

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

97-9718

August 8, 1997

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

FROM: Sam W. Swofford, Ed.D.
Executive Director

SUBJECT: Proposed Changes to Title 5 Sections 80024.1, 80024.2, 80024.2.1, and
80027 Concerning Emergency Permits

Notice of Public Hearing is Hereby Given:

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

Thursday, October 9 1997
2:00 PM
Hyatt Hotel
1209 L Street
Sacramento, California

Statement of Reasons

The Commission proposes to make three changes to the regulations governing emergency permits: eliminate the examination deferral, remove credentialed teachers from the list of those exempt from the subject matter requirement for the long term Emergency Multiple or Single Subject Teaching Permit, and update the Limited Assignment Emergency Multiple and Single Subject Teaching Permit. In addition, the Commission proposes several minor technical changes to the sections referenced.

Examination Deferral

Education Code Section 44300(a)(1) states that the Commission may issue an Emergency Multiple or Single Subject Teaching Permit to an individual who has not yet verified subject-matter competence if that person agrees to take the appropriate subject matter examination(s) at its next administration. The

Commission feels that teaching quality suffers when the teacher is not at least minimally familiar with the subject being taught.

The proposed changes to §80024.1(a)(3)(D), §80024.2(a)(3)(D) and §80024.2.1(a)(2)(D) will, if adopted, eliminate the examination deferral that allows an individual with only a bachelor's degree and CBEST to receive a permit until such time as he or she has an opportunity to take the appropriate subject-matter examinations. If an individual does not have even the minimum number of units needed to qualify for the emergency permit (i.e., 18 semester units for the Single Subject and 40 semester units for the Multiple Subject), it is unlikely that he or she will be able to pass examinations designed to measure competence at the level of someone who has completed a Commission-approved subject-matter program requiring at least 45 semester units for the Single Subject or 84 semester units for the Multiple Subject.

To offer an examination deferral sets the individual up for failure and results in employers having to disrupt the classroom by removing the permit teacher as soon as the failing examination results are received or apply for a waiver which is often denied. This change also applies to teachers who request an emergency permit with a Crosscultural, Language and Academic Development (CLAD) or Bilingual, Crosscultural, Language and Academic Development (BCLAD) authorization to serve limited-English proficient students.

Credentialed Teachers

Education Code Section 44300(g) states that a fully-credentialed teacher is not to be held to the requirements established by this section, but may be held to requirements established by the Commission. Current regulations appear to encourage fully-credentialed teachers to apply for an Emergency Multiple or Single Subject Teaching Permit by exempting those teachers from the subject-matter requirement. There are a number of options available to assign fully-credentialed teachers outside of the subjects listed on their credentials. The Emergency Multiple or Single Subject Teaching Permit, which requires enrollment in a professional teacher preparation program, is not appropriate for these individuals.

The proposed changes to Sections 80024.1(a)(3)(A), 80024.2(a)(3)(A), and 80024.2.1(a)(2)(A) will eliminate the subject-matter exemption for fully-credentialed teachers who are applying for the Emergency Multiple or Single Subject Teaching Credential in a subject other than one listed on their credential document. This includes teachers who apply for the emergency permit with a CLAD or BCLAD authorization to serve limited-English proficient students.

There are a number of options in both statute and regulation for assigning a credentialed teacher outside of the subject of his or her credential. The Education Code and regulatory assignment options include (1) the short-term waiver which enables the district to assign a teacher for up to one semester with no application to the Commission, (2) the Limited Assignment Emergency Permit which has no subject-matter requirement, and (3) the various sections of the Education Code such as §44258.3 which provides for assignment decisions based on local assessment of

subject matter knowledge, §44258.7 which allows a local Committee on Assignment to make decisions based on governing board approved criteria, and §44263 which allows assignment if the teacher has 9 upper division or 18 total semester units in the subject to be taught.

In addition, to renew an emergency permit Title 5 Section 80026.6(a)(5) requires the permit holder to enroll in a professional teacher preparation program leading to the appropriate credential. A fully credentialed teacher has already completed a professional preparation program and need not enroll again to add subjects to the existing credential, making this permit inappropriate for the credentialed teacher.

Changes to Limited Assignment Emergency Permits

The Emergency Limited Assignment Multiple or Single Subject Teaching Permit, established in Title 5 Section 80027, is the appropriate document for a fully-credentialed teacher who wishes to teach a subject not authorized by his or her credential. However, this permit currently has no restriction on when or how often the teacher may be assigned outside of his or her credential subject, thus providing little assurance that the teacher will ever complete the subject-matter requirements for the full credential. Also, the fact that the document is issued for less than a year makes completing renewal requirements more difficult.

