposes re-lettering to subsection (d) due to the proposed addition of subsection (c). Also proposes moving the authorization language pertaining to special subjects teaching credentials to subsection (d)(1) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(1):** Proposed new subsection to clarify the authorization of a preliminary special subjects teaching credential. Deletes “clear” from the language previously provided in subsection (c) [re-lettered to subsection (d)]. The authorization for the clear credential will be provided in the proposed subsection (d)(2). Changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(2):** The CTE program standards include training that result in a Specially Designed Academic Instruction in English (SDAIE) authorization to serve English learners. The SDAIE authorization is earned upon program completion and issuance of a clear special subjects teaching credential (the SDAIE authorization is not listed on the preliminary credential). This proposed new subsection clarifies that the authorization for the clear special subjects teaching credential will include the SDAIE authorization.

**(d)(3):** Proposed new subsection to clarify the authorization of the Special Teaching Authorization in Physical Education that will be limited to the instruction of Physical Education courses in basic military drill and physical fitness training. Although special subject teaching credentials in basic military drill and R.O.T.C. already authorize instruction in these areas, possession of the Special Teaching Authorization verifies that the holder has satisfied the basic skills requirement and verified his/her subject-matter knowledge in Physical Education.

**(e):** Proposes re-lettering to subsection (e) from (d) due to the proposed addition of subsection (c).

**Note:** Proposes amendments to add additional relevant EC references.

### **Next Steps**

Staff recommends approval of the proposed amendments to Title 5 of the California Code of Regulations pertaining to Designated Subjects Special Subjects Teaching Credentials in order to schedule a public hearing following the required 45-day response period.

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

**§ 80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.**

- (a) The minimum requirements for the preliminary special subjects teaching credential shall include all of the following:
- (1) Experience, or experience and education, or education in each special subject to be named on the credential, which totals four years. One year of the required experience shall be within the three-year period immediately preceding the issuance of the credential. This requirement shall be verified in one of the following ways:
    - (A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, experience is to be verified by the Federal Aviation Agency;
    - (B) for the special subject: Basic Military Drill, experience is to be verified by the adjutant general of the State of California; ~~or~~
    - (C) for the special subject: Reserve Officers Training Corp (R.O.T.C.), experience is to be verified by the branch of military service sponsoring the program in the employing school district; ~~or~~
    - (D) for the special subject: Driver Education and Training, a baccalaureate degree from a regionally accredited college or university and a valid California Driver's License; ~~;~~
    - (E) for the special subject: Limited Driver Training, submission of a current transcript of driving record from the Department of Motor Vehicles.
  - (2) License, or recommendation, or course work shall meet one of the following criteria:
    - (A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, possession of a properly rated valid certificate, issued by the Federal Aviation Agency;
    - (B) for the special subject: Basic Military Drill, a recommendation from the adjutant general of the State of California;
    - (C) for the special subject: R.O.T.C., a recommendation from the branch of military service sponsoring the program in the employing school districts;
    - (D) for the special subject: Driver Education and Training, twelve semester hours of subject-matter course work in driver education;

- (E) for the special subject: Limited Driver Training, a valid California driver's license; ~~submission of a current transcript of driving record from the Department of Motor Vehicles;~~ possession of a written statement from the prospective employing school district attesting to the applicant's ability to actually perform behind-the-wheel driver instruction; and possession of written assurance, from the prospective employing school district, that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization.
- (3) Verification of a high school diploma or the equivalent;
  - (4) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;
  - (5) ~~Verification of passage of~~ Satisfy the California Basic Education Skills Test basic skills requirement for the special subject credential in Driver Education and Training, as specified in Education Code Section 44252.
  - (6) ~~Verification by the Employing School District (ESD) or a Commission-approved Local Education Agency (LEA)~~ that the applicant is aware of the requirements for the clear credential, including the program of personalized preparation;
  - (7) Submission of a completed ~~a~~Application for Credential Authorizing Public School Service~~form~~ as specified in Section 80001; ~~a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission;~~ the fee as specified in Section 80487; verification as specified for requirements (a)(1) through (a)(6); and ~~personal identification on duplicate fingerprint cards~~ verification of completion and clearance by the Commission of livescan, unless clearance is already on file with the Commission.
  - (8) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1.
- (b) The minimum requirements for the clear special subjects teaching credential shall include all of the following:
- (1) A valid preliminary special subjects teaching credential;
  - (2) ~~Verification by the ESD of~~ Two years, or the equivalent, of successful teaching as ~~defined in subsection 80034(f) and~~ as authorized by the preliminary special subjects teaching credential. “Two years of successful teaching” means teaching for a minimum of one course in each of four terms;
  - (3) ~~Verification by a Commission-approved LEA of completion of nine semester units, or 135 clock hours, in a Commission-approved program(s) of personalized~~

~~preparation~~ Completion of a Commission-approved program of personalized preparation based on the *Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09), available on the Commission's website and hereby incorporated by reference, accredited by the Committee on Accreditation as specified in Education Code Section 44373(c);

- (4) ~~Verification of completion of~~ The study of health-unit requirement education as specified in Education Code Section 4426144259(c)(4)(A), by one of the means specified in Section 80421;
  - (5) ~~Submission of a completed~~ Application Authorizing Public School Service form as specified in Section 80001; a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; and the fee as specified in Section 80487; and verifications as specified for requirements (b)(2), (b)(3) and (b)(4).
  - (6) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1.
- (c) The minimum requirements for the Special Teaching Authorization in Physical Education shall include all of the following:
- (1) Possession of a valid preliminary or clear special subjects teaching credential in Basic Military Drill or R.O.T.C.;
  - (2) Satisfy the basic skills requirement as specified in Education Code Section 44252; and
  - (3) Verification of Physical Education subject-matter knowledge by passage of an examination(s) as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310.
- (ed) Authorization.
- (1) The preliminary or clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults;
  - (2) The clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults, including services to English learners in specially designed content instruction delivered in English;
  - (3) The Special Teaching Authorization in Physical Education authorizes the holder to teach physical education courses in basic military drill and physical fitness training in grades 12 and below, and classes organized primarily for adults

(~~d~~e) Period of Validity. The period of validity of the preliminary and clear special subjects teaching credentials shall be as follows:

- (1) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(4) shall be valid for one year. The one-year preliminary special subjects teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(4) and submission of a completed application form and the fee, as specified in Section 80487;
- (2) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years;
- (3) A clear special subjects education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (b) shall be valid for five years and is renewable on the basis of an application and payment of a fee.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44259(c)(4)(A), 44260.4, ~~44261~~44280, 44281, 44282, 44310, ~~and 44335~~, and 44373(c), Education Code.