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# 1H

## Action

### *General Session*

#### **Modifications to the Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials**

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**Executive Summary:** This agenda item details modifications to the proposed amendments to 5 California Code of Regulations §80037 following action taken by the Commission at the April 10, 2014 meeting and adds an additional document to the rulemaking file.

**Recommended Action:** Determine the action to be taken on the modifications to the proposed amendments.

**Presenter:** Terri Fesperman, Director, and Tammy 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.

June 2014

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# **Modifications to the Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials**

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## **Introduction**

This item details modifications to the proposed amendments to 5 California Code of Regulations (CCR) §80037 following action taken by the Commission at the April 10, 2014 meeting to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education and adds an additional document to the rulemaking file. The Commission received 838 responses regarding the restoration of the proposed language during the second 15-Day Notice period. The purpose of this agenda item is to review the responses regarding the most recent modifications to the proposed amendments and to approve addition of the *Frequently Asked Questions, Proposed Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)* to the rulemaking file.

## **Background**

The Commission on Teacher Credentialing (Commission) conducted a public hearing on February 14, 2014, regarding the proposed amendments to Title 5 of the California Code of Regulations, which pertain to Designated Subjects Special Subjects Teaching Credentials. The majority of the written responses received during the 45-day comment period and all of the oral comments presented at the public hearing regarding the proposed regulation amendments concerned the addition of the Special Teaching Authorization in Physical Education. Following the oral comments in support and in opposition of the proposed regulations from the public, and discussion among the members of the Commission, the Commission voted six to four to not adopt the proposed amendments to the regulation.

To enable enactment of the non-controversial general clean-up language in the proposed amendments, staff recommended that the Commission consider deletion of all proposed language related to the Special Teaching Authorization in Physical Education and approval of the remaining proposed general clean-up amendments. This recommendation was approved by the Commission. A 15-Day Notice was distributed on February 26, 2014 regarding the modifications to the proposed regulation amendments. The 15-Day Notice period began on February 27, 2014 and ended on March 13, 2014.

The Commission received nine responses to the 15-Day Notice (four from organizations and five from individuals) regarding the modifications to the proposed amendments. The nine responses included written comments requesting the restoration of the originally proposed language concerning the Special Teaching Authorization in Physical Education. The modifications to the

proposed amendments and the nine responses in regard to the modifications were presented to the Commission as an Action item at the April 2014 meeting with the following possible options for Commission consideration:

- A. Approve the modifications to the proposed regulation amendments; or
- B. Restore the language pertaining to the Special Teaching Authorization in Physical Education

The Commission received 54 letters after the close of the 15-Day Notice period in response to the posting of the April 2014 Commission Agenda in support of the modifications included in the 15-Day Notice. Copies of the letters were provided to the members of the Commission.

Oral comments from the public in support and in opposition of the modifications to the proposed regulation amendments were presented at the April 10, 2014 meeting. The discussion by members of the Commission following oral presentations clarified several potential misunderstandings related to the Special Teaching Authorization in Physical Education as follows:

- 1) The Commission does not have the authority to decide if Junior Reserve Officer Training Corps (JROTC) or Basic Military Drill (BMD) courses may be awarded high school graduation credit in the area of Physical Education. The authority to designate ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California local education agencies as provided in Education Code section 51225.3(b);
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter competence in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;
- 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for PE credit by a local governing board.

With clarification of the issues outlined above, the Commission voted to restore the language related to the Special Teaching Authorization in Physical Education to the proposed regulation amendments, with additional language added to the authorization statement as recommended by Ken Burt, representing the California Teachers Association, during the 45-day written comment period.

Pursuant to the requirements of Government Code section 11346.8(c), a second 15-Day Notice was distributed on April 28, 2014 regarding the modifications to restore the language pertaining to the Special Teaching Authorization in Physical Education to the amendments proposed for Title 5 of the California Code of Regulations section 80037. The second 15-Day Notice period began on April 29, 2014, and ended on May 13, 2014. The *Frequently Asked Questions, Proposed Special Teaching Authorization in Physical Education (PE), Designated*

*Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD) (Attachment A) created by staff to further clarify the proposed Special Teaching Authorization in Physical Education was distributed with the Notice.*

**Summary of Modifications to 5 CCR §80037**

**(c) and (c)(1) through (c)(4):**

The modifications to subsections (c) and (c)(1) through (c)(4) restore the proposed minimum requirements for the Special Teaching Authorization in Physical Education.

**(d):** This subsection is re-lettered from (c) to (d) due to the proposed restoration of the new subsection (c) detailing the minimum requirements for the Special Teaching Authorization in Physical Education.

**(e):** This subsection is re-lettered from (d) to (e) due to the proposed restoration of the language detailing the minimum requirements for the Special Teaching Authorization in Physical Education in subsection (c).

**(e)(3):** The modifications to this subsection restore the proposed authorization for the Special Teaching Authorization in Physical Education. Additional modifications to this subsection add language to clarify that the authorization will not compel local employing agencies to grant high school graduation credit in physical education pursuant to Education Code section 51225.3(b).

**Note:** Education Code sections 44280, 44281, 44282, and 44310 are related to the proposed subject-matter knowledge requirement referenced in subsection (c)(3) of the proposed regulation amendments. Due to the restoration of the proposed language in subsections (c) and (c)(1) through (c)(4) pertaining to the minimum requirements for the Special Teaching Authorization in Physical Education, the modifications to the proposed regulations also restore the Education Code references related to the subject-matter knowledge requirement.

**15-Day Notice Mailing List and Responses**

The second 15-Day Notice detailing the modifications to 5 CCR §80037 was mailed to all individuals who responded to the proposed amendments during the initial 45-day written comment period prior to the public hearing on February 14, 2014, presented oral comments at the public hearing, responded to the first 15-Day Notice, sent letters after the close of the first 15-Day Notice period, and presented oral comments at the April 10, 2014 Commission meeting. The second 15-Day Notice was also posted on the Commission's website at <http://www.ctc.ca.gov>.

## **Tally of Responses**

The following written responses in opposition of the proposed modifications to Title 5 of the California Code of Regulations section 80037 detailed in the 15-Day Notice were received at the Commission or were postmarked by May 13, 2014:

<b>Support</b>	<b>Opposition</b>
2 organizational opinions	6 organizational opinions
1 personal opinion	829 personal opinions
<b>Total Responses: 838</b>	

### ***Written Responses Representing Organizations in Support:***

1. David S. Baldwin, Major General, California Military Department
2. Sherry Griffith, Director, Association of California School Administrators

### ***Written Responses Representing Individuals in Support:***

1. Mark P. Ryan, Superintendent, North Valley Military Institute

*The letters in support of the proposed modifications are provided in Attachment B.*

### ***Responses Representing Organizations in Opposition of the Modifications:***

1. Ken Burt, Liaison Program Coordinator on behalf of the California Teachers Association  
Comment #1:

The California Teachers Association is opposed to the proposed regulations as they relate to BMD and ROTC, and urges the CTC to return to its position adopted in the revised minutes of February 13-14, 2014, (that is the CTC defeated this proposal for lower teaching standards).

The action of bringing up this issue again is a violation of the administrative procedures act, and of the Commission's own rules on reconsideration (adoption of Roberts Rules of Order as Revised).

The California Teachers Association again reasserts its opposition to the special teaching authorization for BMD and ROTC to teach Physical Education Regulations as set forth in the attached letters dated February 12, 2014, and April 9, 2014.

**The decision of the CTC at its February 13-14 meeting in rejecting these regulations which lowered standards for Physical Education was a correct one.**

*Response to Comment #1:*

*At the April 2014 meeting, the Commission voted to restore the language pertaining to the Special Teaching Authorization in Physical Education to the proposed regulations following oral presentations that clarified several potential misunderstandings as follows:*

- 1) *The Commission does not have the authority to decide if JROTC or BMD courses may be awarded high school graduation credit in the area of Physical Education. The authority to designate ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California LEAs as provided in Education Code section 51225.3(b);*
- 2) *The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter knowledge in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;*
- 3) *The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for Physical Education credit by a local governing board.*

*Mr. Burt's earlier letters dated February 12, 2014 and April 9, 2014 were previously presented to the Commission and responses to the concerns raised in the letters will be provided in the Final Statement of Reasons.*

Comment #2:

It now appears for some non-articulated motive, there is a rush to improperly get reconsideration.

**Unfortunately in the rush the needs and rights of English Learners have been totally overlooked.**

To date, there has been no discussion of the potential statewide impact on English learners if a larger segment of high school students might now receive PE courses and credits from holders of the BMD and ROTC credentials. We are fully aware that the interim step of district review and approval of a basic military drill course for PE credit is required, yet we also aware that adding this special teaching authorization lends the imprimatur of the CTC to those deliberations.

As of 2012, when a SLP credential holder adds the special class authorization (similar to the teaching authorization being considered for ROTC and BMD) the CTC took action to require that the SCA align with the EL authorization requirements as other holders of teaching credentials. This same standard does not appear to be held for the ROTC and BMD special teaching authorization and we question why. Will the CTC take action to align the EL authorization required for holders of the ROTC and BMD special teaching authorization to the EL requirements for other teachers of Physical Education? It is important for the Commission to note that while other Designated Subjects/CTE credential holders are able to earn their EL authorization through provisions authorized by SB 1292, holders of designated subject's special subjects credentials such as the

ROTC and BMD credential are not covered by the legislation. Therefore, this matter should be put over until the Commission addresses and shares with the public how the rights and needs of English learners will be safeguarded.

*Response to Comment #2:*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b) or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential.*

*Education Code section 44253.11 was added by Senate Bill 1292 (Chap. 752, Stats. 2006) and amended by Senate Bill 280 (Chap. 345, Stats. 345). Education Code section 44253.11(a) reads:*

*“A teacher with a designated subjects teaching credential or a service credential with a special class authorization may enroll in a course that meets the minimum requirements of staff development in methods of specially designed content instruction delivered in English, as described in Section 44253.3, 44253.4, 44253.7, or 44253.10.”*

*The term “designated subjects teaching credential” as used in Education Code section 44253.11(a) does not preclude holders of DSSS Teaching Credentials from earning a CCSD. Holders of clear DSSS Teaching Credentials may complete an approved program to earn a CCSD, which authorizes the instruction of English learners in specially designed content instruction delivered in English in grades twelve and below and in classes organized primarily for adults.*

*Holders of preliminary or clear DSSS Teaching Credentials also have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a California Teacher of English Learners (CTEL) program or passing the CTET examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of 5 California Code of Regulations section 800413.3 (out-of-state*

*credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

Comment #3:

In addition there are other concerns over aligning competency requirements in reading to those required of other PE teachers.

*Comment #3:*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and the program standards address the teaching of reading. Local governing boards may require an individual to hold a clear DSSS Teaching Credential prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

2. Heather Deckard, President 2013-14, California Association for Health, Physical Education, Recreation and Dance (CAHPERD)

Comment #1:

This letter (*sic*) serves as opposition from the California Association for Health, Physical Education, Recreation, and Dance (CAHPERD) to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD). CAHPERD is the only state association that represents health and physical education professionals, future professionals, and higher education faculty in teacher preparation programs.

*Response to Comment #1:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

Comment #2:

Members find the proposed regulations are in violation of several California Education Codes as, by definition, **regulations monitor and enforce rules as established by delegated legislation**. Regulations may be more restrictive than codes, not less restrictive. **A regulation, that does not meet the minimum standard set by the statute, supersedes the code**. The proposed 5 CCR regulation does not meet the minimum credential standard set in the Education Code and therefore lowers teacher preparation standards for one of the academic subject areas, physical education, minimally required for high school graduation. [EC§§ 44256 and 44257(a)(11)and 5 CCR §10060]

*Response to Comment #2:*

*Education Code section 44256 broadly defines the authorizations for Single Subject, Multiple Subject, Specialist, and Designated Subjects Teaching Credentials. Education Code section 44257 establishes the authorizations for Single Subject Teaching Credentials and subsection (a)(11) specifies that Physical Education is one of the available subject areas. Neither of the aforementioned EC sections specifies credential standards or state that Physical Education is an authorization exclusive to Single Subject Teaching Credentials.*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

*Comment #3:*

Your decisions to propose and move these Title 5 Regulations forward **exceed your level of power granted by the Legislature** and are interpreted as a **dereliction of your regulatory responsibility** to “establish sanctions for the misuse of credentials and the misassignment of credential holders.” [EC §44225] The 15-Day Notice cites EC §44225 as the Education Code that give the CTC the authority to propose the regulations. On the contrary, paraphrasing and quotes from various Education Codes are provided below to refute this state authority.

*Response to Comment #3:*

*The first line of Education Code section 44225 reads “The commission shall do all of the following:” Subsection (e) authorizes the Commission to “Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services...” and subsection (q) reads, “Propose appropriate rules and regulations to implement the act which enacts this section.” Education Code section 44225 is the statutory delegation of rulemaking authority from the Legislature to the Commission.*

*Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*Education Code section 44260.4 is the specific section that provides the Commission the authority to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials.*

Comment #4:

The commission is granted authority to establish professional standards, assessments and examination for the basic teaching credentials, credentials for teaching adult education or vocational education classes, credentials for teaching specialties, and credentials for school service. The commission is mandated to ensure preparation and competence satisfy “its standards” and since regulations monitor and enforce code, the commission must ensure that provisions specified in the Education Code are met. The **baccalaureate degree is the minimum standard** for a basic teaching credential [EC §44256(a)], is required for the California Subject Examination Test (CSET) [EC §44225(a)(1)] when an individual is demonstrating subject matter competence for a single subject content area, and is required for the three-year preliminary designated subjects adult education teaching credential for academic subjects. [EC 44260.2] The **commission has not been given the authority to waive this minimum requirement standard by equating four years of military experience with a baccalaureate degree** [EC §44225(b)] Education Codes Sections 44260, 44260.1, and 44260.2 do not equate four years of work experience with the baccalaureate degree.

*Response to Comment #4:*

*Education Code section 44256(a) provides the definition for “Single subject instruction.” No language is included in this subsection requiring possession of a baccalaureate degree. The definition for a basic teaching credential is provided in Education Code section 44203(e) as follows:*

*“Basic teaching credential” means either of the following:*

- (1) A credential that authorizes the holder to teach the subjects named on the credential, and for which possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching are minimum requirements.*
- (2) A clear designated subjects teaching credential that authorizes the holder to teach the subjects named on the credential on a full-time basis if the holder also possesses a baccalaureate degree from a regionally accredited institution and has passed the state basic skills proficiency test.*

*A basic teaching credential meets the prerequisite teaching credential requirement for any other teaching, specialist, or service credential the commission is authorized to issue.”*

*As proposed, the Special Teaching Authorization in Physical Education will be added to a DSSS Teaching Credential in ROTC and BMD. Possession of a “basic teaching credential” as defined in Education Code section 44203(e) is not a prerequisite for issuance of the Special Teaching Authorization in Physical Education.*

*Education Code section 44225(a) reads:*

*“Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:”*

*Subsection (a)(1) of Education Code section 44225 specifies the requirements for a “preliminary teaching credential” and is interpreted as pertaining to issuance of Multiple Subject and Single Subject Teaching Credentials, which are mirrored and expanded upon in Education Code section 44259. The CSETs are examinations established by the Commission to satisfy the requirements of subsection (a)(1) of Education Code section 44225 for issuance of Multiple Subject and Single Subject Teaching Credentials; however, subsection (a) of Education Code section 44225 does not preclude the Commission from utilizing the CSET examinations for other credential types. In addition, there is no EC or 5 CCR language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Education Code sections 44260, 44260.1, and 44260.2 pertain to issuance of Designated Subjects three-year preliminary Career Technical Education (CTE), five-year clear CTE, and three-year preliminary Adult Education Teaching Credentials respectively, none of which pertain to issuance of DSSS Teaching Credentials. Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

Comment #5:

The commission is authorized to “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 credential holders.” [EC §44225(e)] The commission has a **duty to ensure that credential holders are appropriately assigned**. Lowering the standard for one academic content area (physical education) that has curriculum standards and a framework adopted by the California Board of Education, is not fulfilling the regulatory responsibility of the CTC related to the

misuse of the DSSS credential by some local governing boards. The commission must safeguard credential qualifications. A local governing board has the authority to adopt alternative means for the completion of the course of study [EC §51225.3] and must follow all CTC regulations when assigning a teacher to teach a course outside of their area of authorization. [EC 51225(3)(b)] Procedures and minimum standards must be met by the local governing board as specified in the *Advisory on Teacher Assignment Option Education Code Section 44258.3* as published September 2007 by the CTC. EC §44258.3 clearly specifies that there must be 1) a need based upon teacher shortage, 2) “*subject matter specialists*” are *mentor teachers, curriculum specialists, resource teachers, classroom teachers certified to teach a subject....* and 3) that “*Subject-matter knowledge*” should include both knowledge of the California curriculum framework for the subject area and the specific content of the course(s) to be taught as defined by the local district. Any local governing board, using this code to establish subject matter competence for a DSSS credential holder to teach an academic subject area, has exceeded their level of authority.

*Response to Comment #5:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The content of the course curriculum is the determining factor for assignment purposes. The Commission’s concern is not generally with the credit earned for the course; however, it may be a guide to determining who should teach a specific course. The teacher of a course in which the curriculum content is JROTC must hold a DSSS Teaching Credential in ROTC, regardless of the type of high school graduation credit that is awarded. If the LEA determines that the content of the course includes Physical Education areas in addition to those offered in the ROTC curriculum, a local teaching assignment option will be required to authorize the assignment of the an educator who holds only a DSSS credential in ROTC.*

*There are a variety of local assignment options available in the Education Code California local governing boards may utilize to assign teachers on a temporary basis that may be used in conjunction with Education Code section 51225.3(b). Two such local assignment options that are not exclusive to the subject area of Physical Education, local governing boards may consider when approving courses for high school graduation credit under the provisions of Education Code section 51225.3(b) are:*

***Education Code section 44258.7(c):*** “A teacher employed on a full-time basis who teaches kindergarten or any of grades 1 to 12, inclusive, and who has special skills and preparation outside of his or her credential authorization may, with his or her consent, be assigned to teach an elective course in the area of the special skills or preparation, provided that the assignment is first approved by a committee on assignments. For purposes of this subdivision an “elective course” is a course other than English, mathematics, science, or social studies. The membership of the committee on

*assignments shall include an equal number of teachers, selected by teachers, and school administrators, selected by school administrators.”*

*“Full-time” teaching is defined in Title 5 of the California Code of Regulations sections 80048.3.1(c)(1), 80048.4(a)(6)(A), 80054(g)(2)(A), and 80413.3(c)(2) as teaching a minimum of four hours per day for 75% of the school year. Subsection (d) of Education Code section 44258.7 establishes the procedures and criteria for the committee on assignments.*

**Education Code section 44263:** *“A teacher licensed pursuant to the provisions of this article may be assigned, with his or her consent, to teach a single subject class in which he or she has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he or she holds at least 60 semester hours equally distributed among the 10 areas of a diversified major set forth in Section 44314. A three-semester-unit variance in any of the required 10 areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for the assignment. The authorization of the governing board shall remain valid for one year and may be renewed annually.”*

Comment #6:

The commission may grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization. This means that all minimum requirements must be met. **The commission is attempting to add an academic authorization to a DSSS credential by waiving the baccalaureate degree as a minimum requirement for the CSET. The Legislature never declared that four years of work experience equate to a baccalaureate degree.** The commission has not been given the authority to attach an authorization for single subject area to a DSSS credential, i.e. English language arts/court reporting, physical education/ROTC, etc. [EC §44225(e)] Physical education has not been identified as one of the authorized subjects for the designated subjects preliminary career technical education teaching credential [ED (*sic*) §44260]; it is not included in one of the 15 industry sectors identified in the California career technical education model curriculum standards adopted by the state board. [EC §44260.9(a)]

*Response to Comment #6:*

*The requirements for supplementary authorizations are specified in Title 5 of the California Code of Regulations sections 80057.5 (for teaching credentials used predominantly in elementary schools) and 80089 (for teaching credentials used predominantly in secondary schools). The requirements for added authorizations are specified in Title 5 of the California Code of Regulations section 80499. The proposed Special Teaching Authorization in Physical Education is not a supplementary or added authorization.*

*Education Code sections 44260 and 44260.9(a) pertain to Designated Subjects Career Technical Education Teaching Credentials, not DSSS Teaching Credentials. Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

**Comment #7:**

The Commission is informed that based upon identified inconsistencies between the proposed changes to Title 5 and the California Education Code, as well as potential civil rights violations, that a copy of this letter has been sent to the Office of Administrative Law (OAL), Public Advocates, and to the American Civil Liberties Union (ACLU). Notice is given that the CTC Proposal to establish such an authorization does NOT meet the Administrative Procedure Act (APA) Standards for the California Code of Regulations in the following areas of Authority, Reference, Consistency, Necessity, Clarity, Non-Duplication, and the Effect on Small Business. Detailed evidence regarding the CTC failure to follow each of these APA standards along is provided in Appendix A.

*Response to Comment #7:*

*Responses to each of the objections related to the APA standards and procedures are provided in the “Appendix A-1 to A-8” sections below.*

**Comment #8:**

CAHPERD also asserts that there were **procedural violations** that are further detailed in Appendix A. The CTC did not follow appropriate procedures as there was no collaboration with all key stakeholder organizations and agencies prior to, or during, the development of this proposal.

*Response to Comment #8:*

*Government Code section 11346.45(a) reads:*

*“In order to increase public participation and improve the quality of regulations, state agencies proposing to adopt regulations shall, prior to publication of the notice required by Section 11346.5, involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.”*

*The proposed amendments to Title 5 of the California Code of Regulations section 80037 do not “involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.” The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

**Comment #9:**

As written, the “Special Teaching Authorization in Physical Education” will allow preliminary DSSS credentialholders to teach physical education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English Learner (EL) certification, 3) technology competency, and 4) a subject specific pedagogy course, as noticed by the CTC in the January 17, 2014 CTC Program Sponsor Alert, a requirement for individuals who seek to add a content area to a single subject teaching credential.[EC §§44260. 4260.1, 42605, and CCR § 80499.2] These omissions result in lower teacher preparation standards and thus **deny students access to qualified teachers** in a state-mandated graduation requirement subject. [William’s Litigation.]

*Response to Comment #9:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. Local governing boards may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

*The Education Code references cited in Comment #9 do not pertain to DSSS Teaching Credentials. Education Code section 44260 pertains to issuance of Designated Subjects five-year preliminary CTE teaching credentials. Education Code section 4260.1 does not exist. Staff believes the commenter meant to reference Education Code section 44260.1, which pertains to issuance of Designated Subjects five-year clear CTE teaching credentials. Education Code section 42605 does not exist and staff could not determine the EC section the commenter meant to reference. Title 5 of the California Code of*

*Regulations section 80499.2 also does not exist, but staff is confident the commenter meant to reference the subject specific pedagogy requirement included section 80499. The Commission's response to this Title 5 reference is provided in the paragraph above.*

Comment #10:

Written justification and verbal comments made by some commissioners on February 14, 2014 and April 10, 2014 indicate the proposal will increase teacher standards as some local governing boards are already giving physical education credit for JROTC. These comments indicate that some instructors giving credit are not appropriately credentialed teachers. The CTC is professing that subject matter competence is the issue when provisions already exists for an individual to obtain a single subject credential through examination once minimum qualifications are met. There is **no need for these proposed regulations**. Instead of developing a sub-standard authorization, the CTC should be discussing how to fulfill its regulatory responsibility.

*Response to Comment #10:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*There are no Education Code or Title 5 of the California Code of Regulations sections that authorize the holder of a DSSS Teaching Credential to earn a Single Subject Teaching Credential as an added authorization. The holder of a DSSS Teaching Credential in ROTC or BMD, all of whom served in the military for a minimum of four years, would be required to earn a bachelor's degree and complete a teacher preparation program to qualify for a Single Subject Teaching Credential.*

Comment #11:

If this sub-standard "authorization" to the DSSS credential is moved forward, conditions for **potential risk for litigation** to local governing boards will be enhanced due to the **lack of consistency among all Single Subject and DSSS credentials** and the likelihood that students may be **denied access to an appropriate education**. While local governing boards do have the authority to approve curricula and alternative means for pupils to complete the course of study [EC §51225.3], physical education content must be 1) be provided as specified in [5 CCR §10060] and 2) be monitored by the CDE through the Federal Program Monitoring process.

*Response to Comment #11:*

*The proposed Special Teaching Authorization in Physical Education will not prevent a LEA from providing physical education as specified in Title 5 of the California Code of Regulations section 10060 or the California Department of Education from monitoring physical education courses through the Federal Program Monitoring process.*

Comment #12:

The CTC has stated that the proposed regulations will provide authorization for **“physical education taught within the context of ROTC programs.”** Again, there is no need for this authorization as provisions already exist for the issuance of a single subject credential through examination or assignment and local governing boards determine curricula and alternative means for pupils to complete the course of study. By using this terminology, the CTC is **confusing the issue**. If the *Physical Education Model Content Standards for California Schools, Grades K-12* are compared to the ROTC and BMD courses, the CTC will find **very little to no curricular overlap**. The CTC has also stated that **“ROTC and BMD may meet some or all of the required activity areas.”** By using the term **“activity areas”** the CTC has demonstrated that it does not understand the “content areas” of physical education thus providing evidence that the **CTC equates physical activity with physical education** and does not understand the difference between the two. Such a statement **misleads LEAs** into believing that any type of activity justifies the issuance of physical education credit. The term **“may” also implies “may not.”**

*Response to Comment #12:*

*Comment #11 misquotes the rulemaking documents associated with the proposed amendments to Title 5 of the California Code of Regulations section 80037 regarding “activity areas.” The statement included in the rulemaking documents was, “Current basic military drill and physical fitness training activities associated with BMD and ROTC courses may include instruction in some or all of the listed areas.” The term “may” was included in the statement because it is not within the purview of the Commission to evaluate courses offered in California’s public schools for adherence to the Model Content Standards for California Schools, Grades K-12 for any subject area. The term “listed areas” was in reference to the eight areas of physical education instruction required in Education Code section 33352(b)(7). The LEA has full discretion to determine how their Physical Education course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7).*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #13:

The CTC has provided no research or data to support the need for the special teaching authorization in terms of student health and achievement. In the CTC proposal, nine states were cited as providing JROTC options as physical education exemptions for student participation in JROTC. **According to the Centers for Disease Control and Prevention data, each of the nine cited states has a higher obesity prevalence rate than California.** Researchers, who have studied physical activity time in physical education and JROTC classes, found that the **physical education classes provided greater physical activity time** than the JROTC classes. (M. Lounsbery, et. al. *Research Quarterly*, in press). These proposed regulations could have a **negative impact on the implementation of local school wellness policies** as physical education is an integral part of the wellness policy. **Fitness scores are highly correlated to achievement scores.** (CDE) Qualify physical education supports student health and achievement.