The Commission proposes to make three substantive changes to Section 80027 governing the Limited Assignment Emergency Multiple or Single Subject Teaching Permit. The first proposed change would add a requirement that the teacher obtain permanent status (tenure) in a California school district before the employer could assign that teacher on the basis of a Limited Assignment Emergency Permit [§80027(a)(1)]. This change is consistent with the Commission's directions in the Beginning Teacher Support and Assessment Program (BTSA) and the pre-internship legislation (AB 351 by Scott) to give the new teacher time and assistance to learn how to teach and be successful in his or her first years of teaching. New teachers need to teach those subjects in which they are well prepared rather than be asked to seek emergency permits to teach outside of the subject authorized by their credentials.

The second proposed change is to limit the permit to two reissuances [§80027(b)(5)]. There is currently no restriction on the number of years a teacher may serve on this permit. It seems unnecessary to allow such assignments to continue indefinitely since six semester units of course work appropriate to the credential are required for reissuance. A teacher should be able to complete the requirements for an appropriate supplementary authorization, or take and pass the examinations for the Multiple or Single Subject Teaching Credential, or qualify for assignment under one of the other available assignment options within a three year period.

The third proposed change will allow the holder of a Limited Assignment Emergency Permit a full year to complete the requirements for reissuance by changing the dating procedures [§80027(d)]. Currently these permits expire on either June 30 or January 31 at least six months but less than one year following the date of

issuance of the permit. The proposed change would have the permit expire on the first day of the month following the date of issuance in the same way that preliminary and professional clear credentials expire.

Technical Changes

Finally, there several technical problems in the regulations. The Commission overlooked one option for verifying target-language competence for an Emergency Multiple or Single Subject Permit with Bilingual, Crosscultural, Language and Academic Development Emphasis when the regulations were last amended. Also, several forms have been updated and the revision dates need to be included.

The addition of subsection (a)(2)(E) to §80024.2 corrects an earlier oversight. A teacher who has earned a Single Subject or Standard Secondary Credential to teach a specific language other than English should be deemed to have met the target-language for the emergency bilingual emphasis permit if the target language and that of his or her teaching authorization are the same. This concept is already fixed in the regulations for the BCLAD Certificate which exempt the holder of the credential in a language other than English from test six of the examination.

The remaining proposed changes [§80027(a)(3), (4) and (b)(3)(A) and (D)] are technical in nature, updating the revisions dates on forms and assuring that the employment statement is required for both initial issuance and renewal.

Documents Relied Upon in Preparing Regulations

- Statistical report from the Commission's Credential Automation System (CAS).

Documents Incorporated by Reference

- Limited Assignment Emergency Permit Employment Statement (form CL-542, rev. 6/94).
- Application for Credential Authorizing Public School Service (form 41-4, rev. 7/96)

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments on the proposed action. The written comment period closes at 5:00 p.m. on Wednesday, October 8, 1997.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Submission of Written Comments

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing,

Public Hearing

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact the Executive Director's office at (916)445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

Modification of Proposed Action

If the Commission proposes to modify the action hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Contact Person/Further Information

Inquiries concerning the proposed action may be directed to Bobbie Fite at the Commission's address or by calling (916) 444-5857. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the documents incorporated by reference. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

**DIVISION VIII OF TITLE 5 OF THE
CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENT OF SECTIONS
80024.1, 80024.2, 80024.2.1, and 80027
(EMERGENCY PERMITS)**

80024.1. Emergency Multiple or Single Subject Teaching Permits.

- (a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit include all of the following:
- (1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.
 - (2) The applicant must demonstrate intent to enroll in a Commission-approved program for the related credential within the valid period of the emergency permit.
 - (3) The applicant must verify one of the following:
 - ~~(A)~~ Possession of a valid California teaching credential that requires a baccalaureate degree and a professional preparation program including student teaching; or
 - ~~(B)~~ (A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or
 - ~~(C)~~ (B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:
 1. For the Emergency Single Subject Teaching Permit, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or
 2. For the Emergency Multiple Subject Teaching Permit, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development; or.
 - ~~(D)~~ Certification by the employing agency of all of the following:
 1. the applicant has not had an opportunity to take the appropriate subject matter examination(s); and
 2. the applicant will take the appropriate subject matter examination(s) at the next regularly scheduled administration, and
 3. the employing agency will discontinue employment of the applicant eight weeks after the date on which the last component of the required examination(s) is administered

~~if the applicant does not provide evidence of having passed the examination(s).~~

- (b) To renew an Emergency Multiple or Single Subject Teaching Permit, the applicant and the employing agency must meet the requirements for renewal of emergency permits specified in Section 80026.6.
- (c) Authorization:
 - (1) An Emergency Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.
 - (2) An Emergency Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(q), (d), and (g), and 44300, Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44300, and 44301 Education Code.

