

COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE SECRETARY

March 28, 1989

89-8918

TO: All Individuals and Groups Interested in the Activities of the
Commission on Teacher Credentialing

FROM: *Richard Mastain*
Richard K. Mastain, Executive Secretary

SUBJECT: Approval of Proposed Regulations for One-Year Non-
Renewable Emergency Credentials, Title 5 Section 80071.4

The proposed changes to Title 5 Regulations concerning One-Year Non-Renewable Emergency (OYNRE) Credentials have been approved by the Office of Administrative Law and filed with the Secretary of State. They will become effective on April 17, 1989.

As originally written, Title 5 Section 80071.4 required employers to verify that no person with a California credential who has passed CBEST was available to fill a position before a teacher could be employed on an OYNRE credential. The regulation did not allow employers to evaluate each person's qualifications to fill the specific position under consideration. This lack of flexibility led to the suggestion that the regulations be revised. As revised, the regulations allow employers to select an individual to fill a position based upon the specified employment criteria that they have established for the position.

The complete text of the regulations follows and a copy of the revised employment statement (CL-672) is attached for your use.

80071.4. Basic Skills Examination.

- (a) After January 31, 1983, every applicant for a credential, permit or certificate, or for the renewal of an emergency credential shall be required to have obtained a passing score on the California Basic Educational Skills Test (CBEST). The test is not required to renew, reissue or upgrade a credential, certificate or permit except when upgrading a permit would require a baccalaureate degree.
- (b) Pursuant to Education Code Sections 44252(b) and (d) applicants for the following credentials, permits, or certificates are exempt from this requirement:
 - (1) a credential to be issued solely for teaching adults in an apprenticeship program;

- (2) a credential for an adult education designated subject other than an academic subject; and
 - (3) a certificate of clearance;
 - (4) a children's center permit or a permit authorizing service in a special center for the handicapped, when a baccalaureate degree is not required;
 - (5) a credential, certificate, or permit for an additional teaching authorization when the applicant holds a non-emergency credential, certificate or permit that requires a baccalaureate degree and authorizes teaching;
 - (6) a health services credential;
 - (7) a Designated Subjects Vocational Education Teaching Credential.
 - (8) any Designated Subjects Special Subjects Credential for which a baccalaureate degree is not required.
- (c) Pursuant to Education Code Section 44252(b)(3), a school district can request a one year non-renewable emergency credential for an individual who has not yet passed the CBEST if all of the following are met:
- (1) The school district governing board must certify on the approved form provided by the Commission that:
 - (A) either there is no applicant available for this position who meets credential requirements and has passed the CBEST, or one or more credentialed persons are available but do not meet the specified employment criteria for the position established by the employing district, county superintendent of schools, or State agency, as applicable;
 - (B) attempts have been made to secure a qualified teacher by common recruiting methods;
 - (C) the position is necessary for the normal operation of the school curriculum; and
 - (D) the applicant for the one year non-renewable emergency credential will be hired if the credential is issued.
 - (2) The applicant for the one year non-renewable emergency credential has:
 - (A) satisfied either 1, or 2, below:
 1. completed an out-of-state professional preparation program for a credential comparable to the California credential requested; or
 2. completed a California approved professional preparation program for the requested credential prior to February 1, 1983 and has resided outside of California for the year immediately preceding application for the one year non-renewable emergency credential.
 - (B) and completed all minimum requirements for the California credential requested except for the CBEST requirement; and
 - (C) passed a basic skills test developed and administered by the employing school district.
- (d) Applicants for an exchange certificated employee credential can be issued a one-year preliminary credential pending the passage of the CBEST.
- (e) An applicant for any credential needing the CBEST shall be required to have passed it only once, regardless of the time that has elapsed between the date of passing the test and the date of the application.
- (f) The Commission will establish the schedule of test administrations no less than four months prior to the beginning of the next fiscal year, and will publicize the schedule by all reasonable means as quickly as practicable.
- (g) The Commission will arrange for a special administration of the test in the event that an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that

cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced.