*Response to Comment #13:*

*This comment assumes facts that have not been presented to the Commission. No data has been provided to the Commission to indicate that the direct or indirect cause of the higher obesity prevalence for the nine states is the physical education exemption for JROTC participation.*

*The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #14:

The creation of this “Special Teaching Authorization in Physical Education” results in a lower, not higher, teacher preparation standard for physical education. The proposal serves as a fraudulent effort by the CTC to not only **attempt to “legitimize” current and inappropriate substitution/supplanting of quality physical education programs** with ROTC and BMD curricula that do not have physical education content, but furthermore, by enacting this proposal, the CTC will inappropriately influence even more local Boards of Education to substitute/supplant standards-based physical education programs with ROTC or BMD curricula.

*Response to Comment #14:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter*

knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).

The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The content of the course curriculum is the determining factor for assignment purposes. The Commission's concern is not generally with the credit earned for the course; however, it may be a guide to determining who should teach a specific course. The teacher of a course in which the curriculum content is JROTC must hold a DSSS Teaching Credential in ROTC, regardless of the type of high school graduation credit that is awarded. If the LEA determines that the content of the course includes Physical Education areas in addition to those offered in the ROTC curriculum, a local teaching assignment option will be required to authorize the assignment of the an educator who holds only a DSSS credential in ROTC.

There are a variety of local assignment options available in the Education Code California LEAs may utilize to assign teachers on a temporary basis that may be used in conjunction with Education Code section 51225.3(b). Two such local assignment options, that are not exclusive to the subject area of Physical Education, LEAs may consider when approving courses for high school graduation credit under the provisions of Education Code section 51225.3(b) are:

**Education Code section 44258.7(c):** "A teacher employed on a full-time basis who teaches kindergarten or any of grades 1 to 12, inclusive, and who has special skills and preparation outside of his or her credential authorization may, with his or her consent, be assigned to teach an elective course in the area of the special skills or preparation, provided that the assignment is first approved by a committee on assignments. For purposes of this subdivision an "elective course" is a course other than English, mathematics, science, or social studies. The membership of the committee on assignments shall include an equal number of teachers, selected by teachers, and school administrators, selected by school administrators."

"Full-time" teaching is defined in Title 5 of the California Code of Regulations sections 80048.3.1(c)(1), 80048.4(a)(6)(A), 80054(g)(2)(A), and 80413.3(c)(2) as teaching a minimum of four hours per day for 75% of the school year. Subsection (d) of Education Code section 44258.7 establishes the procedures and criteria for the committee on assignments.

**Education Code section 44263:** "A teacher licensed pursuant to the provisions of this article may be assigned, with his or her consent, to teach a single subject class in which he or she has 18 semester hours of coursework or nine semester hours of upper

*division or graduate coursework or a multiple subject class if he or she holds at least 60 semester hours equally distributed among the 10 areas of a diversified major set forth in Section 44314. A three-semester-unit variance in any of the required 10 areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for the assignment. The authorization of the governing board shall remain valid for one year and may be renewed annually.”*

Comment #15:

The **proposed Title 5 Regulation amendments are not and never were needed**. California is a **local control state**. Local governing boards have the authority to identify course content for credit given. They need to provide appropriately credentialed teachers for all courses. This issue is **not about increasing or limiting student choices**; it is about **upholding the teacher preparation standard across all content areas**. Local governing boards may simply revise their local high school graduation course requirements to **ensure students meet the minimum California high school graduation requirements of 120 units** [EC §51225.3] taught by appropriately credentialed teachers and they may then **offer 100 to 120 units of elective credit designed to meet any college or career pathway** taught by single subject and DSS credentialed staff.

*Response to Comment #15:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*The comments related to governing boards revising their high school course requirements are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments. The Commission does not have purview over high school graduation credit requirements and the proposed regulation amendments are not related to this topic.*

Comment #16:

In summary, the **actions of the CTC to develop and move these regulations forward enlarge the scope of the power conferred upon the CTC by the Legislature and fail to follow APA Standards and Procedures.** Appendix A provides detailed evidence and examples regarding the failure of the CTC to meet APA Standards and Procedures as cited in Title 1 CCR.

*Responses to Comment #16:*

*Responses to each of the objections related to the APA standards and procedures are provided in the "Appendix A-1 to A-8" sections below.*

Comment #17:

CAHPERD members encourage each commissioner to **fulfill their mandated regulatory duty and to vote "no"** on the proposed Title 5 Regulations for Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response to Comment #17:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

#### APPENDIX A-1

#### **The CTC proposal does not meet the standard of AUTHORITY.**

*In reviewing a regulation for compliance with the "authority" and "reference" requirements of Government Code section 11349.1, OAL shall apply the following standards and presumptions:*

*(a) Sources of "Authority." "Authority" shall be presumed to exist only if an agency cites in its "authority" note proposed for printing in the California Code of Regulations:*

- (1) a California constitutional or statutory provision which expressly permits or obligates the agency to adopt, amend, or repeal the regulation; or*
- (2) a California constitutional or statutory provision that grants a power to the agency which impliedly permits or obligates the agency to adopt, amend, or repeal the regulation in order to achieve the purpose for which the power was granted. [1CCR 1.1.2.14]*

1.1 The CTC proposal does not meet the standard of *authority* because the CTC does not have the authority to lower basic teaching standards set by statute. The baccalaureate degree is the minimum standard for a basic teaching credential [EC §44256(a)], is required for the California Subject Examination Test (CSET) [EC §44225(a)(1)] when an individual is demonstrating subject matter competence for a single subject content area, and is required for the three-year preliminary

designated subjects adult education teaching credential for academic subjects. [EC 44260.2] The commission has not been given the authority to waive this minimum requirement standard by equating four years of military experience with a baccalaureate degree [EC §44225(b)]. Teachers of all subject areas for graduation, including teachers of physical education must have an EL certificate, and those who take the CSET must take a methods course, neither of which are required for the proposed “authorization” for ROTC and BMD personnel. Thus the impact of this proposal on students is the lowering of teaching standards by the CTC for the subject area of physical education and sets a precedent for using inappropriate rationale to LOWER teaching standards for any subject area that currently requires a Single Subject Credential or Multiple Subjects Credential.

*Response to 1.1:*

*Education Code section 44256(a) provides the definition for “Single subject instruction.” No language is included in this subsection requiring possession of a baccalaureate degree. The definition for a basic teaching credential is provided in Education Code section 44203(e) as follows:*

*“Basic teaching credential” means either of the following:*

- (1) A credential that authorizes the holder to teach the subjects named on the credential, and for which possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching are minimum requirements.*
- (2) A clear designated subjects teaching credential that authorizes the holder to teach the subjects named on the credential on a full-time basis if the holder also possesses a baccalaureate degree from a regionally accredited institution and has passed the state basic skills proficiency test.*

*A basic teaching credential meets the prerequisite teaching credential requirement for any other teaching, specialist, or service credential the commission is authorized to issue.”*

*As proposed, the Special Teaching Authorization in Physical Education will be added to a DSSS Teaching Credential in ROTC and BMD. Possession of a “basic teaching credential” as defined in Education Code section 44203(e) is not a prerequisite for issuance of the Special Teaching Authorization in Physical Education.*

*Education Code section 44225(a) reads:*

*“Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:”*

*Subsection (a)(1) of Education Code section 44225 specifies the requirements for a “preliminary teaching credential” and is interpreted as pertaining to issuance of Multiple Subject and Single Subject Teaching Credentials, which are mirrored and expanded upon in Education Code section 44259. The CSETs are examinations established by the Commission to satisfy the requirements of subsection (a)(1) of Education Code section 44225 for issuance of Multiple Subject and Single Subject Teaching Credentials; however, Education Code section 44225(a) does not preclude the Commission from utilizing the CSET examinations for other credential types. In addition, there is no Education Code or Title 5 of the California Code of Regulations language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*There are no Education Code or Title 5 of the California Code of Regulations sections that require possession of an EL authorization for courses that receive high school graduation credit. English learners must be taught by certificated teachers with the appropriate EL authorization; however, if no English learners are enrolled in a class, the teacher is not required to possess an EL authorization.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*If English learners are enrolled in a ROTC or BMD class, local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL*

*program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

- 1.2 The CTC proposal does not meet the standards of *authority* because the CTC proposal circumvents the Legislature which has defeated prior efforts to substitute other subject areas, such as JROTC and Career Technical Education Courses, taught by Designated Subjects Credential personnel, for school physical education courses (2009-10: AB 223; AB 351; AB 554)

*Response to 1.2:*

*A brief explanation of the Assembly Bills (AB) referenced in 1.2:*

***AB 223:*** *As amended on April 15, 2009, this bill would have made findings and determinations related to the value of JROTC programs and would have required the San Francisco Board of Education to make JROTC courses available to pupils in grades 9 to 12 at all schools that offered JROTC courses during the 2008-09 school year.*

***AB 351:*** *As amended on June 2, 2009, this bill would have authorized a local governing board to exempt any high school pupil from course in physical education if the pupil participated in California Cadet Corps, cheer team or dance team, color guard or drill team, JROTC, or marching band as part of the regular course of study or regular school-sponsored extra-curricular activities; specified the minimum standards for the physical education substitute courses; and required that a “certificated” employee teach the course of study or sponsor the activity.*

***AB 554:*** *As introduced on February 25, 2009, this bill would have authorized a pupil, with the consent of his/her parent/guardian and concurrence of the governing board to substitute any career technical education course for a visual/performing arts, foreign language, or physical education course. Each career technical education course completed would have served as a legitimate substitute for the course that it replaced for purposes of graduation requirements.*

*The purpose of the proposed regulations is not to substitute JROTC courses for Physical Education courses. The proposed Special Teaching Authorization in Physical*

*Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

- 1.3 The CTC proposal does not meet the standard of *authority* because the CTC proposal interferes with the efforts of the California Department of Education (CDE) to implement the *Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade Twelve* that were approved by the California State Board of Education (SBE). Instead of supporting the CDE/SBE efforts to implement the Physical Education Model Content Standards, the CTC proposal would “authorize” DSSS personnel “to teach physical education courses in basic military drill and physical fitness training in grades 12 and below...” without ever explaining what “physical education courses” are taught in BMD, and without defining how “physical fitness training” aligns with the *Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade Twelve* for health-related fitness skills and knowledge. The effect of the proposed Title 5 amendments would be to encourage school districts to give physical education credit for ROTC and BMD curricula that are not aligned with the *Physical Education Model Content Standards for California Public Schools*.

*Response to 1.3:*

*The Special Teaching Authorization in Physical Education will be limited to the teaching of basic military drill and physical fitness training, which are two areas that fall under the umbrella of “physical education.” Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

1.4 The CTC proposal does not meet the standards of *authority* because, by not following appropriate state credentialing statutes, the CTC is setting a precedent for lowering standards in all Single Subject Credentials, as well as the Multiple Subjects Credential, by authorizing Designated Subjects Special Subjects (DSSS) credentialholders, with no baccalaureate degree and no evidence of any coursework in higher education, to teach portions of graduation requirement courses that may or may not be related to the California curriculum standards in those areas.

*Response to 1.4:*

*The proposed regulation amendments are not related to the issuance of Single Subject or Multiple Subject Teaching Credentials and there is no statute or regulation stating that Physical Education is an authorization exclusive to Single Subject Teaching Credentials.*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential.*

*The Commission does not have purview over high school graduation course requirements and the proposed regulation amendments are not related to that topic.*

## APPENDIX A-2

### 2. **The CTC proposal does not meet the standard of REFERENCE.**

*“Reference” shall be presumed to exist if an agency is empowered to implement, interpret or make specific a: (1) California constitutional provision; or (2) California statute. For purposes of this analysis, an agency’s interpretation of its regulatory power, as indicated by the proposed citations to “authority” or “reference” or any supporting documents contained in the rulemaking record, shall be conclusive unless: (A) the agency’s interpretation alters, amends or enlarges the scope of the power conferred upon it; or (B) a public comment challenges the agency’s “authority”.  
1CCR1.1.2.14*

2.1 The CTC proposal does not meet the standards of *reference* because the CTC’s interpretation of the statutes establishing teaching credentials for physical education enlarges the scope of power conferred upon the CTC by the Legislature. The Legislature has not granted the Commission the authority to set lower standards than those cited in the Education Code.

*Response to 2.1:*

*There is no statute or regulation stating that Physical Education is an authorization exclusive to Single Subject Teaching Credentials. Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials.*

- 2.2 The Legislature has given the CTC power to identify other authorizations for the single subject credential but they did not give the CTC power to attach a Single Subject authorization to the Designated Subjects Special Subjects Credential.

*Response to 2.2:*

*There is no statute or regulation stating that Physical Education is an authorization exclusive to Single Subject Teaching Credentials. Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials.*

- 2.3 The CTC proposal does not meet the standard of *reference* because Public Comment challenges the CTC's authority regarding the proposed Title 5 amendments related to physical education as verified by verbal and written public comment.

*Response to 2.3:*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials.*

#### APPENDIX A-3

### 3. **The CTC proposal does not meet the standards of CONSISTENCY.**

- 3.1 The CTC proposal does not meet the standard of *consistency* because the proposed Title 5 amendment action related to authorizing personnel without baccalaureate degrees to teach physical education, a subject required for high school graduation, is not consistent with authorization for teaching other subject areas required for high school graduation.

*Response to 3.1:*

*There are currently no Education Code or Title 5 of the California Code of Regulations sections that require an educator to possess a baccalaureate degree to teach a course that receives high school graduation credit. In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

3.2 The CTC proposal does not meet the standard of *consistency* in regard to the subject specific pedagogy course requirement for persons with a baccalaureate degree who wish to add an additional content area to their Single Subject credential by taking the CSET. The CTC recognized the “need to provide prospective teachers with appropriate and sufficient subject specific pedagogical preparation so that they can teach the content area effectively to K-12 students.” (Program Sponsor Alert Number 14-01) Effective January 1, 2014, Title 5 Section 80499 mandates that any person passing the CSET to add a subject to their Single Subject credential must complete a 3 semester or a 4 quarter unit subject specific pedagogy course that contains both content and pedagogy. The lack of course requirement consistency for those who passing (*sic*) the CSET results in the lowering of instructional standards in physical education when taught by DSSS credentialholders.

*Response to 3.2:*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness training delivered through a course that requires possession of a DSSS Teaching Credential in BMD or ROTC.*

3.3 The CTC proposal does not meet the standard of *consistency* in regard to the English Language (EL) certification required for credentialholders of a Single Subject or Multiple Subject credential the EL certification is not required for the DSSS credential. (5 CCR §80499) further lowering standards of instruction in physical education for students. The lack of EL certification results in the lowering of instructional standards in physical education when taught by DSSS credentialholders.

*Response to 3.3:*

*The proposed regulations require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear*

*CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current holders of clear DSSS Teaching Credentials issued prior to approval of the proposed regulation amendments may complete an approved program to earn a CCSD, which authorizes the instruction of English learners in specially designed content instruction delivered in English in grades twelve and below and in classes organized primarily for adults.*

- 3.4 Single Subject credential candidates must complete required education courses prior to student teaching experience in Educational Technology, Literacy in Secondary Schools, and Diversity in Secondary Schools as minimum requirements in a State Sponsored Program. These requirements would not be mandatory for the DSSS Credential Special Authorization.

*Response to 3.4:*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential. The program standards address the uses of computers in educational settings; the teaching of reading; and equity, diversity and access to the curriculum for all students.*

- 3.5 The CTC proposal does not meet the standard of *consistency* because the proposal is not consistent with other high school graduation requirement subject areas in that the ROTC and BMD curricula also include reading, mathematics, history-social science and science. The CTC proposal does not offer the DSSS credentialholder the option to take the CSET in other subject areas to provide graduation credit for aspects of the ROTC and BMD curricula that address these high school graduation requirement subject areas. This proposal sets an alarming precedent for all subject areas.

*Response to 3.5:*

*“Consistency” means being in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law [reference Government Code section 11349(d)]. Education Code 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials and those requirements and special subjects are specified in Title 5 of the California Code of Regulations section 80037. There are no other statutes or regulations related to the issuance of DSSS Teaching Credentials.*

APPENDIX A-4

4. **The CTC proposal does not meet the standard of NECESSITY.**

*In reviewing the rulemaking record for compliance with subsection (b), OAL shall not dispute the decision of a rulemaking agency to adopt a particular regulatory provision when the information provided as required by subsection (b) is also adequate to support one or more alternative conclusions. (b) In order to meet the “necessity” standards of Government Code section 11349.1, the record of the rulemaking proceeding shall include: (1) A statement of the specific purpose of each adoption, amendment, or repeal; and (2) information explaining why each provision of the adopted regulation is required to carry out the described purpose of the provision. Such information shall include, but is not limited to, facts, studies, or expert opinion. When the explanation is based upon policies, conclusions, speculation, or conjecture, the rulemaking record must include, in addition, supporting facts, studies, expert opinion, or other information. An “expert” within the meaning of this section is a person who possesses special skill or knowledge by reason of study or experience, which is relevant to the regulation in question. [1CCR 1.1.2.10]*

4.1 The CTC proposal does not meet the standard of *necessity* because ROTC and BMD personnel who have baccalaureate degrees may already take the CSET and CBST (*sic*) and a physical education subject specific pedagogy course needed to attain a Single Subject credential in any curricular area, including physical education. Current Education Code and Regulations already exist; there is no need for the proposed regulation.

*Response to 4.1:*

*Title 5 of the California Code of Regulations section 80049 requires possession of a Multiple Subject, Single Subject, Standard, or General Teaching Credential in order to qualify for a Single Subject Teaching Credential on the basis of subject matter competence and other specified requirements. A DSSS Teaching Credential is not an appropriate prerequisite credential for the purpose of adding a credential under the provisions of Title 5 of the California Code of Regulations section 80499. The proposed Special Teaching Authorization reduces and streamlines the credential system to ensure teacher competence in Physical Education for holders of DSSS Teaching Credentials in BMD and ROTC, while allowing greater flexibility in staffing local schools [reference Education Code section 44225(b)].*

4.2 The CTC proposal does not meet the standard of *necessity* because the CTC has provided no research or data to support the need in terms of student health and achievement. The CTC proposal information cited nine states that provide JROTC options as physical education exemptions for student participation in JROTC, but did not point out that each of the states cited has a higher obesity prevalence rate than California as reported by the Centers for Disease Control and Prevention.

Researchers who have studied physical activity time in physical education and JROTC classes found that the physical education classes provided greater physical activity time than the JROTC classes. (M. Lounsbury, et. al. *Research Quarterly*, in press)

*The comment related to the higher obesity prevalence rates in the nine states that provide JROTC options as physical education exemptions assumes facts that have not been presented to the Commission. No data has been provided to the Commission to indicate that the direct or indirect cause of the higher obesity prevalence for the nine states is the physical education exemption for JROTC participation.*

*The Commission agrees with the last sentence of the abstract provided in Attachment A that reads: "Policies and practices for providing substitutions for PE should be carefully examined." LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

- 4.4 The CTC proposal does not meet the standard of *necessity* because while the CTC reports there is declining enrollment in BMD and ROTC, LEAs can exercise local control by requiring student to complete the minimum course requirements for high school graduation (120 units) and can offer a variety of elective (100 to 120 units) to provide a various college and career pathways. Declining enrollment in an elective subject area is not sound educational rationale for submitting a proposal to lower credentialing standards for a mandated subject content area.

*Response to 4.4:*

*The Commission does not have purview over high school graduation course requirements and the proposed regulation amendments are not related to this topic.*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*"The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options."*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose*

*to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

#### APPENDIX A-5

#### 5. **The CTC proposal does not meet the standard of CLARITY.**

*In examining a regulation for compliance with the “clarity” requirement of Government Code section 11349.1, OAL shall apply the following standards and presumptions: (a) A regulation shall be presumed not to comply with the “clarity” standard if any of the following conditions exists: (a) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or (2) the language of the regulation conflicts with the agency’s description of the effect of the regulation; or (3) the regulation uses terms which do not have meanings generally familiar to those “directly affected” by the regulations, and those terms are defined neither in the regulation nor in the governing statute; or (4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or (5) the regulation presents information in a format that is not readily understandable by persons “directly affected;” or (6) the regulation does not use citation styles which clearly identify published material cited in the regulation. (b) Persons shall be presumed to be “directly affected” if the: (1) are legally required to comply with the regulation; or (2) are legally required to enforce the regulation; or (3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or (4) incur from the enforcement of the regulation a detriment that is not common to the public in general. [1CCR1.1.2.16]*

#### 5.1 The CTC proposal does not meet the standard of *clarity* because the CTC language of the regulation conflicts with the CTC’s description of the effect of the regulation.

The following language is quoted from the CTC proposed amendment:

*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...** (Bold added for emphasis.) [EC §51225.3(b)]*

The following CTC language is quoted from Frequently Asked Questions (FAQs) #1: *The Special Teaching Authorization in Physical Education (PE) for DSSS Teaching Credential holders in ROTC and BMD would recognize that Junior ROTC (JROTC) and BMD teachers who meet PE subject matter requirements and satisfy the basic skills requirement have met a higher standard **to teach PE in the context of a JROTC or BMD course.** (Bold added for emphasis.)*

Furthermore, Frequently Ask (*sic*) Question #7 states: *Would holders of the proposed Special Teaching Authorization be allowed to teach regular PE courses? The answer is "No."*

The CTC proposal does not meet the standard of *clarity* because *the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning.* As written, the proposed regulation would give individuals authorization to *teach physical education courses in basic military drill (BMD) and physical fitness training in grades 12 and below.* Military drill consists of certain movements by which a military unit is moved in an orderly manner from one formation to another or from one place to another. (about.com, Rod Powers, Retired Air Force Sergeant with 22 years of active duty) The authorization will lead some to believe that marching, physical activity, is physical education while others will think that BMD is a course and that courses of physical education can be taught within BMD. This is confusing; none of this language is relevant to the physical education content areas and standards.

The DSSS authorization is clearly stated as for *grades 12 and below.* The proposed authorization will allow these DSSS credentialholders to "teach" children in grades K-12 how to march in synchrony as their physical education. While the CTC claims that course content is a local control decision, which it is, the very essence of this proposed authorization will lead to different interpretations.

The CTC Frequently Asked Questions indicates that these DSSS credentialholders could not teach "regular" physical education. If they are passing the CSET which is one means by which any baccalaureate holder may demonstrate subject matter competence, why aren't they able to teach "regular" physical education? This confusing interpretation by the CTC can be inferred to mean that the CTC truly recognizes that this is a sub-standard authorization.

What does "regular" mean in regard to any subject area? What is "regular mathematics," or "regular science" or "regular history social-science?" What does it mean to be authorized to teach one subject area only within the "context" of another subject area? Would it be reasonable to "authorize" an individual to teach mathematics only in the "context" of science; or to 'authorize" an individual to teaching English-language arts only in the "context" of a history social-science course?

Is it clear to anyone what is meant by the CTC proposal to "teach PE in the context of a JROTC or BMD course"? Or, as the proposed regulation states, is the person authorized to teach "physical education courses" (but not "regular" physical education courses) in Basic Military Drill?

*Response to 5.1:*

*The proposed authorization for the Special Teaching Authorization in Physical Education [reference subsection (d)(3)] reads:*

*“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. Nothing contained herein is intended to otherwise limit or in any way modify the authority of a local governing board under Education Code Section 51225.3(b).”*

*The Special Teaching Authorization in Physical Education will be limited to the teaching of in basic military drill and physical fitness training, which are two areas that fall under the umbrella of “physical education.” Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. The phrase “...in the context of a JROTC or BMD course” as used in the response to FAQ #1 referenced in 5.1 was intended to clarify that the physical education courses in basic military drill and physical fitness training delivered through a course that requires possession of a DSSS Teaching Credential in BMD or ROTC.*

*The scope of the authorization is limited to the physical education areas of basic military drill and physical fitness training because those are the areas in which the educators have at least four years of experience. The scope of the Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education because the educators are not required to verify possession of a baccalaureate degree or complete a Single Subject teacher preparation program.*

*The use of the word “regular” in #7 of the Frequently Asked Questions referenced in 5.1 was meant to clarify that an educator holding a Special Teaching Authorization in Physical Education would not be authorized to teach traditional physical education courses.*

5.2 The CTC proposal does not meet the standard of *clarity* because the regulation presents information in a format that is not readily understandable by persons “directly affected.” Letters from selected school administrators and members of school JROTC programs consistently state that this proposal will allow the school districts to substitute physical education credit for JROTC programs instead of for “regular” physical education programs. Few, if any, of the letters of support for this proposal acknowledge that ROTC personnel are only authorized to teach the

“Physical Fitness Training” portion of JROTC courses for physical education credit. None of the CTC language addresses standards-based physical education programs. Instead the CTC refers to “regular” physical education course, without describing programs that are not regular physical education. School administrators are persons “directly affected” who have demonstrated confusion. On April 21, 2014 “EdCal,” the newspaper of the Association of California School Administrators, contained an article in which one Commissioner was quoted as stating the CTC proposal could “result in school boards raising the bar for JROTC instructors by requiring them to acquire the new credential in order to continue to authorize PE credit for Basic Military Drill/JROTC.” The article also states: “Holders of the new special subjects teaching credential are prohibited from using it as an authorization to teach regular PE classes.” This article by and for school administrators, who would be directly affected by the CTC proposal, demonstrates that the proposal generates great confusion between “regular” physical education and JROTC, rather than focusing on quality standards-based physical education for all students. Nowhere does the “EdCal” article mention a key item in the proposal that only the “Physical Fitness Training” portion of JROTC courses may be taught under the new authorization for physical education credit. Instead, those “directly affected” obviously believe that the authorization will allow authorization for entire JROTC curriculum course instruction for physical education credit. Other administrators who demonstrated this type confusion regarding course credit were those who wrote letters of support during the first 15-Day Notice. None of these administrators have acknowledged that provisions already exist that would allow a DSSS credentialholder with a baccalaureate degree to take the CSET. The proposal implies that this is all brand new and standards are being raised.

*Response to 5.2:*

*The majority of the support letters submitted during the initial 15-Day Notice period acknowledge that school districts continue to have the sole discretion in whether or not to allow Physical Education credit for BMD and ROTC courses. The support letters from school administrators and JROTC programs do not state that the proposal will allow the school districts to “substitute physical education credit for JROTC programs instead of for “regular” physical education programs.”*

*The Commission is not responsible for the contents or focus of the EdCal article. However, the excerpts from the EdCal article as provided by the commenter in 5.2 appear to focus on the potential misunderstandings related to the proposed Special Teaching Authorization in Physical Education that were clarified at the April 10, 2014 Commission meeting.*

5.3 The CTC proposal does not meet the standard of *clarity* because the ambiguous and misleading language of the CTC proposal suggests that the proposal will raise standards for teaching physical education when common sense states otherwise.