80024.2. Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis .

- (a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis include all of the following:
 - (1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.
 - (2) The applicant must verify target-language proficiency by one of the following:
 - (A) Passage in the target language of the listening and speaking sections of Test 6 of the CLAD/BCLAD Examinations, or the oral language component of the Bilingual Certificate of Competence (BCC) examination, or
 - (B) Passage in the target language of an assessment covering oral language proficiency, both listening and speaking, administered by a California college or university as a part of its Commission-approved BCLAD emphasis program, or
 - (C) Passage in the target language for which the Commission has no BCLAD Test 6 of an assessment covering oral language proficiency, both listening and speaking, performed by an approved organization pursuant to Education Code Section 44253.5(a), or
 - (D) Possession of a three-year or higher degree from a foreign institution in which all instruction was delivered in the target language. The foreign institution must be equivalent in status to a regionally accredited institution of higher education in the United States., or
 - (E) Possession of a valid, non-emergency California Single Subject or Standard Secondary Teaching Credential with a major in the target language.
 - (3) The applicant must verify subject-matter competence by one of the following:

- ~~(A)~~ Possession of a valid California teaching credential that requires a baccalaureate degree and a professional preparation program including student teaching; or
- ~~(B)~~ (A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or
- ~~(C)~~ (B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:
1. For the Emergency Single Subject Teaching Permit with a BCLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or
 2. For the Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development; or.
- ~~(D)~~ Certification by the employing agency of all of the following:
1. ~~the applicant has not had an opportunity to take the appropriate subject matter examination(s); and~~
 2. ~~the applicant will take the appropriate subject matter examination(s) at the next regularly scheduled administration, and~~
 3. ~~the employing agency will discontinue employment of the applicant eight weeks after the date on which the last component of the required examination(s) is administered if the applicant does not provide evidence of having passed the examination(s).~~
- (4) The applicant must demonstrate intent to enroll in a Commission-approved program for the related credential within the valid period of the emergency permit.
- (b) To renew an Emergency Multiple or Single Subject Teaching Permit with a BCLAD Emphasis, the applicant and the employing agency must meet the requirements for renewal of emergency permits specified in Section 80026.6.
- (c) Authorization.
- (1) An Emergency Multiple Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a BCLAD Emphasis in the target language(s) listed on the permit.
 - (2) An Emergency Single Subject Teaching Permit with a BCLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with

a BCLAD Emphasis in the target language(s) and authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(q), (d), and (g), and 44300, Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44300 and 44301 Education Code.

80024.2.1 Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis

(a) Requirements for the initial issuance of an Emergency Multiple or Single Subject Teaching Permit with a Crosscultural, Language and Academic Development (CLAD) Emphasis include all of the following:

(1) The applicant and the employing agency must meet the general requirements specified in Section 80023.2.

(2) The applicant must verify one of the following:

~~(A) Possession of a valid California teaching credential that requires a baccalaureate degree and a professional preparation program including student teaching; or~~

~~(B) (A) Passage of the appropriate subject matter examination(s) approved by the Commission for the related credential; or~~

~~(C) (B) Successful completion of the specified number of semester units, or equivalent quarter units, of appropriate course work taken at a regionally accredited college or university as follows:~~

~~1. For the Emergency Single Subject Teaching Permit with a CLAD Emphasis, at least 18 semester units, or nine upper division or graduate semester units of course work in the subject to be taught; or~~

~~2. For the Emergency Multiple Subject Teaching Permit with a CLAD Emphasis, at least 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development; or~~

~~(D) Certification by the employing agency of all of the following:~~

~~1. the applicant has not had an opportunity to take the appropriate subject matter examination(s); and~~

~~2. the applicant will take the appropriate subject matter examination(s) at the next regularly scheduled administration, and~~

~~3. the employing agency will discontinue employment of the applicant eight weeks after the date on which the last component of the required examination(s) is administered if the applicant does not provide evidence of having passed the examination(s).~~

- (3) The applicant must demonstrate intent to enroll in a Commission-approved program for the related credential within the valid period of the emergency permit.
- (b) To renew an Emergency Multiple or Single Subject Teaching Permit with a CLAD Emphasis, the applicant and the employing agency must meet the requirements for renewal of emergency permits specified in Section 80026.6.
- (c) Authorization:
 - (1) An Emergency Multiple Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Multiple Subject Teaching Credential with a CLAD Emphasis.
 - (2) An Emergency Single Subject Teaching Permit with a CLAD Emphasis authorizes the same service as a Single Subject Teaching Credential with a CLAD Emphasis in the authorized field(s) listed on the permit.