The special administration will be scheduled by the Commission as soon as possible, consistent with the district's schedule for compliance with the requirements of sections 80071.4(h)(1)(B), (h)(1)(C), and (h)(2)(C) below, except that no special administration will be scheduled in the period three calendar weeks before a scheduled regular administration. No special administration will be scheduled without reasonable assurance that at least forty people will actually register and take the test at the special administration. Two or more districts or counties may jointly participate in a single administration provided each can satisfy the requirements specified in Section 80071.4(h).

- (h) The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.
 - (1) The minutes of the governing board meeting must show that the board accepts the following conditions:
 - (A) An emergency as defined in subsection (g) exists and is unavoidable.
 - (B) District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agent;
 - (C) District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system;
 - (D) The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.
 - (E) The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.
 - (2) The superintendent of the district or county shall provide the following information as part of the written request:
 - (A) A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration;
 - (B) Documentation on the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county; or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes;
 - (C) A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county;
 - (D) A definitive statement about whether admission to the special administration will be limited to people who are potential employees of the district or county requesting the special administration, or will be open to anyone who wishes to take the test;
 - (E) Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.
- (i) No special administration will be scheduled for a college or university.

- (j) There will be no limit on the number of times a person may take the entire test or sections of the test. Section(s) of the test that have been passed need not be repeated, but no person taking the test may omit any section that has not been passed. The test fee for repeating the test will be as specified in Section 80487(a)(5) of these regulations.
- (k) In determining whether a person has passed the test, the highest score obtained on any section of the test at any administration will be used without regard to the length of time that has elapsed since the score was obtained.
- (l) All credential program applicants shall take the CBEST for diagnostic purposes no later than the deadline for submission of his/her application for admission to the credential program unless the applicant is exempt from the CBEST for the credential.
- (m) An individual credential applicant who already holds a valid non-emergency teaching credential that requires a baccalaureate degree and is seeking an additional teaching authorization is exempt from the provisions of subsection (l).
- (n) The Commission will not consider appeals by credential applicants who have failed to achieve the passing standard established by the Commission at the time the CBEST has been most recently attempted.
- (o) The Commission will issue annually a report on the passing rates of various groups on the CBEST, including passing rates by institution attended for the preparation for credentials.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44252.5, 44203 and 44830, Education Code.

EMPLOYMENT STATEMENT FOR THE
ONE YEAR NONRENEWABLE EMERGENCY CREDENTIAL

I. The governing board of the following school district requests the issuance:

A. of a one year nonrenewable emergency (specify type of credential)

_____ subject/area _____

B. for (name of applicant) _____
last first middle

(social security number) _____

C. to be employed at:

name of school _____

name of district _____ name of county _____

II. At a public meeting, the governing board of the above school district certified that:

A. attempts to recruit a person who holds the appropriate California credential were made by either:

1. contacting the following California college or university placement agencies:

a. _____ b. _____ c. _____

2. or other methods as described below:

B. no such person is available to fill this position, or one or more credentialed persons are available but do not meet the specified employment criteria established for this position;

C. this position is necessary for normal operation of the school curriculum; and

D. this applicant has passed a basic skills test developed and administered by the employing school district or county.

I hereby certify that all of the information contained in this employment statement is true and correct; and, to the best of my knowledge, if CBEST had been passed, this applicant would be eligible for the California credential listed above on the basis of his/her out-of-state preparation or residency.

Agency director* _____
Name (print or type) Signature Date

- * Service in the employ of a school or school district requires the signature of the district superintendent only.
- * Service in the employ of a county superintendent of schools office requires the signature of the county superintendent of schools only.
- * Service in the employ of a state agency requires the signature of the head of the state agency only.
- * Service in the employ of a private school receiving public school funding requires a statement to that effect and the signature of the county superintendent of schools.

NOTE: The appropriate statement-of-need form must also be submitted when applying for the OYNRE credential on basis of the Emergency Specialist Credential regulations in learning handicapped, severely handicapped, or physically handicapped.