Waiving the requirement for the baccalaureate degree, not requiring the subject specific pedagogy course with the CSET, EL certification, and the minimum requirements in a State Sponsored Program: Educational Technology, Literacy in Secondary Schools, and Diversity in Secondary Schools, clearly is lowering credentialing standards for physical education instruction as the same level of preparation will not be met. Diminished requirements do not indicate the raising of standards currently required.

*Response to 5.3:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential. The program standards address the uses of computers in educational settings; the teaching of reading; and equity, diversity and access to the curriculum for all students.*

5.4 The CTC proposal does not meet the standard of *clarity* because it only gives physical education teaching authorization for questionable content that is not clearly part of the physical education content standards. *The Physical Education Model Content Standards for California Public Schools: Grades K-12* are based not only on developmentally appropriate methodology, but also include all of the movement areas in which the progress of every California high school student is to be evaluated: effects of physical activity upon dynamic health, mechanics of body movement, individual and dual sports, rhythms and dance; tumbling and gymnastics, combatives, aquatics. (EC §51225.3) The proposed CTC precedent for authorizing personnel to teach only specific aspects of any subject area, rather than “regular” physical education, “regular” mathematics, “regular” language arts, “regular” visual and performing arts, “regular” science, and “regular” history-social science obviously will create great confusion regarding time allotments, scheduling, providing graduation credit, and will greatly impede the implementation of quality, articulated and comprehensive curriculum standards for all students in any subject area, including assessment of student learning in physical education. [5CCR10060(c)(vii)]

*Response to 5.4:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

- 5.5 The CTC proposal does not meet the standard of *clarity* because it creates confusion regarding future professional development for holders of the proposed "authorization." Will the BMD and ROTC personnel participate in the California Subject Matter Project for Physical Education and Health, or will they participate in Military professional development, or both? How will school districts support professional development for the holders of this proposed authorization – those "authorized" to teach physical education in context of BMD and ROTC, but not "regular" physical education? It creates great confusion in planning for professional development to appropriately meet teacher and student needs.

*Response to 5.5:*

*Professional development, also known as "professional growth," is no longer a requirement for renewal of a (professional) clear teaching credential. The opening paragraph of Education Code section 44277 as amended by SB 1209 (Chap. 517, Stats. 2006) reads:*

*"The Legislature recognizes that effective professional growth must continue to occur throughout the careers of all teachers, in order that teachers remain informed of changes in pedagogy, subject matter, and pupil needs. In enacting this section, it is the intent of the Legislature to encourage teachers to engage in an individual program of professional growth that extends their content knowledge and teaching skills and for school districts to establish professional growth programs that give individual teachers a wide range of options to pursue as well as significant roles in determining the course of their professional growth."*

*Subsections (a) and (b) of Education Code section 44277 provide suggested activities that may be included in "individual programs of professional growth."*

- 5.6 The CTC proposal creates confusion on a massive scale related to scheduling, time monitoring, and the monitoring of student progress in the eight physical education content areas as it is not clear what the holders of this DSSS credential are truly authorized to teach: “activity areas,” “physical fitness training,” and/or “physical education courses in BMD and ROTC.”

*Response to 5.6:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7).*

*The remaining comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments. The Commission does not have purview over scheduling, time monitoring, or the monitoring of student progress and the proposed regulation amendments are not related to those issues.*

- 5.7 The CTC proposal does not meet the standard of *clarity* because there is a misassumption that ROTC and BMD “physical fitness training” is “physical education.” Physical fitness is a general term. In physical education, the “effects of physical activity upon dynamic health” is taught as health-related fitness with a focus on developing lifelong activities and habits that promote health. The ROTC military fitness testing uses tests that are not health-related. Exercise scientists have identified several of the ROTC training exercise to be contraindicated exercises that may cause or contribute to later injury when done in preparation for the military physical fitness tests. Physical fitness preparedness for military service would be better served with a quality physical education program that is supplemented by the activity in the less active BMD and ROTC programs.

*Response to 5.7:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

APPENDIX A-6

6. **The CTC proposal does not meet the standard of NON-DUPLICATION.**

*A regulation shall “serve the same purpose,” as that term is used in Government Code Section 11349(f), where it either repeats or rephrases in whole or in part a state or federal statute or regulation. (b) A regulation which duplicates a state or federal statute or regulation shall, nonetheless, meet the “non-duplication” standard of Government Code Section 11349.1 if any one of the following conditions is met: (1) The proposed regulation duplicates or overlaps a state or federal statute or regulation which is cited as “authority” or “reference” for the proposed regulation and the duplication or overlap is necessary to satisfy the “clarity” standard of Government Code Section 11349.1(a)(3). Justification for such duplication shall be provided by inclusion of facts, explanations, expert opinions or other information in the rulemaking record which establish that the overlap or duplication is necessary in order for the regulation to satisfy the requirements of Government Code Section 11349.1(a)(3); or (2) The agency meets the requirement of Government Code Section 11346.9(c) when adopting or amending federally mandated regulations; or (3) The duplication is mandated or authorized by a specified statute or other provision of law. The agency shall include a statement in its rulemaking records which: (A) identifies the state or federal statute(s) or regulation(s) which the regulation under review overlaps or duplicates, and (B) identifies the provision of law which mandates or permits the overlap or duplication. This statement shall set forth the applicable provision of law in a citation style which clearly identifies the statute or regulation and provides information necessary to locate the full text of the statute or regulation. [1CCR1.1.2.12]*

6.1 The CTC proposal does not meet the standards of *non-duplication* because the proposal overlaps at least two state statutes which are cited as authority or reference for the proposed regulation and the CTC has not provided justification by including facts, explanations, expert opinions or other information in the rulemaking record which establish that the overlap is necessary in order for the regulation to satisfy the requirements of Government Code Section 11348.1(a)(3).

*Response to 6.1:*

*The comment in 6.1 does not identify the two state statutes that the proposed regulations allegedly overlap or in what manner the overlap occurs. The proposed regulation amendments do not repeat, rephrase, or overlap any statute or regulation.*

6.2 The CTC proposal does not meet the standards of *non-duplication* because the proposal is not related to the adoption or amendment of federally mandated regulations.

*Response to 6.2:*

*Title 1 of the California Code of Regulations section 12(b) details the situations in which the “nonduplication” standard of Government Code section 11349.1 shall be met when a regulation duplicates a state or federal statute or regulation. Subsection (b)(2) of Title 1 of the California Code of Regulations section 12, as rephrased in 6.2, does not apply because the proposed regulation amendments do not repeat, rephrase, or overlap any statute or regulation.*

6.3 The CTC proposal does not meet the standards of *non-duplication* because the duplication is not mandated or authorized by a specified statute or other provision of law.

*Response to 6.3:*

*Title 1 of the California Code of Regulations section 12(b) details the situations in which the “nonduplication” standard of Government Code section 11349.1 shall be met when a regulation duplicates a state or federal statute or regulation. Subsection (b)(2) of Title 1 of the California Code of Regulations section 12. Subsection (b)(3) of Title 1 of the California Code of Regulations section 12, as rephrased in 6.3, does not apply because the proposed regulation amendments do not repeat, rephrase, or overlap any statute or regulation.*

#### APPENDIX A-7

### 7. **The CTC proposal does not meet the standard of DETERMINATION OF EFFECT ON SMALL BUSINESS**

*(a) The notice of proposed adoption or amendment of a regulation shall include a determination as to whether or not the adoption or amendment affects small business. For purposes of this section, an adoption or amendment affects small business if a small business within the meaning of Government Code section 11342.610: (1) Is legally required to comply with the regulation; (2) Is legally required to enforce the regulation; (3) Derives a benefit from the enforcement of the regulation; or (4) Incurs a detriment from the enforcement of the regulation.*

*(b) If an agency determines that the regulation does not affect small business, the agency shall include in the notice of the proposed action a brief explanation of the reason(s) for the agency’s determination.*

7.1 The CTC proposal has not met the APA standard of the *determination of effect on small business* because the proposed amendment of the regulations did not include a determination as to whether or not the amendment affects small business.

*Response to 7.1:*

*The following statement was included in the “Effect on small businesses” sections of the “Notice of Proposed Rulemaking” (bottom of page 4 and top of page 5 at <http://www.ctc.ca.gov/notices/rulemaking/2013-12-DSSS/2013-12-DSSS-npr.pdf>)*

and Coded Correspondence 13-16 (bottom of page 13 at <http://www.ctc.ca.gov/notices/coded/2013/1316.pdf>) to comply with the provisions of Title 1 of the California Code of Regulations section 4(a):

*“The proposed regulations will not have a significant adverse effect upon business.”*

- 7.2 The CTC proposal has not met the APA standard of the *determination of effect on small business* because the agency did not include a brief explanation of the reason(s) for the agency’s determination.

*Response to 7.2:*

*The following statement was included in the “Effect on small businesses” sections of the “Notice of Proposed Rulemaking” (bottom of page 4 and top of page 5 at <http://www.ctc.ca.gov/notices/rulemaking/2013-12-DSSS/2013-12-DSSS-npr.pdf>) and Coded Correspondence 13-16 (bottom of page 13 at <http://www.ctc.ca.gov/notices/coded/2013/1316.pdf>) to comply with the provisions of Title 1 of the California Code of Regulations section 4(b):*

*“The regulations apply only to individuals who hold or seek Designated Subjects Special Subjects Teaching Credentials that authorize service in California’s public schools.”*

- 7.3 It is the position of CAHPERD, based upon contacting small business vendors of physical education equipment and instruction materials developed to assist LEAs to implement the *California Model Physical Education Content Standards for Grade Kindergarten Through Grade Twelve*, that small businesses will be negatively impacted by amended regulations that serve to encourage LEAs to substitute/supplant JROTC courses for comprehensive, developmental, sequential physical education courses taught by highly qualified teachers who are familiar with using the appropriate instructional and assessment tools to help students achieve the content standards in physical education.

*Response to 7.3:*

*An LEA is responsible for providing a Physical Education course of study that includes the eight areas in Education Code section 33352(b)(7). No specific information has been provided to support the claim that the Special Teaching Authorization in Physical Education will affect the type or amount of physical education equipment and instruction materials an LEA will need to provide the prescribed course of study.*

#### APPENDIX A-8

8. The CTC did not follow appropriate **PROCEDURES**.

- 8.1 The CTC did not involve collaboration in the development of the proposed Title 5 amendments with key groups, agencies, or personnel “directly affected” by the

amendments, including higher education teacher preparation programs, the California Department of Education and the State Board of Education, LEA physical education program coordinators and consultants, physical education professional associations, to name a few.

*Response to 8.1:*

*Government Code section 11346.45(a) reads:*

*“In order to increase public participation and improve the quality of regulations, state agencies proposing to adopt regulations shall, prior to publication of the notice required by Section 11346.5, involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.”*

*The proposed amendments to Title 5 of the California Code of Regulations section 80037 do not “involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.” The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

8.2 The CTC did not access or provide key research and data to provide rationale for developing such a proposal or to indicate the impact this proposal will have on students and school programs.

*Response to 8.2:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training and local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3). The authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education courses in basic military drill and physical fitness training delivered through a course that requires possession of a DSSS Teaching Credential in BMD or ROTC.*

8.3 After the 45-day notice and Public Hearing, this proposal was defeated in February by a vote of 6-4 with a strong voice of opposition to this proposal from the Commissioner appointed by the Superintendent of Public Instruction and representing the California Department of Education. Notice was sent out for a 15-day review of the remaining items on the list of CTE amendments. Since the specific proposal had been voted down, those who supported the “no” vote were not made aware that this item would be brought back up. In the meantime, associations that

had not participated in the 45-day window for input, including the Association for California School Administrators and the California School Boards Association, suddenly sent in letters opposing the “NO” vote, of the Commission, as did some members of the military who had already provided input during the 45-day period as well as at the Public Hearing. Those who had provided input to support the “no” vote during the 45-day period and during the Public Hearing were not made aware that they had to respond again to support the “no” vote during the 15-day notice period following the “no” vote. The fact that there was such a strong voice against the proposal up to and during the Public Hearing, and yet not a single response supporting the “no” vote during the 15-day input period following the “no” vote is evidence that the notice regarding the need for input, one the Commission had voted on the item, certainly lacked clarity.

*Response to 8.3:*

*The 15-Day Notice dated February 26, 2014 stated that any person who wishes to comment on the proposed modifications could do so by submitting written comments postmarked beginning February 27 through March 14, 2014. The written comments were to be restricted to the “recent modifications” to the proposed language, meaning the modifications to remove the language pertaining to the Special Teaching Authorization in Physical Education. The Commission received 54 letters in support of the proposed modifications included in the 15-Day Notice dated February 26, 2014 and those letters were provided to all members of the Commission prior to the April 10, 2014 Commission meeting. Any member of the public could respond to the proposed regulation modifications during the 15-Day Notice period, even if he/she did or did not respond during the 45-day comment period.*

3. Warren Fletcher, President, United Teachers Los Angeles

Comment #1:

I am writing as the President of United Teachers Los Angeles (UTLA) representing UTLA’s official position in opposition to **the proposal to amend Title 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 (BMD) and Reserve Officer Training Corps (ROTC)**. The House of Representatives, the policy making body of the UTLA, voted in opposition to the language regarding the change to the CTE credential for JROTC and BMD instructors.

It is already possible for a school board to approve JROTC/BMD courses for PE credit. These courses are approved for PE credit at LAUSD schools. UTLA has worked in partnership with LAUSD to provide quality physical education for all students for two years, including students interested in JROTC/BMD, through a team teaching model with a credentialed PE teacher. This is our local solution and it has been a successful partnership. Other Districts in California have developed other ways to allow students to

receive PE credit for JROTC/BMD courses while also receiving a standards-based PE program.

UTLA is not opposing the LEA's authority to approved JROTC/BMD courses, however, we believe it is also the LEA's responsibility to approve the JROTC/BMD CTE instructor to teach a course that is outside of their credential authorization through **a local teaching assignment option**. The P.E. CSET authorizes an individual with a qualifying base credential. CTE teachers cannot add EL Authorization through the CSET nor can they be authorized to teach P.E. through the P.E. CSET. Perhaps the CTC could give an endorsement recognizing CTE JROTC/BMD teachers who pass the P.E. CSET and the CBEST, recognizing their extra qualifications.

*Response to Comment #1:*

*The authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education courses in basic military drill and physical fitness training delivered through a course that requires possession of a DSSS Teaching Credential in BMD or ROTC.*

*The proposed regulations require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current holders of clear DSSS Teaching Credentials issued prior to approval of the proposed regulation amendments may complete an approved program to earn a CCSD, which authorizes the instruction of English learners in specially designed content instruction delivered in English in grades twelve and below and in classes organized primarily for adults.*

**Comment #2:**

In the current FAQ's the explanation for establishing this special authorization was presented as an effort to acknowledge the extra qualification of the CTE individuals who also have passed the CSET and the PE CSET. At the September 2013 CTC, meeting when

the change to the JROTC/BMD credential were introduced, the meeting materials stated that the purpose was to address declines in the Basic Military Drill and R.O.T.C. programs.

“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. and **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.

On the CTC web site FAQ's, Question # 10; the answer seems to contradict the original stated reason for this change.

#10. “If the Commission adopts these regulations, will more students be able to opt out of general PE courses in favor of JROTC/BMD courses?”

The availability of JROTC/BMD courses and programs is a local decision, and adding the Special Teaching Authorization in PE to the credential is not expected to enable or constrain the growth of these programs.

*Response to Comment #2:*

*Oral testimony provided by Dr. Ryan at the February 14, 2014 Public Hearing clarified the two types of BMD and JROTC programs in California:*

- *Federally funded JROTC programs that require a minimum enrollment of 100 students; and*
- *State funded California Cadet Corps programs that do not have a minimum enrollment requirement*

*Dr. Ryan also testified that there are approximately 350 JROTC programs in California (with enrollment of at least 100 students) and that the current enrollment of the California Cadet Corps programs is approximately 6,000 students.*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*“The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with Education Code section 51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students’ course options.”*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

Comment #3:

According to the FAQ’s on the CTC web site that, “Holders of the DSSS Credential who do not complete these requirements **will still be authorized**, by school board action, **on a local teaching assignment option** in the Education Code or Title 5 regulations, to teach PE in the context of JROTC or BMD courses that have been approved to carry PE credit. Currently an LEA already can grant credit for JROTC and BMD courses taught by an appropriately credentialed CTE teacher.

The assumption would be that the holder of Holders of the DSSS Credential who complete these requirements would ***not need to be authorized***, by school board action, ***on a local teaching assignment option*** in the Education Code. Currently the LEA takes responsibility to provide standards-based physical education courses through the specific JROTC and BMD courses that LEA approves that are taught by the instructors authorized by the local teaching assignment option the LEA has requested.

The change that will result from the CTC’s proposed changes creating this specialized authorization appears to be that the LEA will not need to authorize the CTE teacher to teach a course receiving PE credit once the course is approved. In the answer to #6 of

the FAQ's it states that, "Holders of this Special Teaching Authorization in PE would only be able to teach JROTC or BMD courses that have been approved by their local school board to carry PE credit."

In response to the question "**How can JROTC/BMD courses qualify for PE credit?**"

Current law provides local school boards the authority to offer PE credit for a JROTC/BMD course as part of the high school curriculum **provided the course meets the Physical Education Content Standards for California Public Schools** adopted by the State Board of Education and the local governing board takes special action at a public meeting to grant PE credit for these courses. Under current law, DSSS Teaching Credential holders in ROTC/BMD may currently teach these courses. However this statement does not include the responsibility of the LEA to request that the CTE instructors are authorized by the local teaching assignment option.

Currently the LEA takes responsibility for the course content 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.

In the September CTC materials it stated that, "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." This, again, is the responsibility of the LEA.

The LEA has the authority and the responsibility to make sure the JROTC/BMD courses meet the required California standards for physical education. The LEA should retain the responsibility for the course and the decision to assign the CTE instructor. Many UTLA members who are not physical education teachers have expressed concern and confusion over the proposed actions of the CTC because the Commission is authorizing a CTE instructor to teach a class that would otherwise be taught by a person with a college degree and a Secondary P.E. credential. We hope

the CTC will reconsider the proposed changes to the CTE JROTC/BMD credential and work toward a solution that retains the LEA's authority and responsibility while also acknowledging the extra qualifications of the CTE JROTC/BMD instructors who have passed the CSET P.E. and the CBEST.

We thank you for your consideration of this very important matter.

*Response to Comment #3:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The content of the course curriculum is the determining factor for assignment purposes. The Commission's concern is not generally with the credit earned for the course; however, it may be a guide to determining who should teach a specific course. The teacher of a course in which the curriculum content is JROTC must hold a DSSS Teaching Credential in ROTC, regardless of the type of high school graduation credit that is awarded. If the LEA determines that the content of the course includes Physical Education areas in addition to those offered in the ROTC curriculum, a local teaching assignment option will be required to authorize the assignment of the an educator who holds only a DSSS credential in ROTC.*

4. Lisa Henriques, President, California Science Teachers Association

Comment #1:

The "Special Teaching Authorization in Physical Education" will allow preliminary DSSS credential holders to teach physical education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English Learner (EL) certification, 3) technology competency, and 4) a subject specific pedagogy course. These omissions result in lower teacher preparation standards and thus deny students access to qualified teachers in a state-mandated graduation requirement.

*Response to Comment #1:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037*

*requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. LEAs may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching*

*Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

Comment #2:

The proposed Title 5 regulation amendments are not and never were needed. California is a local control state. Local governing boards have the authority to identify course content for credit given. They need to provide appropriately credentialed teachers for all courses and may do so using a variety of different options by following specified procedures.

*Response to Comment #2:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3:

At issue is upholding the teacher preparation standard across all content areas. Teachers need to have both content and pedagogical knowledge and skills.

*Response to Comment #3:*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

Comment #4:

Safety training, injury prevention practices, and the science of human movement are critical components among many others to a physical education teacher preparation

program. By side-stepping the teacher preparation program, these regulations pose a potential threat to the health and safety of students.

*Response to Comment #4:*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

5. Rick Jahnkow, Program Coordinator, Project on Youth and Non-Military Opportunities  
Comment #1:

In February our organization opposed amending Title 5 of the CCR to create a special PE teaching authorization for JROTC and Basic Military Drill instructors. In response to what the Commission heard at the February 14 hearing, its members voted to remove the special PE teaching authorization clause from the proposed changes to Title 5. Since that clause was then deleted from the proposed amendment to Title 5, we had no reason to submit further comment on the topic.

*Response to Comment #1:*

*The 15-Day Notice dated February 26, 2014 stated that any person who wishes to comment on the proposed modifications could do so by submitting written comments postmarked beginning February 27 through March 14, 2014. The written comments were to be restricted to the "recent modifications" to the proposed language, meaning the modifications to remove the language pertaining to the Special Teaching Authorization in Physical Education. After the close of the initial 15-Day Notice period, the Commission received 54 letters in support of the proposed modifications included in the 15-Day Notice dated February 26, 2014 and those letters were provided to all members of the Commission prior to the April 10, 2014 Commission meeting.*

Comment #2:

Later, a Commission majority voted to reintroduce the special PE teaching authorization clause to the proposed amendment to Title 5. Since this language had been formally rejected by the Commission in February, we regard its reappearance as a new proposal, to which we are responding with this letter.

*Response to Comment #2:*

*The Commission voted to restore the language pertaining to the Special Teaching Authorization in Physical Education to the proposed regulations following oral presentations that clarified several potential misunderstandings as follows:*

- 1) The Commission does not have the authority to decide if JROTC or BMD courses may be awarded high school graduation credit in the area of Physical Education. The*

- authority to designated ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California LEAs as provided in Education Code section 51225.3(b);*
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter knowledge in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;*
  - 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for Physical Education credit by a local governing board.*

**Comment #3:**

We believe there are numerous reasons for not adopting the proposed special PE authorization, but we are focusing here on one critical issue that has not been addressed by the Commission: the fact that eligibility for the proposed special authorization includes a mandate to use it only in conjunction with the JROTC curriculum, and that there has been no investigation to establish whether the content of that curriculum is actually aligned with the teaching of PE.

*Response to Comment #3:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

**Comment #4:**

We believe that curriculum must always be considered when deciding whether an individual's credential or special teaching authorization is appropriate for a specific teaching assignment, and if the course curriculum is not primarily aligned with the subject of the person's credential, the individual should not be assigned to teach the subject to the class.

To reinforce this point, we quote here from a Coded Correspondence concerning JROTC and physical education that was issued by the Commission's own executive director in 2009 (emphasis added):

*The content of the course curriculum for a course is the determining factor for assignment purposes. The appropriate credential or authorization for the assignment must align with the primary content or focus of the course.*

*The credential or authorization held by an individual indicates that he/she has been prepared to teach the course curriculum subject-matter content. The Commission's concern is not generally with the credit earned for the course; however, it may be a guide to determining who should teach a specific course. For determining appropriate assignment, a review of the course title and curriculum content may determine which credential or authorization is the appropriate choice. (Coded Correspondence 09-10, 6/23/2009)*

Whether or not JROTC instructors qualify for a designated subjects special subjects credential for JROTC instruction is not the issue here. It is whether or not the special PE teaching authorization that the Commission is considering is an appropriate designation for what JROTC instructors actually do within the curriculum they are handed—which, by the way, is designed and controlled by the Pentagon, not state or local education agencies.

*Response to Comment #4:*

*The teacher of a course in which the curriculum content is JROTC must hold a DSSS Teaching Credential in ROTC, regardless of the type of high school graduation credit that is awarded. If the LEA determines that the content of the course includes Physical Education areas in addition to those offered in the ROTC curriculum, a local teaching assignment option will be required to authorize the assignment of the an educator who holds only a DSSS credential in ROTC.*

Comment #5:

Our organization has devoted 20+ years to researching and analyzing the JROTC curriculum, and we can say without a doubt that it has little to do with meeting the PE standards of California. JROTC class content does include some units on health and physical activity, but it is devoted primarily to topics such as geography, marksmanship training, military customs and practices, military leadership, war-related studies, and history and civics taught from a military perspective. Only a minor part of the class time is devoted to health and physical activity, which includes learning to march in ranks (i.e., “drill”). For example, the attached pages are from the program outline for four years of Army JROTC and National Defense Cadet Corps. They show very little time prescribed for physical activity and health education.

Comment #6

Some might think that the only relevant factor is that the special PE teaching authorization would require course work that demonstrates competency in the PE subject area; however, the required course work pales in comparison to what is

required for a regular PE teaching credential. Furthermore, the proposed special authorization is linked exclusively to JROTC or Basic Military Drill, which means that the curriculum and its content are part of the qualifying equation. The curriculum, therefore, should be reviewed to determine if a PE teaching authorization would “align with the primary content of the course.” Without such a review and finding, this proposal should be rejected by the Commission.

*Responses to Comments #5 and #6:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*The “JROTC Program of Instruction” document submitted with Mr. Jahnkow’s letter is provided in Attachment C.*

6. Kathlan Latimer, President, California Mathematics Council

Comments:

The Special Teaching Authorization in Physical Education will allow preliminary Designated Subjects Special Subjects credentialholders to teach physical education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English Learner certification, 3) technology competency, and 4) a subject specific pedagogy course. These omissions result in lower teacher preparation standards and thus deny students access to qualified teachers in a state-mandated graduation requirement subject.