NOTE: Authority cited: Sections 44225(q), (d), and (g), and 44300, Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44300 and 44301 Education Code.

80027. Limited Assignment Emergency Multiple or Single Subject Teaching Permit.

- (a) Requirements for the initial issuance of the Limited Assignment Emergency Multiple or Single Subject Teaching Permit include all of the following:
 - (1) Applicant is currently employed by the local governing board requesting such assignment and has obtained permanent status as defined in Education Code Section 44929.21 or 44929.22 or 44929.23 in a school district in California within the previous five years.
 - (2) Applicant holds a valid California teaching credential based on a baccalaureate degree and completion of a professional preparation program, including student teaching.
 - (3) The application is accompanied by the appropriate Commission-approved Employment Statement form (form CL-542 6/94) signed by the teacher and an appropriate employing agency official verifying consent of both parties; describing briefly the whole assignment which the emergency permit holder would teach; explaining the situation or circumstances that necessitate the use of an emergency permit holder; stating that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established for that position by the employing agency; and, verifying prior approval of the assignment by the local governing board.
 - (4) The applicant submits a completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94 7-96), and the fee(s) as specified in Section 80487.
- (b) Requirements for the renewal of a Limited Assignment Emergency Multiple or Single Subject Teaching Permit.
 - (1) Applicant is currently employed by the local governing board requesting such assignment.
 - (2) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching.

- (3) An application for renewal of a Limited Assignment Emergency Multiple or Single Subject Teaching Permit shall be submitted to the Commission by the employing agency, and shall include all of the following.
 - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94 7-96).
 - (B) Payment of the fee(s) required by Section 80487.
 - (C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.
 - (D) Completed Employment Statement (form CL-542 6/94).
- (4) Validation of Professional Development Statement. The holder of a Limited Assignment Emergency Multiple or Single Subject Teaching Permit who has previously taught three or more years on a credential other than an emergency credential or permit may submit the following in lieu of the required 6 semester units:
 - (A) Verification that he or she has completed ninety hours of professional development activities that are directly related to the subject or class authorized by the Limited Assignment Emergency Multiple or Single Subject Teaching Permits; and
 - (B) Submission of a Validation of Professional Development Statement, signed by the employing agency and the permit holder, that includes a brief description of the content of the teacher's professional development program, a brief description of the manner in which the results of the teacher's professional development program were evaluated.
- (5) An individual may hold a Limited Assignment Emergency Multiple or Single Subject Teaching Permit in any specific subject for a maximum of three years.
- (c) Authorization: The Limited Assignment Emergency Multiple or Single Subject Teaching Permit authorizes the holder to teach in the assignment described in the statement signed by the teacher and the appropriate employing agency official, and approved by the local governing board as required by Section 80027(a)(3).
- (d) The Limited Assignment Emergency Multiple or Single Subject Teaching Permit shall be valid for ~~the length of time specified in Section 80023.1(e)~~ no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

NOTE: Authority cited: Sections 44225(q), (d), and (g), and 44300, Education Code. Reference: Sections 44225, subdivisions (d) and (g), 44300 Education Code.

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OFFICE OF THE EXECUTIVE DIRECTOR

Attn.: Sam Swofford, Ed. D.
Executive Director

Title: Emergency Permits
Sections: 80024.1, 80024.2, 80024.2.1, & 80027

Response to the Attached Title 5 Regulations

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address by 5:00 pm on Wednesday, October 8, 1997, in order that the material can be presented at the October 9, 1997, public hearing.

- 1. **Yes**, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
- 2. **No**, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3. Personal opinion of the undersigned. and/or
- 4. Organizational opinion representing: _____
Circle One: School District, County Schools, College/University, Professional Organization, Other
- 5. I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- 6. No, I will not make a presentation to the Commission at the public hearing.

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____

Route to BF