*Response to Comments:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The*

*current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. LEAs may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching*

*Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

**Responses Representing Individuals in Opposition of the Modifications:**

1. Susie Aames, Teacher
2. Tiffany Adams, Citizen
3. Kasey Addiego, Physical Education Teacher
4. Ellis A. Almuina, Citizen
5. Matthew Atencio, Assistant Professor
6. Kaitlin B. (illegible last name), Citizen
7. Susan Badger, Campus Supervisor
8. Fred Bastanchury, Teacher
9. Becky Beal, Professor
10. Lucille Berger, Executive Director
11. Even Berhe, Student
12. Frederick Berona, Graphic Designer
13. Jeanette Bicais, Associate Dean, CSU East Bay
14. Candace Boran, Counselor
15. N. Bostock, Substitute
16. Larry Braverman, Citizen
17. Kecia Carrasco, Fiscal Manager
18. Nick Carrasco, Logistics
19. Christine Carri, Citizen
20. Scott M. Carri, Physical Education/Adapted Physical Education Teacher
21. Valerie Carri, Teacher
22. Mitchel Carter, AP
23. Marianella Castro, Counselor
24. Brent Chamberlain, College Student
25. Eric Chamberlain, Business Owner
26. Jeanne A. Chamberlain, Classroom Teacher
27. Ryann Cheung, Parent
28. Mark Chimente, Teacher
29. Eric Chipponeri, Teacher
30. Brandon Chrest, Student: CSU Fresno
31. Janet Clark, Teacher
32. Peter Clayton, Teacher
33. Lorraine Condes, Counselor
34. Alena M. Cook, Physical Education Teacher
35. Michelle Cook, Resource Specialist Teacher
36. Mark A. Cordano, Teacher
37. Simara Cortave, Special Education Teacher
38. Marie Crosby, Consultant II

39. Thomas S. Daniels, Teacher
40. Christine Davis, Customer Care Supervisor
41. DeWanne Davis, Secretary
42. Emil DeAndres, Substitute (signed two separate but identical responses)
43. Michael Dehn, Teacher
44. Anthony Denaro, program Consultant
45. Caryn Doherty, Social Worker
46. Kevin Doherty, Teacher
47. Terence Doherty, Teacher
48. Kenneth Dyar, Director of Physical Education and After School Programs, Delano Union School District
49. Taya Ellis, Assistant SDC Teacher
50. James C. Eppenbach, Director, Human Resources
51. Marlene Eppenbach, Finance Staff
52. Joel Eros, Conference Coordinator
53. Hamde Farha, Teacher
54. Katie Fenton, Marketing Manager
55. Philip Ferrigno, Physical Education Department Head
56. Brandi Fletcher, Teacher
57. Julia Floyd, Citizen
58. A. S. Frazier, Educator
59. Kristin Fyfe, Nutrition Specialist
60. Brenda Garcia, Admin Support
61. Giovanni Garcia, Student
62. Zulema Garcia, HCA
63. Apolonia Garza, Health Aide
64. Richard Garza, Electrician
65. Veronica Garza, Student/Production
66. Victoria Garza, Student
67. Chris Giovannin, Physical Education Teacher/Athletic Director
68. Claudio Godines, Server
69. Angela Gonzales, Professional Expert
70. Carlos Gonzalez, Citizen
71. Leticia Gonzalez, Director of Dissemination
72. Stephanie Grgich, Teacher
73. Beverly A. Harris, Physical Education Teacher
74. Don Harris, Teacher
75. Annette Hatch, Teacher
76. Ash E. Hayes, Former Executive Director of the President's Council on Physical Fitness and Sports
77. Betty F. Hennessy, Project Director III (Retired)
78. Jessica Hernandez
79. Albert Hirsch, Teacher

80. Jessica Holik, Parent
81. (illegible name), Physical Education Teacher
82. Theodore Iwuagwu, Teacher
83. Sue K. (illegible last name), Teacher
84. Naomi Kadinoff, Teacher
85. Angie Karas, Teacher
86. Simnan Kumar, Student
87. John LaHaie, Special Education Teacher
88. Albert Lamanna, Teacher
89. Kelly LaPachet, Teacher
90. Anne Larson, Kinesiology Professor, CSU Los Angeles
91. Fernando R. Ledesma, Assistant Superintendent (Retired)
92. Linda L. Ledesma, Secretary (Retired)
93. Marvin Lee, Accounting Specialist-LT
94. Mary Lehman, Parent
95. Victoria Leslie, Parent
96. Shari Lewis, Manager
97. Rita Liberti, Professor
98. Jose Lopez, Citizen
99. Juan Lopez, Physical Education
100. Geri Lorenzana, Nutrition Specialist
101. Maya Luna, Teacher
102. Za'Neen McClain, Assistant Professor
103. Penny McCullagh, Professor and Chair-Department of Kinesiology CSU East Bay
104. Derek Mena
105. Claudia Mendez, Teacher
106. Alesandra Meyers, Special Education Teacher
107. Natalie Miano, Professional Expert
108. Mirella Miranda, Communications Manager
109. Steven Mucci, Teacher
110. Aiko Murase, Citizen (signed two separate but identical responses)
111. Doretha Murphy, School Nurse
112. Philip Murphy, Teacher
113. Victor Nagueira, Student
114. Melanie Navarro, Executive Admin
115. Carolyn Nelson, Dean, CSU East Bay
116. Ruth Nelson, Teacher
117. Germaine Nesbitt
118. John Northup, Teacher
119. My Phung (Jenny) O, Assistant Professor
120. Glendarice Palacio, Teacher
121. Danielle Patridge, Teacher
122. Matt Parks, Student Advisor

123. John Pickard, Security
124. L. (illegible first name) Polk, HCA
125. Natalie Price, Nutrition Specialist
126. Michael Prutz, Teacher and Department Chair
127. Emmanuel Puyat, Teacher
128. Maria R. (illegible last name), Citizen
129. Thomas Racine, Video Production
130. Mick Radenich, Project Coordinator
131. Betty Ramirez, Teacher
132. Robert Ray, Teacher
133. Ann Rector, Coordinator, Health Programs
134. Jeffrey Reed, Teacher
135. Tom Reed, Teacher
136. Nicole Roberts, Program Consultant
137. Brittney Rodriguez, Teacher
138. Emily Rodriguez, Education Specialist
139. Valerie Rogers, Parent
140. Joseph Romero, Teacher
141. Paul Rosengard, Executive Director, SPARK – San Diego State University
142. Karen Russell, Teacher
143. Clent J. Rutledge, Teacher
144. Steve Sasso, Librarian
145. Melody Sayers, Nutrition Specialist
146. Victoria P. Serna, Registration
147. Maryann Shayegh, Program Manager, Nutrition Education
148. Jennifer Sherwood, Lecturer
149. Marie Silvio, Retired/Mom, Grandma
150. Marina Simone, Teacher
151. Jeff Simons, Professor
152. Cassandra Smith, Program Consultant
153. Darlene Snyder, Teacher
154. Joel Steingold, Adapted Physical Education Teacher
155. Shannon Sweeney, Teacher
156. Eu Nee Tan, Professional Expert
157. Heidi Tatman, Para-Professional Instructional Aide
158. Sascha Taylor-Ray, Teacher
159. Rhysle Theriot, Citizen
160. Rebecca Thomas, Teacher
161. Scott Tom, Student
162. Marian Trapp, Secretary
163. Paul Treesuwan, Teacher
164. Matt Vega, Parent
165. Joanie Verderber, Project Director III

166. Michael Verderber, Student
167. Peter Verderber, Business Owner
168. Jazmin Villapando, Teacher
169. Phillip Vogel, Citizen
170. Leanne Walker, Teacher
171. Gabby Warner, Program Analyst
172. Chris Waters, Teacher
173. George Weggner, Teacher
174. Dale Williams, Teacher
175. B. J. Williston, Trainer
176. Heather Wilson, Program Consultant
177. Mary C. Wolgamot, Resource Specialist
178. Carly Wong, Citizen
179. E. Missy Wright, Assistant Professor
180. Samantha Yee, College Student
181. James U. Yi, Special Education Teacher
182. Vanessa Yingling, Assistant Professor
183. Tracey Zoleta, Nutrition Specialist

**Comments from the letters signed by Commenters 1-183 follow:**

**Comment #1:**

The proposed Title 5 Regulations exceed the level of power granted by the Legislature to the Commission on Teacher Credentialing (CTC) as the Legislature has not given the CTC authority to waive the baccalaureate degree requirement for the California Subject Examination Test (CSET) for any academic content area. The Legislature has never equated four years of work experience with the baccalaureate degree.

*Response to Comment #1:*

*There is no Education Code or Title 5 of the California Code of Regulations language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

Comment #2:

The CTC has a duty to ensure that credential holders are appropriately assigned. Instead, the CTC is lowering credential requirements for only one of the content areas minimally required for high school graduation: physical education!

*Response to Comment #2:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

Comment #3:

The commission is attempting to add an academic authorization to a Designated Subjects Special Subjects (DSSS) credential by waiving the baccalaureate degree as a minimum requirement for the CSET.

*Response to Comment #3:*

*Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*"The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training."*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

Comment #4:

The "Special Teaching Authorization in Physical Education" will allow preliminary DSSS credential holders to teach physical education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English learner (EL) certification, 3) technology competency, and 4) a subject specific pedagogy course. These omissions result in lower teacher preparation standards and thus deny students access to qualified teachers in a state-mandated graduation requirement subject.

*Response to Comment #4:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code 51225.3(b).*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference 5 CCR §80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. LEAs may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

Comment #5:

The proposed Title 5 Regulation amendments are not and never were needed. California is a local control state. LEAs have the authority to identify course content for credit given. They need to provide appropriate credentialed teachers for all courses and may do so using a variety of different options by following specified procedures.

Comment #6:

This issue is not about increasing or limiting student choices; it is about upholding the teacher preparation standard across all content areas.

*Responses to Comment #5 and #6:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #7:

Confusion exists in the proposed authorization and some students may be denied access to an appropriate education if a local governing board incorrectly assumes that marching and physical fitness training meet all of the state mandated physical education content areas.

*Response to Comment #7:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #8:

The only data provided by the CTC to support the proposed regulations were the listing of nine states that offer a physical education exemption for JROTC participation. Data, posted on the Web site of the Centers for Disease Control and Prevention, indicate that each of these states has a higher obesity prevalence rate than California.

*Response to Comment #8:*

*This comment assumes facts that have not been presented to the Commission. No data has been provided to the Commission to indicate that the direct or indirect cause of the higher obesity prevalence for the nine states is the physical education exemption for JROTC participation.*

Comment #9:

Research has been provided to the CTC that more activity time is provided in physical education than in JROTC at the sites observed in the study. (M. Lounsbery et. al., Research Quarterly, in press). The results support the premise that student health is better addressed in physical education than in ROTC or BMD.

Comment #10:

These proposed regulations could have a negative impact on the implementation of local school wellness policies as physical education is an integral part of the wellness policy.

Comment #11:

FITNESSGRAM® scores are highly correlated to achievement scores. (CDE) Quality physical education that focuses on health-related fitness supports both student health and achievement.

*Response to Comments #9, #10, and #11:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*Comment #12:*

*Declining enrollment in an elective subject area is not sound educational rationale for submitting a proposal to lower credentialing standards for a mandated subject content area.*

*Response to Comment #12:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*"The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options."*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose to grant physical*

*education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

Comment #13:

The actions of the CTC to develop and move these regulations forward enlarge the scope of the power conferred upon the CTC by the Legislature and fail to follow all of the Administrative Procedures Act Standards and Procedures for the California Title 5 Code of Regulations.

*Response to Comment #13:*

*No specific information explaining how the Commission's actions enlarge the scope of power conferred by the Legislature or how the Commission failed to follow all of the APA Standards and Procedures were provided by the commenters. However, responses to similar issues raised by CAHPERD are provided in the Appendix A-1 to A-8 sections for Commenter #2 in the organizational opposition section.*

- 184. Norayda Avila, S.E.T
- 185. Barbara Hupp, Adapted Physical Education Teacher
- 186. Jim Lira, HCA
- 187. Marjorie McDonald, HCA
- 188. Zenobia Nickens, SE.T
- 189. Blanca Sandoval, Sub Teacher
- 190. Aileen Santos, BII

**Letter Signed by Commenters 184-190 includes the same comments as the letters signed by Commenters 1-183 and the additional comments below:**

Comment #1: "Do Not!" handwritten in the margin in relation to waiving of the baccalaureate degree requirement.

Comment #7: "Not of the 5 Physical Education Content Standards" handwritten in the margin in relation to marching and physical fitness training.

Comment #11: "Taught to grade level P.E. standards" handwritten in the margin in relation to qualify physical education.

*The handwritten comments do not alter the Commission's response to Comments #1, #7, or #11 provided for Commenters 1-183.*

Additional Comment:

This should not allow anyone to teach Physical Education for PE credits: including: parents, YM/WCA, yoga (pycho (*sic*) motor) para professional, other agencies or Physical Activity providers. P.E. Teachers must have a Kinesiology degree (BS) and a Teaching Credential!

*Response to Additional Comment:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*The DSSS Teaching Credential is a "teaching credential."*

*The remaining additional comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments. The Commission does not have purview over high school graduation credit requirements and the proposed regulation amendments are not related to this topic.*

191. Javier Acevez, Student
192. Michelle Adanata, Student
193. Kyle Allea, Student
194. Ashley Allen, Student
195. Michelle Arsneault, Professor, CSU Fullerton
196. Arden Au Yeung, Kinesiology
197. Patrick Bain, Student
198. Patricia Bardera, Student
199. Tara Barnhart, Lecturer
200. William Beam, Professor, CSU Fullerton
201. Haleigh Beck, Kinesiology Student
202. Bryan Blanke, Student

203. Alain Bourget, Professor, Mathematics, CSU Fullerton
204. Gulhan Bourget, Professor, Mathematics, CSU Fullerton
205. Gregory C. Brown, Associate Professor
206. Tonya Byron, Subject Area Coordinator
207. Jarrel Call, Student
208. Eric Canin, Faculty
209. Lauren Cardinala, Student
210. Christina Carroll-Pavia, Training Coordinator, Mom
211. Nicole Castro, Kinesiology Student
212. Cherie I. Chinose, Assistant Professor
213. Grace Cho, Professor/Department Chair
214. Diana Chung, Student
215. Victoria Costa, Professor EDSC
216. Amy Cox-Petersen, Professor EDEL
217. John Devine, Attorney
218. Kay E. Devine, Lecturer, CSU Fullerton
219. Helene Domon, Professor, French
220. Jason Duong, Kinesiology Student
221. Pamela Fiber-Ostrow, Professor, CSU Fullerton
222. Brittany Fitzwater, Student
223. William A. Floratos, Attorney
224. Averie Foster, Student
225. Jonathan Fuller, Kinesiology Student
226. Juan Carlos Gallego, Professor of TESOL
227. Emily Garcia, Student
228. Nicolette Garcia, Kinesiology
229. Susan Glassett Farrelly, Lecturer
230. Shirley Ha, Kinesiology Student
231. Robbie Hannon, Student
232. Erica Harrison, Citizen
233. Will Harrison, Student
234. Mahamood Hassan, Professor
235. Nick Hennig, Assistant Professor, CSU Fullerton
236. Adriana Hernandez, Citizen
237. Zulema Hernandez, College Student
238. Mary Herrera, CFA-Office Manager
239. Christine P. Heusser, Lecturer, Supervisor-Student Teachers, CSU Fullerton
240. Elizabeth Holster, Associate Professor, CSU Fullerton
241. Carolyn Houston, Instructor
242. Illegible Name
243. Travis Jacalone, Student
244. Kristi Johnston, Student
245. Cody Kemp, Student

246. Shanelle Keenan, Kinesiology Student
247. Ket, Kinesiology Student
248. Margaret L. Kidd, Associate Professor, CSU Fullerton
249. Kevin Lam, Student
250. Richard Lam, Kinesiology Student
251. Lisa Larson, Student
252. Marilyn Leuer, Lecturer
253. Antoinette S. Linton, Assistant Professor
254. John D. Liverpool, Learning Disability/Mental Health Specialist
255. Matthew P. Llewellyn, Assistant Professor, CSU Fullerton
256. Robert Loll, Attorney
257. Leleua Loupe, Professor Lecturer
258. Jarret Lovell, Professor, CJ
259. Andrew Luzi, Professor, Business
260. Stacy Mallicoat, Professor, CJ
261. Charles Marchese, Union REP
262. Bonnie Marsey, Lecturer, CSU Fullerton
263. Jonathan Marshall, Student
264. Cindy Martinez, Counselor
265. Raeleen Martinez, Student
266. Solomon Massin II, Case Manager, Counselor
267. Brandon Maurer, Student
268. Michelle McClure, Citizen
269. Kristy McCrossan, Credential Analyst
270. Sarah McDonnell, Student
271. Tyler McMillen, Professor, Mathematics, CSU Fullerton
272. Alexandria Medina, Kinesiology Student
273. Amanda Meneses, Kinesiology Student
274. Valerie Minchala, Psychologist
275. Theodore Moehike, Kinesiology Student
276. Holly Mooring, Student
277. Alan Nestlinger, Professor, Mathematics, CSU Fullerton
278. Alex Ostrowski, Kinesiology Student, Athlete
279. Chelsey Patterson, Student
280. Brandon Pham, Student
281. Alexandria Powell, Kinesiology Student
282. Ken Prachya, Student
283. Nawang Puntsog, Faculty
284. Elana R. (illegible last name), Citizen
285. Lizette Rayela, Student
286. Gil Real, Student
287. Courtney Richardson, Citizen
288. Luis Rojas, Criminal Justice Student

289. Alyssa Santiago, Communications Student
290. Krista Shand, Social Studies
291. Joy Shiba, Student
292. Dennis Siebender, Music Education Professor
293. Sarah Strickland, Parent
294. Fiona Swartz, Student
295. Jamie Tan, PT Aide
296. Kavin Tsang, Assistant Professor, CSU Fullerton
297. Kaylee Ullom, Student
298. Veronica Uribe, Kinesiology Student
299. Ana Valdovinos, Student
300. Mick Varkutzas, Student
301. Viviana Vazquez, Student
302. Alex Velarde, Student
303. Lucia Ventura, Student
304. Francisco Villarreal II, Student
305. Keith Wanser, Professor
306. Jessica Waters, Kinesiology Student
307. Casey Watkins, Kinesiology Student
308. Kathy Webster, Academic Advisor Coordinator, CSU Fullerton
309. Lenny Wiersma, Professor, CSU Fullerton
310. Lauren Wilson, Citizen
311. Shelli Wynants, Lecturer, CSU Fullerton
312. Chris Yao, Student
313. Cheryl Zimmerman, Professor, CSU Fullerton

**Letters Signed by Commenters 191-313 include Comments #1, #2, #3, #4, #9, #10, #11, #12, and #13 from the letters signed by Commenters 1-183**

314. Maria A. (illegible last name), Parent
315. Kevin Abrantes, Student
316. Yunier Alfonso Acosta, Parent
317. Amy Adams, Student/EMT/Citizen
318. Jacqueline Aguayo, Citizen
319. Jesus Aguilar, Citizen
320. Redher Ahn, Parent
321. Ivan Alba, Coach
322. Cele Alcantar, Citizen
323. Amy Almary, Parent
324. Mark Alog, Student
325. Alex Alvarez, Student
326. Amand, Parent
327. Graciela Amaya, Citizen
328. Leonela Anaj, Student

329. Scott Anderson, Teacher
330. Camille Apin, Student
331. Julie Applegate, Parent
332. Arden Au Yeung, Citizen
333. Tina Bae, Teacher
334. Brooke Baker, Parent
335. Randie, Baldwin, Teacher
336. Nathalie Baljian, Parent
337. Josh Barresch, Student
338. Sam Barrios, Student
339. Jaqueline Barry, Teacher
340. Caroline Bass, Parent
341. Alyssa Batilaran, Student
342. Prisilla Bautista, Citizen
343. Nick Berrenuto, Citizen
344. Robert Bickham, Plant Manager
345. Judd Binitry, Teacher
346. Ashley Booker, Parent
347. Gabriel Borrego, Citizen
348. Tyler Boyle, Citizen
349. Michelle Brekke, Parent
350. Kevin Brock, Parent
351. Sabrina Brock, Parent
352. Emily Bronson, Parent
353. Jessica Bynum, Citizen
354. Laura Calderon, Sernior Office Technician
355. Alex Carous, Student
356. Adel Castillo, Parent
357. Jesus Castillo, Citizen
358. Sandra Castro, Citizen
359. Amber Caul, Parent
360. Cecille, Parent
361. Nicole Chancelor, Citizen
362. Mischa Chang, Student
363. Christina Chen, Teacher
364. Lydia Chen, Parent
365. Nancy Chen, Parent
366. Joseph Chun, Parent
367. Sharon Chung, Parent
368. Allissa Cole, Citizen
369. Meghan Cole, Student
370. Rebecca Creekpaum, Citizen
371. Melissa Cuevas, Parent and PTA President

372. Ann Daner, Parent
373. David Daner, Parent
374. Michelle Dean, Parent
375. Mark DeFranco, Student/Citizen
376. Abram DeLaVega, Teacher
377. Malorie Detlefsen, Citizen
378. Lea Camille Domingo, Student
379. Irene Eason, Teacher
380. Taran Eckel, Student
381. A. H. Ehrgood, Former Physical Education Teacher/ROTC Participant
382. Briana Enbody, Parent
383. Ignacio Espinoza, Citizen
384. Jaclyn Ferrel, Teacher
385. Kevin Feuzel, Student
386. Liza Fleitas, Parent
387. Harina Fotz, Parent
388. Coni France, Citizen
389. Gurjit Garcha, Parent
390. Spihlo Garcha, Parent
391. Bessie Gaul, Parent
392. Brian Gilder, Parent
393. Lisa Gilder, Parent
394. Flor Gonzalez, Citizen
395. Jeffrey Garcia, Citizen
396. Kaylee Gracs, Health Tech
397. David Gross, Student
398. Katie Guerra, Teacher
399. Joy Harder, Registered Nurse
400. Melissa Harp, Teacher
401. Shayan Hemmati, Citizen
402. Isabella Hernandez, Student/Citizen
403. Janet Hernandez, Citizen
404. J.W. Hollestelle, Parent
405. Kevin Holmes, Citizen
406. Dennis Hoppal, Physical Education, LAUSD
407. M. (illegible first name) Hormozian
408. Daniel Hurtado, Citizen
409. James Ibon, Parent
410. Susan Ibon, Parent
411. Illegible Name, Parent
412. Allen Inagato, Student
413. TE Jinder, Parent
414. Laura Jo, Parent

415. Marcella Juarez, Student
416. Brandon Julian, Coach
417. Sarah Jung, Teacher
418. Diane Kazandraff, Parent
419. Celine Kim, Parent
420. Don Kim, U.S. Citizen, Teacher, Parent
421. Eun Y. Kim, Parent
422. Salngmee Kim, Parent
423. Shi Kim, Parent
424. Tae Kim, Parent
425. Yun Kim, Parent
426. Nicole Kirshner, Citizen
427. George Keoshkarian, Parent
428. Lizette Keoshkarian, Staff, Parent
429. Kyoung Lee Koo, Parent
430. P. Laguna, Professor, Department of Kinesiology, CSU Fullerton
431. Alice Lee, Parent
432. Eun K. Lee, Parent
433. J. Yeon Lee, Parent
434. Kristianna Lee, Parent
435. Jordan Levine, Citizen
436. Madison Lim, Citizen
437. Carlos Limon, Teacher
438. Beatriz Llerenas
439. Joseph Lowes, Student
440. Josh Manning, Student
441. Josh Markgraf, Parent
442. Kelly Markgraf, Parent
443. Chris Martin, Student
444. Evan Martinez, Student
445. Julio Martinez, Student
446. Lisa Martinez, U.S. Citizen, Teacher, Parent
447. Mario Martinez, Coach/Teacher
448. Anthony Matassa, Parent
449. Kristi Matassa, Parent
450. Nick Matson, Student
451. Jana McAdams, Teacher
452. Haley McCauley, Student
453. Donna McCombs, Parent
454. Morgan McCornish, Student
455. Laurel McDermott, Teacher
456. Jeaneth Medrans, Student
457. Priscilla Melgor, Citizen

458. Mary Melvin, Principal
459. Rodrigo, Meza, Citizen
460. Thornan Moody, Parent
461. Arturo Moreno, Teacher
462. Amanda Moros, Physical Educator
463. M. (illegible first name) Moros, Preschool Teacher
464. Jabari Morris, Student
465. Brittany Motodani, U.S. Citizen, Student Teacher
466. Robert C. Nahl, Parent/Teacher
467. Brandon Ngo, Student
468. Brian Nguyen, Teacher
469. Huy Nguyen, Citizen
470. Minh Nguyen, Student
471. Bruce Nishihora, Citizen
472. Kathryn Nunan, District Administrator
473. Esther Oh, Parent
474. Kristen Okura, Teacher
475. Jordan Orosco, Student
476. Roy P. (illegible last name), Parent
477. W. P. (illegible last name), Parent
478. Soonie Paik, Citizen
479. Omar Palomino, Citizen
480. Mindy Park, Coordinator
481. Peter Park, Parent
482. Debra Patterson, Professor, Physical Education, CSU Fullerton
483. Donna Patterson, Admin Assistant
484. Holly Patterson, Marketing Director
485. Marc Patterson, Parent
486. Rebecca Patterson, Citizen
487. Renee Patterson, Parent
488. Robert Patterson, Parent
489. Blanca Perez, Student
490. Julie Peterson, Citizen
491. Keller Pickett, Student
492. Ana Pineda, Citizen
493. Alexandria Powell, Student
494. Sherri Preston, Student Teacher
495. Kirsten Preziosi, Citizen
496. Niki Primo, Citizen
497. Margarita Pulido, Teacher
498. Penny Pun, Parent
499. Sumi Reeves, Parent
500. Karla Reyes, Parent

501. Joe Rice, Parent
502. Kelli Rice, Parent
503. Nicole Rivera, Citizen
504. Nathaniel Romero, Student
505. Sara Roof, Student Teacher
506. Tim Rubalcaba, Citizen
507. Joshua Ruby, Teacher
508. S. (illegible name), Parent
509. S. (illegible name), Parent
510. David S. (illegible last name), Parent
511. Leticia Saavedra, Citizen
512. Maria Saavedra, Citizen
513. Sabrina Sahanga, Room Parent
514. Alexa Salmon, Student
515. Anthony Santos, Citizen
516. Ryan Sare, Student
517. Nicole Schiff, Parent, Special Education Assistant (signed two separate but identical responses)
518. Geetiha Sehi, Parent
519. Graham Seigler, Student
520. Summer Shami, Parent Volunteer
521. Wendy Shen, Parent
522. A. (illegible first name) Siegel, Parent
523. Diedra Shumate, Teacher
524. V. Siegel, Parent
525. Brian Simrak, Citizen
526. Agnes Siutce, Parent
527. Walter Soriano, Parent
528. Claudia Sosa, Staff
529. Stephanie, Parent
530. Leroy Stuart, Grandparent
531. Esther Swanston, Parent
532. J. T. (illegible last name), Parent
533. Timothy T. (illegible last name), Citizen
534. Wilson T. (illegible last name), Citizen
535. Moira Talan, Teacher
536. Taylor Tebay, Citizen
537. Caroline Tedore, staff
538. Rachel Tobias, Student
539. Francesca Tomtiker, Parent
540. Kaylee U. (illegible last name), student
541. K. (illegible first name) Varenelan
542. Ricardo Vanneta, Student

- 543. Kiran Vaswan, Parent
- 544. Ana Vazquez, Teacher
- 545. Pablo Veigel, Parent
- 546. Sandra Veigel, Parent
- 547. Darlene Villeda, Senior Office Technician
- 548. Lam Vu, Coach
- 549. Norma Waldman, Parent
- 550. Meghan Wamsley, Teacher
- 551. Rose Wang, Parent
- 552. Chuck Waterman, Teacher
- 553. Emily Waters, Citizen
- 554. Lindsey Weststeyn, Student
- 555. Missy Whardo, Teacher
- 556. Steven Widmer, Citizen
- 557. Terrence Williams, Teacher Assistant
- 558. Trisha Witwit, Parent
- 559. Sara Yamashita, Student
- 560. Regina Yang, Teacher
- 561. Mienah Yoon, Parent
- 562. Annie Yun, Parent
- 563. Josue Zamora, Teacher

**Letters Signed by Commenters 314-563 include Comments #1, #2, #3, #4, and #9 from the letters signed by Commenters 1-183**

- 564. Christian Alvarez, Citizen
- 565. Ed Bahke, Teacher
- 566. Rakesh Bhatt, Teacher
- 567. Anthony Dahl, Teacher
- 568. Lisa Gadwood, Teacher
- 569. Chord Hicks, Student Teacher
- 570. Ken Hyatt, Teacher
- 571. Kurt Krueger, Teacher, Parent, and Citizen
- 572. Jason Mikels, Teacher
- 573. Pete Salehyar, Teacher

**Letters Signed by Commenters 564-573 include Comments #1, #2, #4, #6, #8, #9, #10, and #11 from the letters signed by Commenters 1-183 with the following additional comments:**

Comment #8 is prefaced by “**Obesity is a huge problem in America.**”

*The additional comment above does not alter the Commission’s response to Comment #8 provided for Commenters 1-183.*

Additional Comment:

It is upsetting that the actions of the CTC to develop and move these regulations forward enlarge the scope of power conferred upon the CTC by the Legislature and fail to follow all of the Administrative Procedures Act Standards and Procedures for the California Title 5 Code of Regulations.

*Response to Additional Comment:*

*No specific information explaining how the Commission's actions enlarge the scope of power conferred by the Legislature or how the Commission failed to follow all of the APA Standards and Procedures were provided by the commenters. However, responses to similar issues raised by CAHPERD are provided in the Appendix A-1 to A-8 sections for Commenter #2 in the organizational opposition section.*

574. Christine Galvan, Professor

575. Grant Hill, Professor

576. Barry Lavay, Professor

577. Hylin Neese, Lecturer

578. Lori Reich, Lecturer

579. Emyr Williams, Professor, Physical Education Teacher, CSU Long Beach

**Letters Signed by Commenters 577-579 include Comments #2, #3 (with the substitution of "considering" for "attempting"), #6, #9, #10, #11, #12, and #13 from the letters signed by Commenters 1-183 and the additional comments below:**

*Additional Comment #1:*

*Effective teachers of physical education have strong undergraduate foundations in biological physical sciences, motor learning, biomechanics, exercise physiology, and teacher education. This proposal does not require that holders of Designated Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps even have an undergraduate degree.*

*Response to Additional Comment #1:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for*

*undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

**Additional Comment #2:**

The Physical Education Content Standards for California Public Schools, K-12 affirm that participation in physical activity is not the same as physical education. JROTC has different goals and outcomes than physical education and is focused on participation in physical activity rather than learning the specific content of physical education. With reference to the article under review "Using SOFIT to Compare High School Physical Education and JROTC" by Lounsbery, Holt, Mckenzie and Monnat, the empirical evidence suggests that

- *"JROTC and PE provide substantially different content, contexts, and opportunities for student to be physically active, learn movement skills, and become physically fit."*

The time allocation for physical active involvement in classes differs significantly between the PE and JROTC groups. PE taught classes allocate significantly more time for physical fitness and active skill/game play. JROTC taught classes allocate more time to drill, inspections and military history.

**Response to Additional Comment #2:**

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for Physical Education high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Additional Comment #3:

Approving the physical education authorization would in essence, give CTC's "blessing" for a blended course that cannot be delivered with fidelity. **The content and learning outcomes for physical education and JROTC are not the same.**

*Response to Additional Comment #3:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

- 580. Alex G. Aragon, Adapted Physical Education Teacher
- 581. Chris Bryan, Teacher
- 582. Shirley Cavasos, Adapted Physical Education Teacher
- 583. Sierra Cavasos, Student
- 584. Cindi Chase, Adapted Physical Education Specialist
- 585. Aaron Cyr, Physical Education Teacher
- 586. Lynne Lee, Adapted Physical Education
- 587. David Mark, Physical Education Teacher
- 588. Matt K. Miller, Adapted Physical Education, Physical Education
- 589. Denny Palmer, Teacher
- 590. Bob Pickett, Teacher
- 591. Derrick Texdahl, Teacher
- 592. Lee Torres, Teacher
- 593. Sue Usedom, Teacher
- 594. Lesa Vanderbeck, Coordinator in Special Education

**Letters Signed by Commenters 580-594 include Comments #1, #2, and #7 from the letters signed by Commenters 1-183**

- 595. Patrick Cleary, Physical Education Teacher
- 596. Kristina Henges, Adapted Physical Education Teacher
- 597. Monica (illegible last name), Adapted Physical Education Teacher
- 598. Jeff Newkirk, Physical Education Teacher
- 599. John VanBuren, Physical Education Teacher

**Letter Signed by Commenters 595-599 includes Comments #1, #2, #4, #6, #7, #8, #9, #10, #11, #12, and #13 from the letters signed by Commenters 1-183**

- 600. Bradley Armstrong, Teacher and Parent
- 601. Lynn Armstrong, Citizen

**Letter Signed by Commenters 600-601 includes Comments #1, #2, #3, #4, #8, #9, and #10 from the letters signed by Commenters 1-183**

602. Karen Kadlec, Confidential/Administrative Secretary  
**Letter Signed by Commenter 602 includes Comments #1, #2, #3, and #4 from the letters signed by Commenters 1-183**
603. Laura Arnoldini  
**Letter Signed by Commenter 603 includes Comments #4 and #9 from the letters signed by Commenters 1-183**
604. Judith Brooks, Physical Education/Dance Teacher  
**Letter Signed by Commenter 604 includes Comments #2, #3, #4, and #13 from the letters signed by Commenters 1-183**
605. Kevin Slanson, Physical Education Teacher
606. Karen Spedowski, Parent  
**Letter Signed by Commenters 605 and 606 includes Comments #2 and #7 from the letters signed by Commenters 1-183**
607. Cindy Aller, Unite Teachers of Los Angeles
608. Jose Alvarez
609. Justin Amos, Physical Education Teacher
610. Joe Arroyo, Physical Education
611. Robert Bautista, Roybal Learning Center
612. LaSondra Beck, Physical Education Teacher
613. Debbie Bonilla, Unite Teachers of Los Angeles
614. Robin Cardona, Physical Education
615. Mer-Mer Chen, Physical Education Teacher
616. Ana Chow, Unite Teachers of Los Angeles
617. Maribel Cortez, Physical Education
618. Sharon De la Rosa, Unite Teachers of Los Angeles
619. Levent S. Doswell
620. Chad Fenwick, Unite Teachers of Los Angeles
621. Paul Foxson, Physical Education Teacher
622. Sergio Galvez, Physical Education
623. Dinah Gentry, La Academy MS LAUSD
624. Daniel Gonzales, Physical Education Teacher
625. Rick J. Goodaker
626. Lorenzo Hernandez, Physical Education Teacher
627. Monica Hernandez, Physical Education Teacher
628. Gina Holmes, John Muir Middle School
629. Eric Jaimes, Franklin High School

630. Leslie S. Kestin, Physical Education
631. Randy Kirby, Physical Education Teacher
632. Michael Kline, Physical Education Teacher
633. Rose Kwok, Physical Education Teacher
634. Jerry Lafolette, Physical Education Teacher
635. Rae B. Law, Roybal Learning Center
636. Jared Lehenbauer, La Academy MS LAUSD
637. Oscar Letona, Civitas Sol
638. Imelda Mazas, Physical Education Teacher, Roybal Learning Center
639. Julio Mendoza, Unite Teachers of Los Angeles
640. Margaret Moss, Unite Teachers of Los Angeles
641. Holli J. Omori
642. Beverlie Pendleton, Physical Educator (former) and Assistant Principal
643. Catherine Perez, Physical Education Teacher
644. David Rivero, La Academy MS LAUSD
645. Michael Sakurai, Physical Education Teacher
646. Robert E. Schatz, Physical Education
647. Tracy Stevenson, La Academy MS LAUSD
648. Jessica I. Torres, Physical Education Department Chair
649. Ruben Torres, Physical Education Teacher
650. Rosa Velasquez, Physical Education Teacher
651. Candice Villagran, Adapted Physical Education
652. Kacy Walker, Physical Education Teacher
653. Camela Werner, Physical Education Teacher
654. Terry A. With, Physical Education Teacher
655. Tim Yang, Teacher, Los Angeles Unified School District

**Comments from the letters signed by Commenters 607-655 follow:**

**Comment #1:**

Physical education is a right and a necessity, according to the California legislature, the California Court of Appeal, and the people. Public school students are entitled to physical education taught by a credentialed and qualified physical education teacher to promote academic performance and health. This Honorable Commission should not water down physical education requirements through special teaching authorization for basic military drill (BMD) and junior reserve officer training corps (JROTC). The Commission already voted rejected the JROTC teaching credential as a substitute for a physical education teaching credential on Feb 14, 2014, and should not go back on that decision.

**Response to #1:**

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the*

*purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

Comment #2:

**Students Are Entitled to Quality Physical Education, Not BMD and JROTC**

BMD and JROTC cannot receive physical education credit if teachers and classes do not meet physical education requirements, including teacher credentials. The Education Code specifies the requirements for single subject physical education teachers. 1 The proposed special teaching authorization for BMD and JROTC does not satisfy the Education Code requirement for credentialed, quality physical education teachers.

*Response to Comment #2:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

Comment #3:

The legislature through the California state education code requires physical education in K-12. The California Court of Appeal held the law means what it says when it requires physical education, and parents and students can enforce that law in course. 2 The people of California overwhelmingly favor physical education in schools as the single most important policy for obesity prevention, across most party and socioeconomic lines. 89% support physical education for four years in high school, according to a 2011 Field poll.

*Response to Comment #3:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #4:

Evidence shows physical education promotes health and student development, and reduces obesity; provides life-long skills for healthy physical activity; and does not interfere with (and may improve) academic performance, retention, and graduation rates.

Comment #5:

The Institute of Medicine recommends improving teacher education, ensuring physical education minutes, monitoring compliance, addressing disparities, making physical education a core subject, and addressing physical activity in the whole school environment. The proposed special teaching authorization for BMD and JROTC does not satisfy the Education Code requirement for credentialed, quality physical education teachers.

*Response to Comments #4 and #5:*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

Comment #6:

The passing of this amendment would drastically lesson (*sic*) the quality of instruction not raise it as stated in the last meeting by some members of the JROTC and Ms. Dugan (*sic*). If you truly want a better standard of instruction for our students leave the requirements they (*sic*) way that legislation, educators and parents wish it to be.

Comment #7:

The passing of this amendment would only be a politically motivated action not for the higher standards of instruction in physical education.

*Response to Comments #6 and #7:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #8:

The notion the JROTC could only teach JROTC physical education not real physical education is also a misrepresentation of what will happen. First of all what does that mean? JROTC physical education does not have to teach the Title 5 content identified in the education code that each student must be evaluated on to graduate. This means that JROTC could teach physical education as an elective class as it should be and not for the two years required to graduate. This alone is going to cause confusion.

*Response to Comment #8:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7) and holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will only authorize the holder to teach physical education courses in basic military drill and physical fitness training offered within BMD and/or ROTC courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

Comment #9:

**Conclusion**

For the reasons stated in and under the authorities cited above, the Commission should reject the proposed special teaching authorization in physical education for BMD and JROTC.

*Response to Comment #9:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

656. Nick Kaprelian

**Letter signed by Commenter 656 includes Comments #1, #2, #3, #5, #6, and #9 from the letters signed by Commenters 607-655**

657. Denise Barber, Teaching PE since 1976

**Letter signed by Commenter 657 includes the same comments as the letters signed by Commenters 607-655 and the additional comment below:**

Why don't you just get a bum off the street to teach our students. No one needs to be qualified to do anything! And it shows.

*Response to the additional comment:*

*The comment is dismissed pursuant to Government Code section 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

658. Adriana Valenzuela, Parent and Teacher

**Letter signed by Commenter 658 includes the same comments as the letters signed by Commenters 607-655 and the additional comment below:**

In summary, this authorization should not be approved because it: 1) will lower California teaching standards, 2) was conceived without engagement and input of all key stakeholders, 3) will create problems for LEAs providing mandated physical content, 4) will undermine program monitoring efforts by the California Department of Education, 5) it will significantly deny students a free and appropriate public education as students may not receive instruction in all of the mandated physical education content areas thus impacting their health and well-being.

*Responses to additional comments:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

*Government Code section 11346.45(a) reads:*

*"In order to increase public participation and improve the quality of regulations, state agencies proposing to adopt regulations shall, prior to publication of the notice required by Section 11346.5, involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period."*

*The proposed amendments to Title 5 of the California Code of Regulations section 80037 do not "involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period." The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*The proposed Special Teaching Authorization in Physical Education will not affect the California DE's monitoring efforts.*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7) and holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will only authorize the holder to teach physical education courses in basic military drill and physical fitness training offered within BMD and/or ROTC courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

- 659. Kelly A. Dumke
- 660. Jocelyn M. Estiandan, Resident of Cerritos
- 661. Uyen T. Ngo, Resident of Los Angeles
- 662. Grace T. Tan, Resident of Los Angeles

**Letters signed by Commenters 659-662 include the same comments as provided in Comments #2 (without "Members find" at the beginning), #3, #4, and #5 of the CAHPERD letter from Ms. Deckard, minus Appendix A (see Commenter #2 in the organizational opposition section), Comments #1, #3, #4, #5, #10, and #11 from the letters signed by Commenters 1-183, and the following additional comments:**

Additional Comment #1:

This letter serves as opposition to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

Additional Comment #2:

As a resident of Los Angeles, California, I am concerned for the future of student health and quality education. I strongly encourage each commission to **fulfill their mandated regulatory duty and to vote "no"** on the proposed Title 5 Regulations for Special

Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response to Additional Comments #1 and #2:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

663. Evelyn A. (illegible last name)
664. Miguel E. Alvarez
665. Dennis Arce
666. Daniel Barnhart
667. Peter Barot
668. Alex Benn
669. Michael Blasi
670. Robin Brow
671. Regina Bryant
672. R. Camacho
673. Laura Carls
674. Daniel Chattono
675. T. Chen
676. Patricia Churchill
677. H. Clarke
678. Roxanne Correa
679. MC Curtis
680. Richard D. (illegible last name)
681. David (illegible last name)
682. O. Eitel
683. David Feldman
684. Carson Fenwick
685. Marco Flores
686. Mike Fuoroll
687. Yelena Gimpelman
688. Jeffrey Goldson
689. Mike Gonzales
690. Ingrid Gunnell
691. Patricia Hale
692. Sydney Hilley
693. S. Holbrook
694. Melanie House
695. Angelica Huevo
696. Stephen I. (illegible last name)
697. Illegible Name

698. Illegible Name
699. Illegible Name
700. Illegible Name
701. Illegible Name
702. Phil J. (illegible last name)
703. Marisa Jacoy
704. D. Jocson
705. J. Jordan
706. Matthew K. (illegible last name)
707. Philip Kahn
708. Warren Kawakami
709. Sandy Keaton
710. Keli Koppel
711. Bradley Kraeft
712. Keith D. Kramer
713. John Kruse
714. Rose Kwok
715. Arthur L. (illegible last name)
716. Fernanda B. Ledesma
717. Brett Lewis
718. John Linch
719. Teresa Lopez
720. Stuart Lutz
721. Martha (illegible last name)
722. Benny Madera
723. Peter Martin
724. Clare Martinet
725. Maria Molina
726. Shulamite Molina
727. Nancy (illegible last name)
728. Alex P. (illegible last name)
729. Carole Petersen
730. Jenn Peterson
731. Robin Potash
732. Martin Price
733. Kennon B. Raines
734. Fern Ray
735. D. Rebollero
736. Jennifer Rose
737. Cathy S. (illegible last name)
738. Deborah Schneider
739. Elgin Scott
740. Steve Seal

- 741. Subiv Shome
- 742. Shoshana Taelz
- 743. A. Tamayo
- 744. Scott Taye
- 745. Dawit Tegegne
- 746. R. Teteya
- 747. Zulma Tobar
- 748. Charles Tripp
- 749. Jennifer Villaryo
- 750. Kathleen Wakefield
- 751. Max Waschedul
- 752. Roger Wilson
- 753. Mae Wood
- 754. Gregg Yasukochi
- 755. Sydney Yarbrough

**Comments from Commenters 663-755:**

We the undersigned oppose the Proposed Amendments to Title 5 of the California Code of Regulations that waives JROTC and basic military drill from the PE credentialing requirement. School districts will continue to have local control autonomy to give PE credit.

*Response:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

- 756. Michael Benavidez
- 757. Patrick Merrill, Adapted Physical Education
- 758. Jaime Oseguera
- 759. Ernesto Serratos

**Comments from Commenters 756-759:**

This letters (sic) serves as **opposition** from a physical education professional and life-time teacher to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

CAHPERD members also encourage each commissioner to **fulfill their mandated regulatory duty and to vote “no”** on the proposed Title 5 Regulations for Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be discussed by the Commission at the June 2014 meeting.*

- 760. Eliseo Cuelh, Principal
- 761. Brad Fontes, Teacher
- 762. Karen Fontes, Physical Education Teacher
- 763. Rayshawn Hightower, Teacher
- 764. Wayne Koligian, Citrus
- 765. Sharon Perkins, Teacher
- 766. Pamela Reya, Athletic Director
- 767. Michael Ross, Physical Education Teacher
- 768. Lori Vanek, Physical Education Teacher

**Comments from Commenters 760-768:**

I am writing to voice my concerns about the regulatory action scheduled for consideration on February 14, 2014 by the Commission on Teacher Credentialing. The proposal to amend Title 5 to establish a special physical education authorization for holders of Designated Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps should not be approved for the following reasons:

**Comment #1:**

The Physical Education Content Standards for California Public School, K-12 affirm that participation in physical activity is not the same as education. JROTC has different goals and outcomes than physical education and is focused on participation in physical activity rather than learning the content of physical education.

**Comment #2:**

Approving the physical education authorization would in essence, give CTC’s “blessing” for a blended course that cannot be delivered with fidelity. The content and learning outcomes for physical education and JROTC are not the same. Sufficient time must be devoted to the learning process for students to learn the content of physical education.

**Response to Comments #1 and #2:**

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs*

*should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3:

Physical education is a science based academic discipline. Effective teachers of physical education have strong undergraduate foundations in biological and physical sciences. This proposal does not require that foundation for holders of Designated Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps.

Comment #4:

The children and youth of California depend on the CCTC to make decisions that will provide them with well-prepared and exceptionally qualified teachers. Adding an authorization to teach physical education to the Designated Subjects Teaching Credential in Basic Military Drill and JROTC will not prepare our students to achieve their highest potential.

*Response to Comments #3 and #4:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

769. Candie Chavez, Student

770. Javier Chavez, Parent

- 771. Isabella Chavez, Student
- 772. Jennifer Cobb, Barista
- 773. Riley Fox, Student
- 774. Christina Garcia, Parent
- 775. Dale Herzog, Citizen
- 776. Dovey Herzog, Parent
- 777. Joseph E. Herzog, Neuro Kinesiologist/Lecturer
- 778. Mike Jarman, Citizen
- 779. Bob Lemlsy, Retirement Specialist
- 780. Erin Macky, Citizen
- 781. Rachel McQuone, Citizen
- 782. Scott Mooneyham, Physical Therapist
- 783. Letty Perez, Student
- 784. Elsa Rose, Parent
- 785. Beverly Tilly, Citizen
- 786. Dean Tilly, Citizen

**Comments from Commenters 769 and 786:**

As an educator of nearly 50 years, I wish to express my profound disagreement with the proposed modification which would all (*sic*) Physical Education to be taught by JROTC instructors. This modification would allow JROTC instructors WITHOUT a teaching credential to teach an Ed. Code mandated discipline, in violation of the State Ed. Code. Standards for Physical Education and JROTC are fundamentally at opposite ends of the educational spectrum. The Curriculum for Physical Education is broad based, active lifestyle, health and nutrition directed. JROTC has little time or interest in that level of diversity and focuses solely on physical fitness, which comprises less than 20% of Physical Education curricula. The modest amount of Physical Education training, which would be required of JROTC is wholly inadequate. The proposed modification puts the personal safety of students at risk and opens the very real possibility of multiple legal actions.

There is, in short, no ethical or otherwise justifiable for the modification, which would allow JROTC instructors to deliver instruction in Physical Education. The modification would virtually guarantee a serious decline in the quality of instruction in Physical Education. It would likely deny students access to the whole of the curricula to which they are legally entitled. The proposed modification violates EC 51225.3(b).

You must be cognizant of the fact that the reality of this modification is to reduce the quality of instruction in Physical Education and that it will put student personal, social and emotional safety at risk.

The delivering of instruction in Physical Education must be left to those educators who are personally and wholly committed to the students receiving such instruction. It must be left to those who have been rightly and properly educated in both the curriculum

and the proper means of delivering such. To do ANY less is unethical, and the result would be to leave instructors, LEA's and the State of California in legal limbo.

I urge you in the strongest possible terms NOT to approve the modification which would allow JROTC instructors, credentialed or not, to deliver instruction in Physical Education.

*Response:*

*The DSSS Teaching Credential is a "teaching credential."*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7) and holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will only authorize the holder to teach physical education courses in basic military drill and physical fitness training offered within BMD and/or ROTC courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*"The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options."*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

787. Michael S. Adler, Parent, Employer, and Taxpayer in California

Comment #1: Just because the JROTC instructors survived boot camp (and maybe even instructed it) does not make them inherently qualified to lead physical education classes.

*Response to Comment #1:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

Comment #2:

I also believe it's not a good idea to provide JROTC instructors schoolday sales time with students, including students who haven't signed up to take JROTC. We should be teaching our children to solve problems with words, not guns.

*Response to Comment #2:*

*The comment is dismissed pursuant to Government Code section 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

788. Shannon Anderson, Teacher

Comments: It has recently come to my attention that California is thinking about replacing Credentialed Physical Education teachers with non-credentialed people. Physical Education is an important part of students' learning, so I feel they need teachers to instruct them who are credentialed.

*Response:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

789. Marian Aste, Lecturer

790. Brittany Balanesi

Comment #1:

I am writing in regards to the decision made allowing JROTC members to become certified to teach physical education. I am currently a student finishing up my last semester at California State University, Stanislaus. I am finishing up my BA degree in Kinesiology and then will be continuing into a credential program to be a physical education teacher. It is very upsetting for myself and my fellow classmates to hear JROTC just have to pass a couple tests in order to become certified to teach while we have been working hard for the past four years.

Comment #2:

In order for me to become a certified physical education teacher, I must have my Bachelors Degree and then complete the credential program, which is another two to three years of schooling. After completing the schooling portion, I must then pass a series of exams. By allowing military members to only pass the exams to receive their certification is a slap in the face to those who have spent countless hours learning how to provide a proper and beneficial education for young students.

*Response to Comments #1 and #2*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

Comment #3:

It is not just about the amount of time I or any student has spent in school getting our degree, it is about young children receiving the highest level of education that will benefit them throughout their lives. Within in the Kinesiology degree, we not only learn how to teach sports skills, but we also learn how to create a well developed curriculum, assess students learning, assess our own teaching, and how to manage large groups of students.

*Response to Comment #3:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

Comment #4:

Fitness is very important to teach young children in hopes that they will carry that with them as they get older, but without knowing how to teach students specific skills or the understanding of fitness then they will not benefit from it. JROTC members should not be allowed to teach young children physical education. They do not have the proper knowledge to provide the students with a beneficial education. We have to remember that this is about the children and what is best for them. We as educators or future educators take pride in the fact that we work so hard to able to provide young children with the best education possible. With that being said, when making your decision about JROTC members being allowed to become certified to teach physical education, think about what is best for the students.

*Response to Comment #4:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in*

*BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #5:

I respectfully request that you vote to disagree with the modifications to restore proposed Title 5 California Code of Regulations (5CCR §80037) which were approved by vote on April 10, 2014, and to restore the decision of February 14, 2014 to strike the Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response to Comment #5:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

791. Craig Buschner, Professor of Kinesiology, CSU Chico

Comment #1:

Quality school physical education and JROTC have different short and long-term goals. Physical "education" is designed to help *all children and youth* to become physical active for life. This requires *education* versus *training* and necessitates the achievement of state and national standards for learning that include the cognitive, affective and motor domains (CAHPERD & NASPE). Required school physical education, with certified/credentialed teachers, prepares literate movers for a lifetime of healthy living. JROTC is focused upon physical training and the preparation of future military personnel. These are very different purposes and require different levels of *teacher* versus *drill master* expertise.

*Response to Comment #1:*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. Title 5 of the California Code of Regulations section 10060 does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

Comment #2:

School physical education is based upon the academic discipline of kinesiology. Credentialed teachers must have a body of knowledge that includes anatomy, physiology, biomechanics, exercise physiology, motor learning, motor development, psych-social aspects of learning and pedagogy. This illogical authorization fails to insure this foundational knowledge by JROTC instructors that is so essential for children and youth.

*Response to Comment #2:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*Holders of DSSS credentials in BMD or ROTC will be required to satisfy California's basic skills requirement and verify their subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

Comment #3:

One-third of children and youth in the United States are inactive and overweight. California's children (especially urban youth, low SES, and females) are in need of quality physical education learning experiences K-12. We need to educate our youth to learn: motor skills, understand scientific concepts of movement, become physically active on a daily basis, develop personal and social responsibility, and value lifelong participation. Physical education is much more than (*sic*) getting kids physically fit. JROTC is a limited program for a small percentage of youth who desire military training.

Comment #4:

The AMA and NASPE (92012) state, "Physical education is based on a sequence of learning. Physical education classes focus on physical activity—running, dancing and other movement but physical education also includes health, nutrition, social

responsibility and the value of fitness throughout one's life." Military training is not standards based school physical education.

Comment #5:

NASPE (2012) states, "Research shows a link between quality physical education and present and future physical activity participation. One possible reason for this link is that youth "choose to participate in physical activities if they have skills that enable them to participate. Through physical education courses—instruction and specific, constructive feedback is provided by a certified teacher." The current authorization fails to recognize expertise of credentialed physical education teachers.

Comment #6:

NASPE (2012) states, "Research shows that daily physical education has a positive correlation with academic performance and attitude toward school. This may be simply because physically fit students have better school attendance records and fewer disciplinary referrals. But recent research indicates that physical activity might impact academic performance through a variety of direct and indirect physiological, cognitive, emotional and learning mechanisms". There is no research to support that military training, versus education, is correlated to the above outcomes.

Comment #7:

\*Public Support for Physical Education

- The American Academy of Pediatrics, NASPE, the AHA, the U.S. Department of Health and Human Services (HHS), the U.S. Department of Education, the President's Council on Physical Fitness and Sport, and the Centers for Disease Control and Prevention (CDC) all are on record as supporting the need for physical activity for youth and for quality PE.
- Some 31% of physical education teachers perceive increased interest and support from parents regarding students' physical activity; and 27% perceive increased interest/support from parents regarding students' PE.
- According to one survey, nearly all parents (95%) think that regular daily physical activity helps children do better academically and should be part of a school curriculum for all students in grades K-12.
- Three out of four parents (76%) think that more school physical education could help control or prevent childhood obesity.
- The majority of parents believe that physical education is at least as important as other academic subjects. The percentages range from 54% to 84%, depending on the subject being compared.
- A survey report from the Harvard Health Forum indicates that 91% of parents surveyed feel that there should be more physical education in schools, particularly for fighting obesity.

\* Direct quotes taken from: *The Shape of the Nation Report: The Status of Physical Education in the USA (SON, 2012)*. Conducted by the American Heart Association with the National Association for Sport & Physical Education (NASPE), Reston, VA.

*Responses to Comments #3, #4, #5, #6, and #7:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7) and holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will only authorize the holder to teach physical education courses in basic military drill and physical fitness training offered within BMD and/or ROTC courses. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

*Local governing boards should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #8:

The current authorization **must be overturned** for the people of California. ROTC and BMD leaders provide a valuable service to our state and nation. However, let's not confuse military training with quality school physical education. Such thinking is misguided and ill conceived. It is not in the "best interests" of children and youth in California or the nation. **I strongly oppose this authorization.**

*Response to Comment #8:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

792. Kim Butler

Comment #1:

I am a national board certified physical education teacher and I emphatically oppose allowing JROTC instructors to teach physical education classes by circumventing the CTC process for teaching licensure. Not only does this diminish the physical education profession, but also begins a slippery slope of allowing alternative routes for teacher licensure that is not in the best interests of students.

Comment #2:

I was the physical education curriculum specialist for my district and I have personally observed the level of physical education instruction taught by JROTC instructors for my district. I can honestly say that the state physical education standards are not being

taught and the required 400 minutes of physical education instruction required every 10 days are not being met in our district's JROTC "physical education" classes. As part of my physical education curriculum specialist position I was required to review the JROTC standards for the course "JROTC Physical Education." A close inspection of the state physical education standards and the JROTC standards illuminated the point that the only common standards shared by both disciplines was in the area of physical fitness performance and some standards of fitness knowledge. The fitness knowledge requirements for physical education far exceed the JROTC fitness knowledge requirements. The other 7 required content areas for physical education (ex. dance, dual and individual activities, biomechanics language, gymnastics/tumbling, etc...) are not addressed in the JROTC instruction manuals.\*

\*One exception – at one of our high schools there is a swimming pool and the JROTC program at this school focused on Navy preparation so the cadets were able to demonstrate mastery of the aquatics standards. This was the only JROTC program to demonstrate mastery of this content area.

Comment #3:

With the recent position of the CTC requiring JROTC instructors to hold a physical education credential we had a tremendous positive step in the JROTC "physical education" would no longer be offered in our district. The main reason for this is that none of the JROTC "physical education" instructors hold a physical education certification and most of them do not even have a bachelor's degree. As you can imagine, the Title 5 Regulations are a cause for concern in that the very JROTC instructors who have not been teaching physical education content standards and do not have a physical credential may once again be reinstated.

*Response to Comments #1, #2, and #3:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #4:

I respectfully request that you oppose the proposed Title 5 Regulations which will diminish the quality of physical education instruction.

*Response to Comment #4:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

793. Michael Cervantes

Comment: JROTC instructors are not qualified to teach high school P.E.

*Response:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

794. Virginia F. Chadwick, Professor Emerita of Kinesiology, CSU Fresno

Comments:

I am writing to oppose the Title 5 California Code of Regulations (5CCR) Language to allow Special Authorization in Physical Education for Reserve Officer Training Corp (ROTC) and Basic Military Drill (BMD) for the following reasons:

MOST IMPORTANT:

There is a culture of sexual assault in the military that has yet to be resolved at the adult level. Subjecting school age learners to this culture of rape and violence is utterly inhumane and is not educational.

In my family my father, my sister-in-law, both of my nephews, and my grand nephew have served or are serving in the US Army, my nephew and my grand-nephew was/are in the Marine Corp, and my brother, the USN. Not one of them was trained in child development, physical fitness or any areas necessary for a physical education teaching credential and not one of discharges service members has retained a physically active lifestyle.

*Response to comments above:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

- The baccalaureate degree is the minimum standard for teacher credentialing. The commission has not been given the authority to waive this minimum requirement standard by equating four years of military experience with a baccalaureate degree.
- There is no certainty of curricular consistency between ROTC/BMD and quality, appropriate physical education.
  - \*States allowing ROTC/BMD in lieu of Physical Education have higher obesity rates than California
- Denying California Youths of qualified instructors creates even more future costs due to obesity and diabetes.

I VEHEMENTLY OPPOSE these regulations and beseech the CTC to abandon them immediately.

*Response to bulleted points:*

*The current language provided in 5 CCR §80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Education Code section 51225.3(b) 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 for high school graduation in any subject area. This is a permissive section of the Education Code. The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The decision by LEAs to choose to recognize the Special Teaching Authorization in Physical Education and use the option provided in Education Code section 51225.3(b) is a local level decision. The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*The comment related to higher obesity rates in the nine states that allow ROTC/BMD in lieu of Physical Education assumes facts that have not been presented to the Commission. No data has been provided to the Commission to indicate that the direct or indirect cause of the higher obesity prevalence for the nine states is the physical education exemption for JROTC participation.*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

795. Janet Clark, Physical Education Teacher  
Comment #1:

The CTC did not follow appropriate **PROCEDURES**.

The CTC did not involve collaboration in the development of the proposed Title 5 Amendments with key groups, agencies, or personnel “directly affected” by the Amendments, including higher education teacher preparation programs, the California Department of Education and the State Board of Education, LEA physical education Program coordinators and consultants, physical education professional associations, to name a few.

*Response to Comment #1:*

*Government Code section 11346.45(a) reads:*

*“In order to increase public participation and improve the quality of regulations, state agencies proposing to adopt regulations shall, prior to publication of the notice required by Section 11346.5, involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.”*

*The proposed amendments to Title 5 of the California Code of Regulations section 80037 do not “involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.” The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

Comment #2:

The CTC did not access or provide key research and data to provide rationale for developing such a proposal or to indicate the impact this proposal will have on students and school programs.

*Response to Comment #2:*

*The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3:

After the 45-day notice and Public Hearing, this proposal was defeated in February by a vote of 6-4 with a strong voice of opposition to this proposal from the Commissioner appointed by the Superintendent of Public Instruction and representing the California Department of Education. Notice was sent out for a 15-day review of the remaining items on the list of CTE amendments. Since the specific proposal had been voted down, those who supported the “no” vote were not made aware that this item would be brought back up. In the meantime, associations that had not participated in the 45-day window for input, including the Association for California School Administrators and the California School Boards Association, suddenly sent in letters opposing the “NO” vote of the Commission, as did some members of the military who had already provided input during the 45-day period as well as at the Public Hearing. Those who had provided input to support the “no” vote during the 45-day period and during the Public Hearing were not made aware that they had to respond again to support the “no” vote during the 15-day notice period following the “no” vote. The fact that there was such a strong voice against the proposal up to and during the Public Hearing, and yet not a single response supporting the “no” vote during the 15-day input period following the “no” vote is evidence that the notice regarding the need for input, one the Commission had voted on the item, certainly lacked clarity.

*Response to Comment #3:*

*The 15-Day Notice dated February 26, 2014 stated that any person who wishes to comment on the proposed modifications could do so by submitting written comments postmarked beginning February 27 through March 14, 2014. The written comments were to be restricted to the “recent modifications” to the proposed language, meaning the modifications to remove the language pertaining to the Special Teaching Authorization in Physical Education. After the close of the initial 15-Day Notice period, the Commission received 54 letters in support of the proposed modifications included in the 15-Day Notice dated February 26, 2014 and those letters were provided to all members of the Commission prior to the April 10, 2014 Commission meeting. Any member of the public could respond to the proposed regulation modifications during the 15-Day Notice period, even if he/she did or did not respond during the 45-day comment period.*

Comment #4:

I am really disheartened by the California Commission on Teacher Credentialing. I would hope that a CTC can stay neutral and make decisions that are clearly common sense and the right thing to do. Instead, we have a Commission body voting and making a decision and then reversing a decision?? I would hope that the CTC can act openly and honestly to all parties. I also think that lobbies’ are contributing their part in this decision making process.

*Response to Comment #4:*

*The Commission voted to restore the language pertaining to the Special Teaching Authorization in Physical Education to the proposed regulations following oral presentations that clarified several potential misunderstandings as follows:*

- 1) The Commission does not have the authority to decide if JROTC or BMD courses may be awarded high school graduation credit in the area of Physical Education. The authority to designate ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California LEAs as provided in Education Code section 51225.3(b);*
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter knowledge in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;*
- 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for Physical Education credit by a local governing board.*

796. Elmano Costa, Chair, Department of Teacher Education, CSU Stanislaus

*Comment #1:*

This letter serves as opposition to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD). The proposed 5 CCR regulation does not meet the minimum credential standard set in the Education Code and therefore lowers teacher preparation standards for one of the academic subject areas, physical education, minimally required for high school graduation, [EC§§ 44256 and 44257(a)(11) and 5 CCR §10060]

*Response to Comment #1:*

*Education Code section 44256 broadly defines the authorizations for Single Subject, Multiple Subject, Specialist, and Designated Subjects Teaching Credentials. Education Code section 44257 establishes the authorizations for Single Subject Teaching Credentials and subsection (a)(11) specifies that Physical Education is one of the available subject areas. Neither of the aforementioned EC sections specifies credential standards or state that Physical Education is an authorization exclusive to Single Subject Teaching Credentials.*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the*

*purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

Comment #2:

As written, the "Special Teaching Authorization in Physical Education" will allow preliminary DSSS credential holders to teach physical education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English Learner (EL) certification, 3) technology competency, and 4) a subject specific pedagogy course, as noticed by the CTC in the January 17, 2014 CTC Program Sponsor Alert, a requirement for individuals who seek to add a content area to a single subject teaching credential. [EC §§ 44260, 4260.1, 42605, and CCR §80499.2] These omissions result in lower teacher preparation standards and thus deny students access to qualified teachers in a state-mandated graduation requirement subject.

*Response to Comment #2:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD*

*Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. Local governing boards may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

*The Education Code references cited in Comment #2 do not pertain to DSSS Teaching Credentials. Education Code section 44260 pertains to issuance of Designated Subjects five-year preliminary CTE teaching credentials. Education Code section 4260.1 does not exist. Staff believes the commenter meant to reference Education Code section 44260.1, which pertains to issuance of Designated Subjects five-year clear CTE teaching credentials. Education Code section 42605 does not exist and staff could not determine the Education Code section the commenter meant to reference. Title 5 of the California Code of Regulations section 80499.2 also does not exist, but staff is confident the commenter meant to reference the subject specific pedagogy requirement included Title 5 of the California Code of Regulations section 80499. The Commission's response to this Title 5 reference is provided in the paragraph above.*

797. Heather Deaner, Associate Professor, CSU Stanislaus

Comments:

I write this letter to state my opposition to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD). As a faculty member in the Department of Kinesiology at California State University, I can attest to the specialized training that our students undertake in order to earn their degree in the Single Subject Matter Program which prepares them to enter credential programs and complete the process to become physical educators. Minimizing or overlooking the importance of this training would be a disservice to all students and the physical education profession. ROTC and physical education are not the same as the California Association for Health, Physical Education, Recreation and Dance (CAHPERD) and other parties have previously outlined. At a time when the physical health and fitness of your youth are greatly compromised, it is imperative that high quality physical education programs be the norm. To diminish the qualifications needed to lead these physical education programs would undermine the profession and the positive impacts it can have.

*Response:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*Holders of DSSS credentials in BMD or ROTC will be required to satisfy California's basic skills requirement and verify their subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

798. Terri Drain, Teacher, NBCT

Comments:

- Students need highly qualified teachers in ALL subjects
- The CTC should make decisions based on what is right for students – not special interest groups
- Stop watering down physical education!

*Response:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

799. Philip Ferrigno, Physical Education Teacher

Comments:

My stance on letting someone teach Physical Education without a proper credential is absurd! Are any other subjects having this happen to them? Is English letting someone teach their subject without proper credentialing? No. This is an attack on Physical Education by the JROTC programs to make sure their programs can still be relevant in the school community. I am not against JROTC program I am against the JROTC providing P.E. credit for after school programs. In San Francisco this has been a constant battle and it has pitted JROTC against P.E. I hope this makes it clear  
Thank you and do not give up the fight

*Response:*

*Education Code section 51225.3(b) 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 for high school graduation in any subject area. This is a permissive section of the Education Code. The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The decision by LEAs to choose to recognize the Special Teaching Authorization in Physical Education and use the option provided in Education Code section 51225.3(b) is a local level decision. The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

800. Sarah S. Forth

Comments:

JROTC is not an adequate substitute for PE.

1. PE offers students a smorgasbord of physical activities that should encourage them to be active throughout their lives. “Drill” is not an activity likely to be pursued into adulthood.
2. Calisthenics should be supervised by a certified teacher/trainer with coursework in Kinesiology.
3. The Brig. General of the CA National Guard openly admitted the aim of this modification is to reserve the decline in JROTC enrollment—hardly a solid basis for educational policy.

*Response:*

*Substituting JROTC for Physical Education courses is not the purpose of the proposed regulation amendments. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*“The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students’ course options.”*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

801. Michael A. Godfrey, Retired Administrator and Physical Education Teacher

Comment #1:

The *Physical Education Content Standards for California Public Schools, K-12* affirm that participation in physical activity is not the same as education. JROTC has different goals and outcomes than physical education and is focused on participation in physical activity rather than learning the content of physical education.

*Response to Comment #1:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #2:

Physical education is a science based academic discipline. Effective teachers of physical education have strong undergraduate foundations in biological and physical sciences. This proposal does not require that foundation for holders of Designated Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps.

Comment #3:

The children and youth of California depend on the CCTC to make decisions that will provide them with well-prepared and exceptionally qualified teachers. Adding an authorization to teach physical education to the Designated Subjects Teaching Credential in Basic Military Drill and JROTC will not prepare our students to achieve their highest potential.

*Response to Comments #2 and #3:*

*The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for*

*undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*Holders of DSSS credentials in BMD or ROTC will be required to satisfy California's basic skills requirement and verify their subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

802. Harold Goldstein, Executive Director, California Center for Public Health Advocacy

Comment #1:

*The Physical Education Content Standards for California Public Schools, K-12 affirm that participation in physical activity is not the same as education. JROTC has different goals and outcomes than physical education and is focused on participation in physical activity rather than learning the content of physical education.*

Comment #2:

*The content and learning outcomes for physical education and JROTC are not the same. Sufficient time must be devoted to the learning process for students to learn the content of physical education.*

*Response to Comments #1 and #2:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3

*Physical education is a science based academic discipline. Effective teachers of physical education have strong undergraduate foundations in biological and physical sciences. This proposal does not require that foundation for holders of Designated Subjects Teaching Credential sin Basic Military Drill and Reserve Officer Training Corps.*

*Response to Comment #3:*

*The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*Holders of DSSS credentials in BMD or ROTC will be required to satisfy California's basic skills requirement and verify their subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

Comment #4:

The children and youth of California depend on the CCTC to make decisions that will provide them with well-prepared and exceptionally qualified teachers. Adding an authorization to teach physical education to the Designated Subjects Teaching Credential in Basic Military Drill and JROTC will not prepare our students to achieve their highest potential. Thank you for considering the downsides of this policy decision.

*Response to Comment #4:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

803. Lynn Gregerson

Comments:

I have been teaching Physical Education for 35 in the same school district in California. I have taught all grade levels and continue to feel that our curriculum is the most valuable in young people's lives. No student can succeed in whatever they do later in life if they do not have the tools, knowledge and skills to pursue a physically active and healthy lifestyle. Over the years, we as a society can no longer deny the decline of health, especially in our youth.

The CDC (*sic*) and Ed Code continue to decline the standards required for students in public school when it comes to health and physical education. Health is not taught in our district at all levels, except what is covered in the Health-Fitness portion of our

standards in middle and high school and the Sex education in Science classes. Just because an ROTC instructor gives a high level of physical activity in the course, does not mean they are qualified to teach the entire curriculum; special authorization for a credential or not.

Giving a special credential to offer students the ability to pursue specialized elective courses and programs should not be what our public education is about. You should not continue to diminish the importance of quality physical and health education taught by fully trained physical educators. And remember, PE is a four-year program in the California Education Code with more and more interpretive clauses that allow school districts to waive students out of even two years of high school Physical Education. And with cut-backs, some districts do not even have quality Physical Education at the Elementary level nor is Health even taught (such as in our school district).

Please take a pro-active approach to what is important and that is the health, fitness and quality of life for future generations! Support only the full training, education and credentialing of highly qualified Physical Education teachers!

*Response:*

*Single Subject Teaching Credentials in Physical Education, including supplementary authorizations in Introductory Physical Education (added to teaching credentials predominantly used in secondary schools) or Physical Education (added to teaching credentials predominantly used in elementary schools) initially issued on or after January 1, 1981 do not authorize the holder to teach health education [reference Title 5 of the California Code of Regulations section 80004(b)(3)].*

*Education Code section 51225.3(b) 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 for high school graduation in any subject area. This is a permissive section of the Education Code. The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The decision by LEAs to choose to recognize the Special Teaching Authorization in Physical Education and use the option provided in Education Code section 51225.3(b) is a local level decision. The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

804. David Haiby, Adapted Physical Education Specialist

Comments included in the letter from Mr. Haiby are the same as the comments provided in the CAHPERD letter from Ms. Deckard, minus Appendix A (see Commenter #2 in the organizational opposition section). Mr. Haiby substituted “me, David Haiby – Adapted Physical Education Specialist” for “the California Association for Health, Physical Education, Recreation, and Dance (CAHPERD)” at the beginning of Comment #1,

“I” for “Members” at the beginning of Comment #2, “I” for “CAHPERD” at the beginning of Comment #8, and “I” for “CAHPERD members” at the beginning of Comment #17 in the letter he submitted to the Commission.

805. Erin Hall, Chair, Department of Kinesiology, CSU Stanislaus

Comments:

To circumvent the educational process and preparation of highly qualified physical educators by waiving the requirements for JROTC instructors, allowing them to teach physical education, is to seriously undermine the desired outcome of physical education, which is to provide well-informed, well-rounded curriculum, for the purpose of fostering the development of physically educated individuals in every respect. We strongly urge that Title 5 regulations **NOT** be amended to authorize JROTC instructors to teach physical education. Their training and preparation for teaching across the content areas and learning domains is very limited and inadequate in scope when compared to the breadth of physical education teacher education programs. Please don't further dilute the integrity of the academic discipline of physical education with this proposed amendment.

*Response:*

*Education Code section 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 for high school graduation in any subject area. This is a permissive section of the Education Code. The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The decision by LEAs to choose to recognize the Special Teaching Authorization in Physical Education and use the option provided in Education Code section 51225.3(b) is a local level decision. The proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision.*

806. Tim Hamel, Senior Lecturer, CSU Fresno

Comments:

As a faculty member in Physical Education Teacher Education (PETE) and a California Association for Health, Physical Education, Recreation and Dance (CAHPERD) Board of

Directors member I am writing this letter in response to the commission's reversal of modifications of the proposed amendments to Title 5 of the California Code of Regulations pertaining to Designated Special Subjects Teaching Credentials. The panel's reversal with regards to allowing JROTC individuals to instruct within Physical Education courses without a higher education degree or teaching credential is fundamentally wrong on multiple levels. I feel the reversal from the original ruling in February was brought forth through 'political bullying' by Governor Jerry Brown. How can the CTC reverse its' decision based on NINE letters of opposition? There had to another force that swayed the original voters in such a short amount of time. This force was no doubt brought on by 'political bullying' from Governor Brown. If this ruling is not restored to its original vote the sacred and notable field of pedagogy will take a huge step backwards. It is the design of the CTC to uphold teaching standards in all educational levels and not display cowardice. The essential function of the CTC is to uphold the teaching standards set forth by the CTC and ensure that quality educators are of the utmost importance. Finally, the reversal violates numerous education codes as outlined in CAHPERD's opposition letter.

In sum, I fell (*sic*) that it is vital that the CTC reverses its decision regarding this matter. It is essential on the basis of ensuring that students receive the most qualified instructor based on the requirements as laid out by the CTC. Do the honorable duty and restore the original decision and do not back down to Governor Brown's political bullying' tactics.

*Response:*

*At the April 2014 meeting, the Commission voted to restore the language pertaining to the Special Teaching Authorization in Physical Education to the proposed regulations following oral presentations that clarified several potential misunderstandings as follows:*

- 1) The Commission does not have the authority to decide if JROTC or BMD courses may be awarded high school graduation credit in the area of Physical Education. The authority to designated ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California LEAs as provided in Education Code section 51225.3(b);*
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter knowledge in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;*
- 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for Physical Education credit by a local governing board.*

807. Janice L. Herring, Lecturer, Department of Kinesiology, CSU Stanislaus  
Ms. Herring submitted two responses: a letter dated May 12, 2014 and an email dated May 13, 2014. The comments on both responses were essentially the same with slight additions included in the email. The additions included in the email are noted herein.

Comment #1:

As a faculty member in the Department of Kinesiology at California State University, Stanislaus, I strongly oppose the proposal to amend Title 5, authorizing ROTC instructors to teach physical education, in any form.

To earn the bachelor of arts degree Kinesiology in the physical education single subject matter program, students complete prerequisite coursework in biology, human anatomy, and human physiology with laboratories. They learn the foundations, history, and philosophy of physical education to gain perspectives on how the discipline has evolved. Additionally, courses in motor learning and motor development, and adapted physical education prepare them to understand developmentally appropriate sequencing and the need to adapt skill instruction to the individual. Exercise science courses with laboratories in kinesiology (biomechanical principles), exercise physiology, and the prevention and care of athletic injuries give students the background to understand and be able to teach their future students about how the human body works, how to exercise safely, and how to optimize health and performance. Sport sociology and sport/exercise psychology further prepare the students to consider how they are addressing the affective domain of learning, a critical aspect in fostering lifelong physical activity. Courses in elementary pedagogy, secondary pedagogy, and curriculum development provide theoretical and practical experiences for developing effective lesson plans, teaching units, and the entire scope and sequence of their physical education curriculum. A course in measurement and evaluation focuses on testing and assessing achievement and learning in all of the learning domains. Further specialized pedagogy courses that we title "Theory and Analysis" directly address the *Physical Education Framework for California Public Schools* in all of the approved content areas: Aquatic Sports, Combative Activities, Dance and Gymnastics, Individual Sports and Games, Dual Sports and Games, Team Sports and Games, Fitness Activities, and Outdoor Education. These courses allow the students practical opportunities to enhance their skills and fitness and to learn how to effectively teach the content for specific learning objectives. At the successful completion of the physical education subject matter degree program, students spend another year earning their single subject credential with guidance from teacher education faculty and practical experience in the field as student teachers under the tutelage of a coordinating physical education teacher. This process of developing and training highly qualified physical educators produces individuals who are fully equipped to address all of the learning domains encompassed within the *Physical Education Model Content Standards for California Public Schools*, including the Cognitive, Psychomotor, Health-Related Physical Fitness, and Affective domains.

*Response to Comment #1*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

**Comment #2**

To circumvent the educational process and preparation of highly qualified physical educators by waiving the requirements for ROTC instructors, allowing them to teach physical education, is to seriously undermine the desired outcome of physical education, which is to provide well-informed, well-rounded curriculum, for the purpose of fostering the development of physically educated individuals in every respect.

*Response to Comment #2:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3:

May 12 letter begins, "I strongly urge that the..." and the May 13 email begins, "I have strongly urged the Commission to honor its..." continuing on both with, "...vote of February 14, 2014, not to amend Title 5 regulations to authorize JROTC instructors to teach physical education be honored and upheld and that decision to reverse that vote on April 10, 2014 be stricken. The training and preparation of ROTC for teaching across the content areas and learning domains is very limited and inadequate in scope when compared to the breadth of physical education teacher education (PETE) programs."

*Response to Comment #3:*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

*Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

Comment #4:

May 12, 2014 letter: Though not the focus of this current hearing, I similarly oppose the offerings of sports (athletics) physical education, cheerleading, and marching band as alternatives to physical education, which are rarely taught by highly qualified physical educators. Please don't further dilute the integrity of the academic discipline of physical education with this proposed amendment.

May 13, 2014 email: Though not the focus of this current hearing, I similarly oppose the offerings of sports (athletics) physical education, cheerleading, and marching band as alternatives to physical education, which are rarely taught by highly qualified physical educators. Over my 21 years of teaching at CSU Stanislaus, I have seen negative changes in the skill level and breadth of knowledge of incoming students in the Kinesiology major. I attribute that directly to the fact that many of them were interscholastic athletes in high school, and did not have exposure to general physical education because they were allowed to receive physical education credits for participating in sports. The direct result of which, is that they come to the University with limited experience and exposure to the wide array of content which should be taught in middle and high school physical education. We have 2 concentrated years of upper division

coursework to remedy that problem. Please don't stand by and allow further dilution of the integrity of the academic discipline of physical education with this proposed amendment.

*Response to Comment #4:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

808. Catherine Himberg, Professor of Kinesiology, CSU Chico

The letter submitted by Professor Himberg included the same comments included in the letter from Professor Buschner (refer to Commenter 791) and the following additional comment:

Quality physical education helps students develop the motor skills, knowledge, virtues, and self-management skills needed to become active and healthy for life. This includes the obvious: skills in a variety of physical activities that can be enjoyed throughout a lifetime, and the fitness concepts that are so important to understand in order to become your own primary advocate for physical health and wellness. But it also includes the knowledge of how exercise positively affects brain function, learning, stress, anxiety, depression, ADHD, addiction, dementia, hormone imbalances and other common mental and emotional aspects of health and wellness. Students have the right to know that regular exercise before studying for a difficult exam can help them learn better, and that exercise primes the brain for learning by creating new brain cells, and improving the connections between them. Quality physical education teachers teach their students how exercise helps them pay attention, focus, concentrate, and makes learning stick. Quality physical education fosters the self-management skills that lead to positive behavior modification, so that students leave school with all the tools they need to take care of our most common and preventable ailments. There is no substitution for quality physical education!

*Response to Additional Comment:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

809. Arlene Inouye, Treasurer, Teachers Union

810. Alejandra Jimenez, Future Physical Education Teacher

Comments included in the letter from Ms. Jimenez are the same as the comments provided in the CAHPERD letter from Ms. Deckard, minus the Appendix (see Commenter #2 in the organizational opposition section)

811. Keith Johannes, Legislative Committee Chair, California Association for Health, Physical Education, Recreation and Dance (CAHPERD)

Comment #1

If taken, this action would create a 'Health and Safety risk' for California Students;

Many Military 'physical fitness' tests items, actually are contraindicated and can cause injury. [A soldier is more likely to be medially evacuated from a war zone (Iraq and Afghanistan most recently) because of an injury due to improper fitness training than enemy fire] MISSION READINESS Many of the rest of the military fitness test items have little to do with health-related fitness while the FITNESSGRAM test items are all research linked to health-related fitness. And, Approaching the FITNESSGRAM from a military point of view, actually compromises the data.

*Response to Comment #1*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

Comment #2:

ACSA asks for greater flexibility? Really? To NOT teach physical education? Research and other observations show BMT (*sic*) and JROTC do not Teach physical education, with 83% of lessons having absolutely no connection with physical education standards. If an administrator will continue to allow 'Marching' as part of the physical education curriculum, (not listed as any part of the physical education standards), how can they then reprimand any slacker physical education teacher for not addressing their standards? This type of 'flexibility' undercuts this discipline, teacher evaluation consistency, and the entire movement to standards based education by extension.

*Response to Comment #2:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #3:

CSBA says this is a career tech plus? Physical Education is not a career tech course. All careers do better living a healthy lifestyle, but career tech around physical education is mostly related to health-related fitness, and fitness training. Recruits to the military would be better served getting their health-related fitness lessons from a standards based physical education class. What does the school wellness division of this organization think about this, they have got to be upset!

*Response to Comment #3:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

Comment #4:

Will any sensible argument to not pass this item change your mind? Likely not because you have been instructed how to vote.

*Response to Comment #4:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

812. Howard Johnson

Comments:

This is militarization of our schools. It means the youths, male and female, will hear only on opinion about military service. As a Presbyterian Elder Commissioner, I believe "Thou shall not kill." Read Exodous (*sic*) 20

*Response:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

813. Susan Johnson, Physical Education Teacher and Adapted PE Specialist

Comment #1:

Regulations may be more restrictive than codes, not less restrictive. A regulation that does not meet the minimum standard set by the statute supersedes the code. The proposed Title 5 does not meet the minimum credential standard set in the Education Code and therefore lowers teacher preparation standards for one of the academic subject areas, physical education, minimally required for high school graduation. [EC§§ 44256 and 44257(a) (11) and 4 CCR §10060].

*Response to Comment #1:*

*Education Code section 44256 broadly defines the authorizations for Single Subject, Multiple Subject, Specialist, and Designated Subjects Teaching Credentials. Education Code section 44257 establishes the authorizations for Single Subject Teaching Credentials and subsection (a)(11) specifies that Physical Education is one of the available subject areas. Neither of the aforementioned EC sections specifies credential standards or state that Physical Education is an authorization exclusive to Single Subject Teaching Credentials.*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

*Comment #2:*

The commission is attempting to add an academic authorization to a DSSS credential by waiving the baccalaureate degree as a minimum requirement for the CSET. The Legislature never declared that four years of work experience equate to a baccalaureate degree. The commission has not been given the authority to waive this minimum requirement standard by equating four years of military experience with a baccalaureate degree [EC §44225(b)] Education Codes Sections 44260, 44260.1, and 44260.2 do not equate four years of work experience with the baccalaureate degree.

*Response to Comment #2:*

*The CSETs are examinations established by the Commission to satisfy the requirements of subsection (a)(1) of Education Code section 44225 for issuance of Multiple Subject and Single Subject Teaching Credentials; however, subsection (a) of Education Code section 44225 does not preclude the Commission from utilizing the CSET examinations for other credential types. In addition, there is no Education Code or Title 5 of the California Code of Regulations language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Education Code sections 44260, 44260.1, and 44260.2 pertain to issuance of Designated Subjects three-year preliminary Career Technical Education (CTE), five-year clear CTE, and three-year preliminary Adult Education Teaching Credentials respectively, none of which pertain to issuance of DSSS Teaching Credentials. Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

Comment #3:

The commission has a responsibility to the appropriately credentialed physical education teachers and the students of California. Lowering the standard for one academic content area (physical education) that has curriculum standards and a framework adopted by the California Board of Education, is not fulfilling the regulatory responsibility of the CTC related to the misuse of the DSSS credential by some local governing boards. The commission must safeguard credential qualifications.

*Response to Comment #3:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #4:

This issue is a legal and educational promise to maintain an appropriate level of health education and physical fitness needed by our youth of California.

*Response to Comment #4:*

*Single Subject Teaching Credentials in Physical Education, including supplementary authorizations in Introductory Physical Education (added to teaching credentials predominantly used in secondary schools) or Physical Education (added to teaching credentials predominantly used in elementary schools) initially issued on or after January 1, 1981 do not authorize the holder to teach health education [reference Title 5 of the California Code of Regulations section 80004(b)(3)].*

*Education Code section 51225.3(b) 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 for high school graduation in any subject area. This is a permissive section of the Education Code. The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). The decision by LEAs to choose to recognize the Special Teaching Authorization in Physical Education and use the option provided in Education Code section 51225.3(b) is a local level decision. The proposed Special*

*Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

814. Lyn B. Kalinowski, Adapted Physical Education Specialist

Comments:

This letter EXPLAINS WHY IT IS EDUCATIONAL UNSOUND for the modifications to be approved to the proposed amendments:

- Those who are Qualified to TEACH Physical Education are required to have a college degree AND Teaching Credential because to teach they need the course in college which will:
  - (1) Educate them in appropriate teaching techniques.
  - (2) Educate them in classroom management techniques, which work for Physical Education.
  - (3) Educate them on organizational skills so they know how to manage students AND equipment in a non-structured outdoor environment.
  - (4) Educate them in appropriate developmental progressions for their students (i.e. what does one do with high school student who have some motor skills that are still at the six to ten year old level?).
  - (5) Educate them in the Developmental Stages of Learning, such as Piaget and the variety of ways in which students learn, such as Gardner's "Multiple Intelligences".
  - (6) Give them courses in Physiology, Anatomy, Motor Development & Skills, Exercise Physiology, and Adapted Physical Education as well as VARIOUS LEARNING STYLES AND (*sic*) LEARNING DISABILITIES. They HAVE BEEN TAUGHT and understand WHAT to teach, HOW to teach it, and How to *individualize* it for each student.

With these courses listed, the **Qualified Teachers** will avoid teaching inappropriate activities such as contraindicative exercises. Physical Educators need COGNITIVE, PHYSICAL, SOCIAL, AND EMOTIONAL KNOWLEDGE that they get from these college courses which educates them in the DEVELOPMENTALLY APPROPRIATE ways to teach Physical Education.

In proposing that ROTC be allowed to teach Physical Education is further weakening the California Educational System, which is ranked next to the bottom of the 50 states. But more important, THIS WOULD SHORT-CHANGE OUR YOUTH!

**Our students deserve more!**

*Response:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved*

*subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

815. Byron D. Karamchandani, RCP, RRT

Comment #1:

The proposed Title 5 Regulations exceed the level of power granted by the Legislature to the Commission on Teacher Credentialing (CTC) as the Legislature has not given the CTC authority to waive the baccalaureate degree requirement for the California Subject Examination Test (CSET) for any academic content area. The Legislature has never equated four years of work experience with the baccalaureate degree. The CTC has a **duty** to ensure that credential holders are appropriately assigned. Instead, the CTC is lowering credential requirements for only one of the content areas minimally required for high school graduation: physical education! The commission is attempting to add an academic authorization to a Designated Subjects Special Subjects (DSSS) credential by waiving the baccalaureate degree as a minimum requirement for the CSET.

*Response to Comment #1:*

*The CSETs are examinations established by the Commission to satisfy the requirements of subsection (a)(1) of Education Code section 44225 for issuance of Multiple Subject and Single Subject Teaching Credentials; however, subsection (a) of Education Code section 44225 does not preclude the Commission from utilizing the CSET examinations for other credential types. In addition, there is no Education Code or Title 5 of the California Code of Regulations language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Education Code section 44260.4 pertaining to the issuance of DSSS Teaching Credentials reads:*

*“The minimum requirements for the designated subjects special subjects teaching credential shall be appropriate to the special subject named on the credential, in accordance with the requirements established by the commission. Special subjects instruction may include, but shall not be limited to, driver education and training.”*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

**Comment #2:**

With this in mind I wanted to express to you just what goes into the academic side of actually becoming a physical education specialist. It is no longer just your grandparents PE class, our backbone for the program here at California State University Stanislaus, is based on the latest research in health and science classes. As a freshman, you are required to enroll in biology, chemistry, math (statistics), college English, and elective courses. The years after this become even more difficult as our major has become the Kinesiology Degree under the College of Education. After the basic science classes are met then we dwell into the more serious sciences, Anatomy, Microbiology, Physiology, Kinesiology, Exercise Physiology, Application of Sports Medicine, Food and Nutrition, Medical Terminology, Supervision in Athletic Injuries, Prevention and Care of Athletic Injuries, Healthful living, General Psychology, Family Health Psychology, Adapted Physical Education and Motor Learning and Motor Development. For the teaching aspect of our degree, we are required to take Coaching classes, Theory and Analysis classes and Curriculum classes that include several observations from our local school systems at all grade levels. Just for example, I have previously taken Theory of Coaching Baseball, Theory of Coaching Volleyball, Theory and Analysis of Individual Sports, Theory and Analysis of Dual Sports, Theory and Analysis of Fitness Activities, Theory and Analysis of Team Sports, Foundations- History and Philosophy of Physical Education, and the writing class required for graduation Sport in Society.

**Comment #3:**

The point I'm trying to convey is if this goes into pass, and the JROTC are able to start teaching certain aspects of the physical education realm, then we began talks that can lead to a very slippery slope. My time at Stanislaus has taught me more than just what my transcripts read, they have led me to make great connections with *(sic)* school and city officials in our local community. Also they have led me to a great well rounded education that in a world that is advanced as the technology is beneficial in today's unpredictable economy. Being a great physical education instructor is more than just having students run laps, in *(sic)* encompasses the whole student as defined in the Physical Education Model Content Standards. If our professional succumbs to this cheap way out, then what will be the result of my hard work and dedication that have led me to my Bachelor's Degree in Kinesiology. I strongly urge you just to weigh the pros and cons of this situation and I stress you think about us, **California's Future Teachers**, until then... stop this process.

*Response to Comments #2 and #3:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge*

*requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

816. Cindy Lederer, Physical Educator

Ms. Lederer submitted two similar letters dated April 12, 2014: one attached to a Response form dated May 1, 2014 and one attached to a Response form dated May 7, 2014. The comments included herein are from the letter that was attached to the Response form dated May 7, 2014:

Comment #1:

As the daughter of a US Air Force, career father and the spouse of a US Navy, career husband, I have the highest respect and thankfulness for the military, but **I STRONGLY OPPOSE** the commissions vote to put back the language in the following proposal (*Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subject Special Subjects Teaching Credentials*) at your recent April 10<sup>th</sup>, 2014 meeting.

The February 14<sup>th</sup> vote of 6 to 4 on this proposal, should of stood. By reversing your vote, you have just added to the growing list on how students may get out of taking Physical Education class:

1. ROTC and Basic Military Drill (this is just physical activity)
2. California Physical Fitness Test (just because you can pass 5 test means your fit?)
3. 16 year or older (not a good age to drop the ball on students health and fitness)
4. Medical (isn't this what adaptive PE is for?)
5. CIF (this is just physical activity)
6. C.S.E.T. test (an extreme joke and a slap in the face to the those real educators)
7. On-line classes (easy to cheat)

Response to Comment #1:

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs*

*should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #2:

I object to the fact that the commission will let a student take JROTC and BMD to receive high school credit for Physical Education. For the reason that the JROTC and BMD educators happens to have a credential in PE also. That opens up “Pandora’s box” Should we now say that any Physical Educator who has a Math credential may now give out Math credit. REALLY!!

*Response to Comment #2:*

*It is not clear if Ms. Lederer is asking if a Physical Educator who also holds a Math credential may give Math credit for Math classes or for Physical Education classes. For either scenario, the comment is dismissed pursuant to Government Code 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments. The Commission does not have purview over Physical Education exemptions or high school graduation credit requirements and the proposed regulation amendments are not related to these topics.*

Comment #3:

I would like the proposal that was item 3A on the Commissions agenda on April 10<sup>th</sup> to be revisited again at your June meeting. I will be attending that meeting.

*Response to Comment #3:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

817. Joseph Maizlish, Psychotherapist and Mediator

Comments:

Youths need teachers whose focus is entirely on their well-being and growth, not non-teachers who know they are indirectly serving their superiors and military organization.

*Response:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

818. Ernest McCray, Retired Principal

Comments:

There are many fine P.E. Teachers in California. There is absolutely no need to supplant them with JROTC instructors.

*Response:*

*Replacing Physical Education teachers is not the purpose of the proposed regulation amendments. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

819. Thomas L. McKenzie, Professor Emeritus, San Diego State University

Comment #1:

I am strongly opposed to the April 10, 2014 commission decision to restore proposed Title 5 California Code of Regulations (5 CCR §80037) language, stricken on February 14, 2014, for a Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response to Comment #1:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

Comment #2:

Additionally, I strongly support the actions proposed in the letter (dated May 5, 2014) sent to you and the Committee by Heather Deckard, CAHPERD President.

*Response to Comment #2:*

*Responses to Ms. Deckard's letter are provided in #2 in the organizational opposition section.*

Comment #3:

The data are clear: **JROTC is NOT physical education!** Please see below for the abstract of the manuscript in press.

Lounsbery, M.A., Holt, K. Monnat, S., & McKenzie, T. L., (2014, in press). JROTC as a substitute for PE: Really? *Research Quarterly for Exercise and Sport*.

*Response to Comment #3:*

*The abstract referenced in Comment #3 submitted by Dr. McKenzie is provided in Attachment D.*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. The Commission agrees with the last sentence of the abstract that reads: "Policies and practices for providing substitutions for PE should be carefully examined." LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

**Comment #4:**

Meanwhile, there are not data in the scientific literature to substantiate the people proposed for the special credential can effectively instruct physical education in a manner needed to meet the health and physical activity needs of the children of California.

*Response to Comment #4:*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

**Comment #5:**

I am offended that Physical Education, which already holds very low subject status in California, is being targeted—seemingly for expediency and political reasons. There is no more evidence that the proposed beneficiaries of the credential are capable of teaching Physical Education than they are of teaching math, reading, language arts, biology, etc. Why is Physical Education being further undermined?

It is time to go beyond the politicking and get on with providing quality physical education to our children.

*Response to Comment #5:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high*

*school graduation credit is a local level decision under the provisions of Education Code section 51225.3(b).*

820. Corey S. Miller, Physical Education Teacher

Comments:

I am writing in opposition to the proposed amendments to the Title 5 of the California Code of regulations that waives JROTC and basic military drill from the PE credentialing requirement. As a physical education teacher in public schools for over 20 years, I am appalled by these proposed actions.

1. I have had so much schooling. Bachelors, Masters, Credentialing. How can you just put in someone who is not trained in the subject matter. It is like putting a scientist in a science class, just because they know science doesn't mean they can teach it.
2. ROTC doesn't teach to the standards. You mean to tell me the officers are going to teach aquatics, dance and gymnastics. I think not.
3. Over the years these officers had have ample opportunities for professional development, but have declined.

It is bad enough that some school districts do not have elementary PE specialists. It is offensive in that our children are obese and are only required to take 2 years of high school PE. We need to save the next generation. An act such as the one being proposed will set us back even further. I urge you to fight against ROTC.

*Response to Comment #1:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

*Response to Comment #2:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

*Response to the remaining Comments, including #3:*

*The comment is dismissed pursuant to Government Code section 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

821. Michael Muscare, LAUSD Teacher

Comments:

Physical education is a right and a necessity, according to the California legislature, the California Court of Appeal and the people. Public school students are entitled to physical education taught by a credentialed and qualified physical education teacher to promote academic performance and health. JROTC is not Physical Education. It does not provide access to the California PE Standards that all students should have access to.

### **Students Are Entitled to Quality Physical Education, Not BMD and JROTC**

#### **Conclusion**

For the reasons stated and under the authorities cited above, the Commission should reject the proposed special teaching authorization in physical education for BMD and JROTC.

*Response:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

822. Gilbert Robledo, Retired College Professor

Comments from Commenters 822 and 823:

Keep the standards as they are. We believe this is a proposal to empower one special interest group. It should not change.

*Response:*

*The comment is dismissed pursuant to Government Code section 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

823. Joy Robledo (*Refer to Commenter 822 for Comments and Response*)

824. Deborah Seliger

Comments:

The progressive educational steps physical educators take to become an expert in the field of physical education by means of obtaining a bachelor degree and completion of a one-year teaching credential program deserve recognition and acknowledgement. To allow JROTC instructors the opportunity to teach physical education classes without the proper training and education would deprive California students of a quality physical education program. Unfortunately, four years of military service and ROTC instructor training does not equate to a bachelor's degree and an additional year of education dedicated to pedagogical practice of physical education. Furthermore, many, if not all, physical educators receive their bachelor's degree in kinesiology or physical education. To obtain said degree requires a breadth of studies such as anatomy, physiology, exercise physiology, measurement and assessment in physical education, curriculum in physical education, secondary and elementary pedagogy, among others. The units required to obtain a degree in kinesiology is only the tip of the teaching iceberg. After a four-year degree is obtained, prospective physical educators must spend an additional year in an accredited teaching credential program. Throughout this extensive program, prospective teachers take thirty units of teaching courses as well as participate in a year-long student teaching program where students are designated to a local high school or middle school and teach actual classes. During the student teaching process, candidates receive feedback from cooperating teachers in their field of study and are also reviewed and observed by a University representative who has a large influence on whether or not the candidate receives a teaching job after completing the credential program.

I respectfully request that you vote to disagree with the modifications to restore proposed Title 5 California Code of Regulations (5 CCR §80037) which were approved by vote on April 10, 2014, and to restore the decision of February 14, 2014 to strike the Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD).

*Response:*

*A degree major in Kinesiology or Physical Education is not required for issuance of a Single Subject Teaching Credential in Physical Education. The subject matter knowledge*

*requirement for a Single Subject Teaching Credential may be satisfied by passage of the CSET in Physical Education [Education Code sections 44281 and 44282(a)]. Passage of the CSET in Physical Education may be waived by completion of a Commission-approved subject matter program (Education Code section 44310). Because they satisfy the same requirement, these two options are as aligned and congruent as possible.*

*In California, subject matter preparation programs for prospective teachers are not the same as undergraduate degree programs. Post-secondary institutions govern academic programs that lead to the award of degrees. The Commission sets standards for academic programs that lead to the issuance of credentials and a degree may be in a subject other than the one to appear on the credential. Similarly, degree programs for undergraduate students may or may not fulfill the Commission's standards for subject matter preparation.*

*One of the requirements for a DSSS Teaching Credential in BMD or ROTC is a minimum of four years of military service and issuance of the clear credential requires completion of a Commission-approved designated subjects program and verification of two years of successful full-time teaching experience. The proposed requirements for the Special Teaching Authorization in Physical Education are possession of a DSSS Teaching Credential in BMD or ROTC, satisfaction of the basic skills requirement, and verification of subject matter knowledge in Physical Education by passing the CSET for Physical Education or by completing a Commission-approved subject matter program in Physical Education.*

825. Richard Thiel, Biological Technician, Sequoia National Park

Letter signed by Commenter 825 includes the same comments as Commenter 813 and the additional comment below:

P.S. I believe this needs another look, to make sure that, in our right desire to help those in the armed services, that we do not go beyond a reasonable level of assurance that we are giving the best to the well-being and growth of our youth, as have those that have dedicated their lives to it.

*Response to Additional Comment:*

*The decision to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education will be considered by the Commission at the June 2014 meeting.*

826. Margaret Thomas

Comment #1:

The CCTC has recently changed a previous decision (February 14, 2014) in regards to Title 5 language to allow a *Special Authorization in Physical Education* for JROTC. **I AM OUTRAGED**. I vehemently object to this change for the following reasons:

- The CCTC has exceeded its power granted by the Legislature to the Commission on Teacher Credentialing
- The CCTC does not have the authority to waive the baccalaureate requirement to take the CSET for any academic content area

*Response Comment #1:*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*The CSETs are examinations established by the Commission to satisfy the requirements of subsection (a)(1) of Education Code section 44225 for issuance of Multiple Subject and Single Subject Teaching Credentials; however, subsection (a) of Education Code section 44225 does not preclude the Commission from utilizing the CSET examinations for other credential types. In addition, there is no Education Code or Title 5 of the California Code of Regulations language requiring an individual to possess a baccalaureate degree in order to take a CSET.*

*Comment #2:*

- This change will lower the credential requirements for this one content area

*Response to Comment #2:*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*Comment #3:*

- DSSS credential holders will be allowed to teach Physical Education in ROTC and BMD without possessing the following: 1) a baccalaureate degree, 2) English Learner (EL) certification, 3) technology competency, and 4) a subject specific pedagogy course

*Response to Comment #3:*

*Education Code section 44260.4 authorizes the Commission to establish the minimum requirements for and special subjects to be named on DSSS Teaching Credentials. The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Although the proposed regulations do not include an EL authorization for the preliminary DSSS Teaching Credential, the proposed regulations do require completion of an*

*approved CTE program [reference subsection (b)(3) in the proposed regulation text] that will result in the addition of a Specially Designed Academic Instruction in English (SDAIE) EL authorization at the time the clear credential is issued [reference subsection (d)(2) in the proposed regulation text].*

*Local governing boards may require an individual to hold a clear DSSS Teaching Credential with the SDAIE authorization prior to employment or request issuance of a CCSD Variable Term Waiver to authorize the instruction of English learners while an individual holds a preliminary DSSS Teaching Credential. In addition, holders of preliminary or clear DSSS Teaching Credentials have the option of earning a Clear CLAD Certificate or adding an English learner authorization to their documents by completing a CTEL program or passing the CTEL examinations (reference Title 5 of the California Code of Regulations section 80015).*

*Current Education Code and Title 5 of the California Code of Regulations language authorizes the Commission to issue preliminary Single Subject Teaching Credentials without an English learner authorization to teachers credentialed outside California as follows: credentialed in another state – Education Code section 44274.2 and subsections (a)(1) and (b)(1) of Title 5 of the California Code of Regulations section 800413.3 (out-of-state credentialed teachers must earn an EL authorization to qualify for the clear credential); credentialed outside the United States – Education Code section 44275.4 (teachers credentialed outside the United States are not required to earn an EL authorization to qualify for the clear teaching credential).*

*The proposed regulation amendments require completion of an approved CTE program [reference subsection (b)(3) in the proposed regulation text] to qualify for the clear DSSS Teaching Credential and Standard 11 addresses the uses of technology in the classroom. Local governing boards may require an individual to hold a clear DSSS Teaching Credential, confirmation from an approved program sponsor that the holder of a preliminary DSSS credential has completed Standard 11, or passage of the Preliminary Educational Technology Test prior to designating an ROTC or BMD class as eligible for Physical Education graduation credit pursuant to Education Code section 51225.3(b).*

*A specific subject pedagogy course is one of the requirements to earn a Single Subject Teaching Credential under the provisions of Title 5 of the California Code of Regulations section 80499. The authorization of the proposed Special Teaching Authorization in Physical Education is not equivalent to the authorization of a Single Subject Teaching Credential in Physical Education. The authorization of the proposed Special Teaching Authorization in Physical Education is limited to physical education courses in basic military drill and physical fitness.*

Comment #4:

- It is the job of the CCTC to uphold the teacher preparation standards across all content areas

*Response to Comment #4:*

*Holders of DSSS Teaching Credentials in BMD and ROTC are currently authorized to provide instruction in basic military drill and physical fitness training. Whether the holder of a DSSS Teaching Credential in BMD or ROTC is qualified to provide Physical Education instruction for high school graduation credit is a local level decision under the provisions of EC §51225.3(b).*

Comment #5:

- Data posted on the Web site for the Centers of Disease Control and Prevention, indicate that each of the **nine states** that allow PE credit to be waived for JROTC has a higher obesity prevalence rate than California

*Response to Comment #5:*

*This comment assumes facts that have not been presented to the Commission. No data has been provided to the Commission to indicate that the direct or indirect cause of the higher obesity prevalence for the nine states is the physical education exemption for JROTC participation.*

Comment #6:

- Research has been provided to the CTC that more activity time is provided in physical education than in JROTC

*Response to Comment #6:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #7:

- Declining enrollment in an elective subject area is not sound education rationale for submitting a proposal to lower credentialing standards for a mandated subject content area

*Response to Comment #7:*

*The rulemaking documents include the following statement regarding the benefits of the proposed regulation amendments:*

*“The Commission anticipates that the proposed amendments will benefit the welfare of the students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students’ course options.”*

*The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California’s basic skills requirement and possess the subject matter knowledge to teach Physical Education. LEAs that choose to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by the holder of a DSSS credential with the Special Teaching Authorization will provide students with additional course options to satisfy the prescribed physical education high school graduation requirement. Such options may provide the enrollment numbers for continuation of JROTC programs in California public schools.*

*Comment #8:*

For 40 years Physical Education has been marginalized by the state, by LCE’s, and now the CCTC. We have solid, California Department of Education approved, content standards. Forty percent of these standards are cognitive based. We do not need these standards to be compromised, diminished, or reduced in any way. Taking any action that can allow a board of trustees to marginalize a critical area of a student’s education is outrageous. I work in a district that has for the last 35 years violated the Ed. Code without repercussion. The elementary school district that feeds into ours, has actually reprimanded teachers for providing Physical Education time to their students. This same district at one point in time told their principals and teachers that they didn’t need to administer the *state mandated fitness testing*.

*Comment #9:*

The commanders of JROTC can quote all the benefits of their program, but the bottom line is the instructors will not have the credentials or the time to devote to the standards they are supposed to be teaching. The same can be said for athletics, but at least athletic coaches recognize they have plenty to teach in their specific sport and no time to devote to standards. *Physical activity does not equal Physical Education. Physical fitness does not equal the Physical Education Standards.* One of the JROTC instructors in our district has referred to our students (his students) as “beached seals.” Is that the

way we want our children to be referred to? Is that an educationally sound environment for our students?

*Response to Comments #8 and #9:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

Comment #10:

Do not be pressured by politics. Do not base your decision on your experience as a student in Physical Education – it's outdated, and do not base your opinion on the mistaken need to provide student opportunities in JROTC at the expense of another critical part of a student's education. Students can take JROTC. They should not get credit in another subject area that is acknowledged as part of the common core.

*Response to Comment #10:*

*The comment is dismissed pursuant to Government Code section 11346.9(a)(3) as it is not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments. The Commission does not have purview over high school graduation credit requirements and the proposed regulation amendments are not related to this topic.*

827. Armando R. Valenzuela

Comment #1:

I wholeheartly (*sic*) disagree with the modifications to the proposed amendments for several reasons. My wife is a physical education teacher and my son attends the local school district in Los Angeles County. In high school, Marching band and JROTC already teach course that allow some students to take JROTC and the course is drastically different than the physical education course. They do not do fitness in a rigorous fashion. The students do not learn social dances, gymnastics and tumbling and aquatics. The content knowledge is obviously different. Why would you want to call physical education credit to both courses when they are clearly different?

*Response to Comment #1:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs*

*should consider all facts, with the active involvement of parents, administrators, teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

Comment #2:

As much as a (*sic*) value my freedom and as much as I am very supportive of our armed forces, I am not in favor of having military biased curriculum in our schools. It teaches all military drills along with following orders and understanding the rankings, and chain of commands. Clearly, students taking part on this program will be guided towards military since those are the skills and knowledge they will learn and possess. My nephew learned to swim and self defense in his regular physical education class. As a 20 year old, he decided to be part of the elite team in the Air Force. His swimming and combative skills, as well for a passion to serve led him to be in training for special unit in the Air Force. JROTC did not play any role in his decision to serve. I do not see the need to have JROTC programs in schools. I know this is a larger issue, but it is related.

Comment #3:

I know of a few neighbors who were in the JROTC program and realized they did not like it. They were quickly moved to physical education where the numbers in the physical education class increased while the student numbers in the JROTC remained low. This creates a clear problem for physical education teachers and the program as a whole. Physical education teachers teach the bulk of the students while JROTC classes are drastically smaller.

Comment #4:

Most importantly, it does not make any sense that you are granting JROTC instructors the right to receive a special credential to teach a course that is not quality physical education but provide it physical education credit. Where is the logic in that? You are undermining the credentials of all physical education teachers in the state by doing this. It is a slap in the face to my wife who works very hard to make sure that students are learning to enjoy movement and become lifelong learners.

*Response to Comments #2, #3, and #4:*

*The comments are dismissed pursuant to Government Code section 11346.9(a)(3) as they are not specifically directed at the proposed regulation amendments or the procedures followed by the Commission in proposing the amendments.*

Comment #5:

I ask that you do not authorize the amendment to the Title 5 of the California Code of Regulations and leave it as it is. I am not sure why it would be re introduced when clearly it was already voted down in February of 2014.

*Response to Comment #5:*

*At the April 2014 meeting, the Commission voted to restore the language pertaining to the Special Teaching Authorization in Physical Education to the proposed regulations following oral presentations that clarified several potential misunderstandings as follows:*

- 1) The Commission does not have the authority to decide if JROTC or BMD courses may be awarded high school graduation credit in the area of Physical Education. The authority to designate ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California LEAs as provided in Education Code section 51225.3(b);*
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter knowledge in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;*
- 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for Physical Education credit by a local governing board.*

828. Penelope Venola, Credentialed Educator

Comments:

This regulation does not meet the minimum credential standard set by Education Code. It lowers teacher preparation standards for academic subject areas and physical education, already minimally required for high school graduation.

The baccalaureate degree is the minimum standard for a basic teaching credential. Four years of military experience does not a qualified teacher make.

This denies students access to qualified teachers and flies in the face of reversing our current obesity crisis in young people.

It makes a mockery of those qualified physical education teachers who have met all the requirements for a teaching credential.

It isolates the ROTC instructor from the cooperative atmosphere essential to a well-run school

*Response:*

*Local governing boards currently have the authority to designate ROTC and BMD courses as eligible for high school graduation credit under the provisions of Education Code section 51225.3(b)(3) and that authority will continue whether or not the proposed Special Teaching Authorization in Physical Education is approved. The Special Teaching*

*Authorization in Physical Education will allow the holders of DSSS Teaching Credentials in BMD or ROTC to verify to the public, parents, pupils, and their LEAs that they have satisfied California's basic skills requirement and possess the subject matter knowledge to teach Physical Education.*

*The current language provided in Title 5 of the California Code of Regulations section 80037 requires a minimum of four years of experience in the special subject to be named on the DSSS credential in lieu of a baccalaureate degree.*

*Title 5 of the California Code of Regulations section 10060 establishes the criteria for appraising the quality of physical education programs in senior or four-year high schools that California schools districts must follow. This Title 5 section does not fall under the purview of the Commission; however, the Special Teaching Authorization in Physical Education will not affect a school district's procedures when appraising the quality of physical education programs.*

829. Megan Watanabe, Adapted Physical Education Teacher

Comments:

I'm writing to voice my concerns about the regulatory action for the June CTC meeting. The proposal to amend Title 5 to establish a special physical education authorization for holders of Designated Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corps should not be approved for the following reasons:

- Basic Military Drill and JROTC courses have objectives that are vastly different than the objectives for physical education. While *physical fitness* is indeed a component of JROTC coursework, the learning skills, knowledge, and dispositions required to be physically active across the lifespan are absent in the JROTC curriculum. We have never seen a course that meets the objectives of JROTC AND physical education and includes all eight content areas.
- The *Physical Education Content Standards for California Public Schools, K-12* affirm that participation in physical activity is not the same as physical education.
- JROTC does not provide students the opportunity to learn the content in the *Physical Education Content Standards for California Public Schools*.

The children and youth of California depend on CTC to make decisions that will provide them with well-prepared and exceptionally qualified teachers. Adding an authorization to teach physical education to the Designated Subjects Teaching Credential in Basic Military Drill and JROTC will not prepare our students to achieve their highest potential.

*Response:*

*The LEA has full discretion of how their course of study is presented over the four years to include the eight areas in Education Code section 33352(b)(7). In addition, the proposed Special Teaching Authorization in Physical Education will not compel an LEA to grant high school graduation credit in Physical Education to ROTC or BMD courses. LEAs should consider all facts, with the active involvement of parents, administrators,*

*teachers, and pupils, prior to exercising the permissive authority granted in Education Code section 51225.3(b) to grant high school graduation credit in Physical Education to ROTC or BMD courses.*

### **Staff Recommendation**

Staff recommends approval of the addition of the *Frequently Asked Questions, Proposed Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)* to the rulemaking file.

Staff also requests direction from the Commission as to the action to be taken on the proposed amendments to Title 5 of the California Code of Regulations section 80037. The following are two possible actions for Commission consideration:

#### **A. Approval of the Modifications to the Proposed Regulation Amendments**

If the Commission wishes to confirm its prior action from the April 10, 2014 meeting to restore the proposed language pertaining to the Special Teaching Authorization in Physical Education, then approval of the modifications to the proposed regulations as presented in the second 15-day notice will result in submission of the regulations to the OAL for final review. The OAL will have thirty business days to review and approve or deny the proposed regulation amendments.

#### **B. Remove or Modify the Language Pertaining to the Special Teaching Authorization**

The comments received during the second 15-Day Notice period oppose the Commission's action at the April 10, 2014 meeting to restore the language pertaining to the proposed Special Teaching Authorization in Physical Education. If the Commission elects to remove or modify the language pertaining to the Special Teaching Authorization in Physical Education, staff will send another 15-day notice to all individuals who submitted written and oral comments during the 45-day comment period, at the public hearing, during the initial 15-day notice period, at the April 10, 2014 meeting (including the late commenters to the initial 15-Day Notice), to the second 15-Day Notice, and at this meeting. All interested members of the public may file comments during the 15-Day Notice period.

The proposed amendments would return as an Action Item at the August Commission meeting with responses received during the third 15-Day Notice period. The Commission would then have the opportunity to approve the proposed regulations or direct staff to make additional modifications. If approved at the August Commission meeting, the regulations will be submitted to the OAL for final review. The OAL will have thirty business days to review and approve or deny the proposed regulation amendments.

### **Proposed Text of Regulation Amendments**

Attached is a copy of the entire text, clearly showing the re-deleted text in ~~double strike through~~, the restored text in double underline, and the new text in *italics* and double underline. Single underline [including the single underline and italicized text in subsection (b)(3)] and single strikeout is text already noticed for the 45-day comment period and the public comment period closed on January 27, 2014.

## **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; ~~or~~
    - (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 subjects 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(a)(1); ~~verification as specified for requirements (a)(1) through (a)(6);~~ and ~~personal identification on duplicate fingerprint cards~~ verification of completion of livescan and clearance by the Commission, unless clearance is already on file with the Commission;-

- (8) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1(a).
- (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 ~~a~~ 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(a)(1); 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;

(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;

(4) Submission of a completed Application Authorizing Public School Service as specified in Section 80001 and the fee as specified in Section 80487(a)(1).

(~~e~~) 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. *Nothing contained herein is intended to otherwise limit or in any way modify the authority of a local governing board under Education Code Section 51225.3(b).*

(~~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.



## Frequently Asked Questions

### **Proposed Special Teaching Authorization in Physical Education (PE) Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)**

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**1. What is the proposed Special Teaching Authorization in Physical Education for Designated Subjects Teaching Credential holders in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)?**

The Special Teaching Authorization in Physical Education (PE) for DSSS Teaching Credential holders in ROTC and BMD would recognize that Junior ROTC (JROTC) and BMD teachers who meet PE subject matter requirements and satisfy the basic skills requirement have met a higher standard to teach PE in the context of a JROTC or BMD course. It would not have an impact on the range of courses these credential holders can teach.

**2. Why is the proposed Special Teaching Authorization in PE needed?**

The Commission issues teaching credentials to educators who meet the minimum requirements established in statute and/or regulations. These credentials authorize the holders to teach specific courses based on their preparation. DSSS–ROTC/BMD Credential holders who meet the higher standard of subject matter competence by passing the California Subject Examination for Teachers (CSET) in PE or by completing an approved PE subject matter program will have that higher level of preparation recognized on their credential.

**3. How would a teacher earn the proposed Special Teaching Authorization in PE?**

Holders of DSSS-ROTC/BMD Credentials who additionally satisfy the basic skills requirement, and pass the CSET in PE or complete an approved PE subject matter program would qualify for the Special Teaching Authorization.

**4. Why aren't these teachers required to hold a bachelor's degree like other teachers?**

The Designated Subjects Credential series recognizes experience in a particular employment sector as equivalent to a bachelor's degree for the purpose of credentialing. The Commission issues Designated Subjects Credentials to individuals in a wide range of business and industry sectors, and these credentials are most often used in Career Technical Education programs offered in California's high schools. DSSS –ROTC/BMD Credential experience requirements include at least four years of military service; preparation requirements include at least 135 hours of teacher preparation in a Commission approved program.

**5. Will all DSSS-JROTC/BMD teachers be required to hold this proposed Special Teaching Authorization in PE?**

No. The Special Teaching Authorization in PE will be added to the credential of a JROTC/BMD teacher if they pass a basic skills test and satisfy the subject matter competence requirement. Holders of the DSSS Credential who do not complete these requirements will still be authorized, by school board action, on a local teaching assignment option in the Education Code or Title 5 regulations, to teach PE in the context of JROTC or BMD courses that have been approved to carry PE credit. Teachers who earn the Special Teaching Authorization will be recognized as having met a higher standard.

**6. What may teachers who earn this proposed Special Teaching Authorization in PE teach?**

Holders of this Special Teaching Authorization in PE would only be able to teach JROTC or BMD courses that have been approved by their local school board to carry PE credit. DSSS-ROTC/BMD teachers can already teach these courses under current law; the Special Teaching Authorization will recognize that they have met a higher standard of subject matter competence than the regular DSSS-ROTC/BMD credential requires.

**7. Would holders of the proposed Special Teaching Authorization be allowed to teach regular PE courses?**

No. Holders of the Special Teaching Authorization would only be authorized to teach PE in the context of a JROTC or Basic Military Drill course that has been approved by the local school board to award PE credit. This is consistent with current practice, which would not be impacted by this change.

**8. How can JROTC/BMD courses qualify for PE credit?**

Current law provides local school boards the authority to offer PE credit for a JROTC/BMD course as part of the high school curriculum provided the course meets the *Physical Education Content Standards for California Public Schools* adopted by the State Board of Education and the local governing board takes special action at a public meeting to grant PE credit for these courses. Under current law, DSSS Teaching Credential holders in ROTC/BMD may currently teach these courses.

**9. Will adding the proposed Special Teaching Authorization in PE to the DSSS Credential require local school boards to allow JROTC or BMD courses to count for PE?**

No. Local school boards will retain full authority to evaluate JROTC or BMD courses and determine whether they will qualify for PE credit. This authorization in PE will not impact a local school board's authority in any way.

**10. If the Commission adopts these regulations, will more students be able to opt out of general PE courses in favor of JROTC/BMD courses?**

The availability of JROTC/BMD courses and programs is a local decision, and adding the Special Teaching Authorization in PE to the credential is not expected to enable or constrain the growth of these programs. There are currently 60 California Cadet Corps (CACC) and 360 JROTC programs operating in California. The CACC enrolls about 6,000 students, and JROTC enrolls about 40,000 students statewide, representing approximately 2.3% of 9<sup>th</sup> -12<sup>th</sup> grade students enrolled in California public schools. There are federal limits on the number of programs of JROTC. While there are no limits on the number of CACC programs that can be offered by the state, growth would depend on the availability of resources to support expansion.

MILITARY DEPARTMENT  
OFFICE OF THE ADJUTANT GENERAL  
9800 Goethe Road - P.O. Box 269101  
Sacramento, California 95826-9101



May 13, 2014

Dear Dr. Darling-Hammond,

Thank you for the opportunity to comment on the proposed changes to the Designated Subjects Credentials for Basic Military Drill and JROTC. As you know from my previous letters, the California Military Department is fully supportive of the proposed changes allowing the addition of the Physical Education component to those credentials. This will strengthen the quality of PE instruction offered in those programs and will allow school districts to have direct knowledge of the qualifications of those instructors who can pass the three PE CSET subtests.

I am currently the authority responsible in Title 5 regulations for verifying both experience and competence for individuals recommended for the existing DSSSBMD credential, and much like the various vocational education credentials granted by the CTC, possession of a Bachelors Degree is not a requirement. I look forward to working with the CTC, teachers, school administrators, and school governing boards to ensure that the best quality instruction is always provided while providing educational options and flexibility to students. The proposed new credential would actually increase the competence of individuals by requiring passage of the CBEST and PE CSET exams.

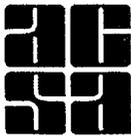
Only a governing board can decide who earns PE Credit and which course(s) can qualify for PE credit. This new credential increases standards for JROTC and Cadet Corps instructors to grant a very limited number of PE credits for students enrolled only in those Cadet Corps or JROTC classes. Ultimately, this credential does not change anything about PE credit for students. It simply better informs school districts about the educational qualifications of a JROTC or Cadet Corps instructor and allows them to continue to make the same decision that they are currently empowered to make.

I strongly support the proposed changes and encourage the CTC to adopt them at the June meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Baldwin", with a long horizontal flourish extending to the right.

David S. Baldwin  
Major General  
The Adjutant General



association of california  
school administrators

officers

president Marc Ecker, Ph.D. president-elect Randall V. Delling, Ed.D. vice president Tom Armelino  
vice president for legislative action Lisa Gonzales, Ed.D. past president David A. Gomez, Ph.D. executive director Wesley Smith, Ed.D.

May 7, 2014

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

Re: Modifications to Proposed Regulations – DSSS Teaching Credentials

Dear Dr. Sandy:

The Association of California School Administrators (ACSA), representing over 15,000 school, district and county office of education administrators, strongly urges the Commission to add a special teaching authorization in physical education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill and Reserve Officer Training Corp (ROTC).

We support the modifications to the text of the proposed regulations provided in the previous 15-day notice dated April 28, 2014 pertaining to DSSS teaching credentials and the availability of an additional document.

These proposed regulations will help ensure that military drill and JROTC instructors meet the higher standard of content knowledge required for physical education and enable local educational agencies to continue to exercise discretion regarding the assignment of physical education credits for these courses.

If you have any questions regarding our position please contact Sal Villaseñor at (916) 444-3216 or [svillasenor@acsa.org](mailto:svillasenor@acsa.org).

Sincerely,

Sherry Griffith  
Director, ACSA Governmental Relations

cc: Linda Darling-Hammond, Chair, Commission on Teacher Credentialing (CTC)  
Tammy Duggan, Consultant, CTC Certification Division  
Doug Gephardt, ACSA CTC Consultant

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Dear Ms. Duggan,

Thank you for the opportunity to comment on the proposed changes to the Designated Subjects Credentials for Basic Military Drill and JROTC. As you know from my previous comments, I am 100% supportive of the proposed changes allowing the addition of the Physical Education component to those credentials. I believe this will strengthen the quality of PE instruction offered in those programs and will allow school districts to have direct knowledge of the qualifications of those instructors who can pass the three PE CSET subtests.

I know that there have been significant notes of opposition from members of the PE lobby and the teachers unions. As someone who has been a member of both organizations in the past, I can tell you that neither of those groups necessarily speaks for all of their members. There are many teachers union members who support the proposed changes.

The major arguments in opposition to the proposed changes fall into three domains. Here are some responses to those concerns.

1. Cadet Corps and JROTC programs may have wonderful curricula but they are not PE curricula and do not address California PE standards --- while that may have been true a while back, it is not true now. Both programs have revamped their curricula to align with the California PE standards and Framework.
2. This will allow people without BA degrees to teach PE --- this is true if an individual with a Designated Subjects credential happens to not have a bachelors degree. However, those individuals will have been already deemed to be qualified to teach Cadet Corps or JROTC by the recommending agency (the federal military branch or the California National Guard). This new credential will actually INCREASE DRAMATICALLY the level of academic rigor those credential applications will have been required to demonstrate in order to qualify for the PE add-on to the credential. It is also not true that all such credential holders lack a Bachelors Degree. More than half of the existing Designated Subjects Basic Military Drill and JROTC credential holders already possess a Bachelors Degree and a fairly large number hold advanced degrees.
3. This new credential will allow JROTC and Cadet Corps instructors to grant PE credit -- only a governing board can decide who earns PE Credit and which course(s) can qualify for PE credit. All this credential will do is BETTER INFORM governing boards who has the qualifications to teach PE to cadets. Ultimately, this credential does not CHANGE ANYTHING about PE credit for students. It simply better informs school districts about the educational qualifications of a JROTC or Cadet Corps instructor and allows them to continue to make the same decision that they are currently empowered to make.

I strongly support the proposed changes and encourage the CTC To adopt them at the June meeting.

Sincerely,

Mark P. Ryan, Ph.D.  
Superintendent  
North Valley Military Institute  
Office 818-368-1557 X 2215  
Cell 323-217-4481

**Course Name:** Junior Reserve Officers' Training Corps (JROTC) and National Defense Cadet Corps (NDCC)  
**Preparation Date:** 15 September 2006  
**Optimum Class Size:** 20

## **Leadership Education and Training**

# **JROTC Program of Instruction**

**U.S. Army  
Cadet Command  
Ft. Monroe, VA**

**15 September 2006**

**(Updated 15 September 2006)**

**DISTRIBUTION RESTRICTION:  
Approved for public release; distribution is unlimited.**

**Course Name:** Junior Reserve Officers' Training Corps (JROTC) and National Defense Cadet Corps (NDCC)  
**Preparation Date:** 15 September 2006  
**Optimum Class Size:** 20

*higher. Determine that assessment of learning requires student-generated responses that go beyond regurgitation of information on a paper/pencil test. Keep in mind, JROTC inspectors will expect to see evidence that cadets have mastered the competencies from all required lessons at the application level or above.*

The term "hours" is defined for JROTC courses the same as it would apply to any school system. A unit hour translates as a 45/50-minute block of instruction/class period. Schools on an accelerated block provide 90/100 minutes of instruction that can be taught as two 45- and 50-minute classroom sessions.

Courses will be taught using the following two tables as guides.

**Army JROTC PROGRAM OF INSTRUCTION**  
 July 2006

	LET 1	LET 2	LET 3	LET 4	TOTAL
<b>Mandatory Training Hours*</b>					
Unit 1 - Citizenship in Action*	18		2	6	26
Unit 2 - Leadership Theory & Application*	18		12	10	40
Unit 3 - Foundations For Success*	30		36	16	82
Unit 4 - Wellness, Fitness and First Aid*		28			28
Unit 5 - Geography, Map Skills & Environmental Awareness*		2			2
Unit 6 - Citizenship in American History & Government*		10/36*	16		52
<b>Physical Activity/Leader Assessment</b>					
Leadership Application	20	20	20	20	80
Cadet Challenge	10	10	10	10	40
<b>Activities</b>					
Service Learning/Community Service*	10	10	10	10	40
Administration/Testing/Inspections	24	24	24	24	96
Additional Required Teaching & Leadership Hours*	0	0	0	34	34
<b>State &amp; JROTC Elective Hours</b>	50	50	50	50	200
<b>TOTAL HOURS</b>	180	180	180	180	720
<i>NOTE: Use category 2 Approved Electives (Table C) if your JROTC unit gets approval from Bde for alternate training specifically in remediation subjects. 25% reduction in hours does not apply to required lessons.</i>					

**Table A**

**Scheduling Options**

Preferably the JROTC curriculum can be taught in separate classrooms for each year and classes can be scheduled so that when combining them, cadets can work together (e.g. scheduling a company at the same time). If logistics do not allow this, or if classes are too small, the best way to combine them is to schedule LET 1 and 4 in the same classroom. LET 4 students can assist with LET 1 classes and lead first year students in projects. LET 2 and 3 students can be taught together on a two year cycle. LET 2 subjects can be taught to both LET 2 and 3 students the first year of the cycle. LET 3 subjects can be taught to both groups the second year of the cycle. These subjects will be taught over a period of two years to the same students.

**Course Name:** Junior Reserve Officers' Training Corps (JROTC) and National Defense Cadet Corps (NDCC)  
**Preparation Date:** 15 September 2006  
**Optimum Class Size:** 20

LET 1 students can enter either LET 2 or 3 depending on where in the cycle they enter their second year. **Regardless of which scheduling options instructors elect, by the fourth year all required lessons must be taught.** Instructors should work collaboratively to identify specific subject areas to teach. Schools on accelerated block that teach 90-minute period days allowing students to remain in JROTC for the equivalent of eight years, are required to follow Table B (below) for LET 5-8. Cadets in LET 5 and LET 6 will normally assume the leadership and command functions held at a LET 3 level in a traditional program. Cadets in LET 7 and LET 8 will normally assume the leadership and command functions held at the LET 4 level in a traditional program. Review of leadership lessons and additional study in leadership responsibilities will be required.

### JROTC ACCELERATED PROGRAM OF INSTRUCTION

	LET 5	LET 6	LET 7	LET 8	TOTAL
<b>Mandatory Training Hours **</b>					
Unit 1 – Citizenship in Action	11	11	11	11	44
Unit 2 – Leadership Theory and Application	11	11	11	11	44
Unit 3 – Foundations for Success	11	11	11	11	44
Unit 4 – Wellness, Fitness and First Aid	11	11	11	11	44
Unit 5 – Geography, Map Skills & Environmental Awareness	11	11	11	11	44
Unit 6 – Citizenship in American History and Government	11	11	11	11	44
<b>Physical Activity/Leader Assessment</b>					
Leadership Application	20	20	20	20	80
Cadet Challenge	10	10	10	10	40
<b>Activities</b>					
Service Learning/Community Service	10	10	10	10	40
Administration/Testing/Inspections	24	24	24	24	96
<b>Approved Elective Hours</b>					
<b>TOTAL HOURS</b>	180	180	180	180	720
<i>** These hours are interchangeable – all hours can be used in one or all subjects. The introduction is included in case upper level cadets are teaching LET 1.</i>					

**Table B**

#### NOTES: (for both Table A and B)

1. There are specific lessons required in LET 1-4. Cadets will be expected to answer questions relating to those lessons at the time of the formal inspection and off year visits. Use the times in LET 5-8 as guides but ensure approved curriculum (See Category 1 and 3 approved electives) is being taught. Cadets should be prepared to answer related questions. Category 1, 2 and 3 approved electives can be used in the Approved JROTC Electives category (50 hours).

2. Instruction is provided in 90-minute lessons capable of being taught as two 45- and 50-minute classroom sessions.

3. Electives are a required component of the Junior ROTC program and must be taught. Schools may not use these hours for other purposes. Electives are used to provide

May 12, 2014

Lounsbery, M. A., Holt, K, Monnat, S., & McKenzie, T. L. (2014, in press). JROTC as a substitute for PE: Really?  
*Research Quarterly for Exercise and Sport.*

### Abstract

**PURPOSE:** Even though physical education (PE) is an evidence-based strategy for providing and promoting physical activity, alternative programs such as Junior Reserve Officer Training Corps (JROTC) are commonly substituted for PE in most states. The purpose of this study was to compare student physical activity and lesson contexts during high school PE and JROTC sessions. **METHOD:** SOFIT (System for Observing Fitness Instruction Time) was used to assess PE and JROTC sessions (N=38 each) in 4 high schools that provided both programs. Data were analyzed using t-tests, negative binomial regression, and logistic regression. **RESULTS:** Students engaged in significantly more moderate to vigorous physical activity during PE than JROTC sessions and they were significantly less sedentary. Significant differences between the two program types were also found among lesson contexts. **CONCLUSIONS:** PE and JROTC provide substantially different content and contexts and students in them engage in substantially different amounts of moderate to vigorous physical activity. Students in JROTC, and perhaps other alternative programs, are less likely to accrue health-supporting physical activity and engage in fewer opportunities to be physically fit and motorically skilled. Policies and practices for providing substitutions for PE should be carefully examined.