

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

98-9816

DATE: September 8, 1998

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

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

SUBJECT: Proposed Addition of Section 80413.2 and Amendment of
Section 80048.3 of Title 5, California Code of Regulations,
Pertaining to the Implementation of the Credentialed Out-of-
State Teacher Recruitment and Retention Act of 1997--AB 838
(Pacheco)

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~~ text is lined-through. The public hearing is scheduled on:

Thursday, November 5, 1998
1:30 p.m.
Vizcaya Pavilion
2019 21st Street
Sacramento, California

STATEMENT OF REASONS

Education Code Sections 44205 and 44205.5, the "Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997" authored by Assemblyman Rod Pacheco (AB 838), became effective on January 1, 1998. This statute requires the Commission to issue five-year preliminary Multiple Subject, Single Subject, or Education Specialist Credentials to applicants who hold valid equivalent credentials from out of state. At identified times during the

five-year period, the teacher must verify completion of specified requirements or the document must be inactivated by the Commission. The proposed regulations seek to clarify several items in the statute. A description of those items appears below.

Requirements

Education Code Section 44205 (a)(1) states that "It is the intent of the legislature that...any and all teachers hired in California pursuant to this section fully meet the requirements of the State of California." Those requirements are identified by name or by reference in the statute. However, the Education Code references do not provide a complete description of all of the requirements. The proposed regulations add clarity by identifying the requirements in specific terms, with references to the Education Code and Title 5 regulations as appropriate.

Identifying the Employer

The statute requires that the out-of-state teacher must have an offer of employment in California in order to receive this five-year preliminary credential. At each step, the statute implies that the teacher must still be working in California. The proposed regulations identify the employing agency by placing that agency's name on the face of the document in the form of an employment restriction. This will enable the Commission to locate the teacher and to notify both the teacher and the employer when requirements have not been met and the document must be inactivated. The restriction will not limit the teacher to working in a single district for the entire five years; it will simply require the teacher and his or her new employer to notify the Commission if the teacher moves to a new district.

Form for Verification of Requirements

As a guide for the credential holder when he or she collects the materials needed to verify completion of requirements, and as a way to assure that the materials submitted before the end of the fourth year are processed efficiently in the Commission office, the proposed regulations require the materials be submitted with a specific form: Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code §44205 (CL813 - 5/98). This form will be mailed to the credential holder with the original credential document and a second copy will be mailed with the inactivation letter, if one is necessary.

Notifying Credential Holders and Employers of Inactivation and Reactivation

The statute requires that the Commission inactivate the five-year preliminary credential when specific requirements are not met by established deadlines. First, the Commission must inactivate the document if the holder does not pass CBEST within the first year. In addition, the Commission must inactivate the document if other requirements are not completed by the end of the fourth year. The statute does not specify who should be notified of this inactivation or when. The proposed regulations state that the Commission

will notify both the credential holder and the employing agency one month in advance of the inactivation date for CBEST and three months in advance of inactivation for the remaining requirements. The letter will state the specific date of inactivation. This process provides both the holder and employer with time to submit verification of completion of the requirements before the deadline, thereby keeping the holder in the classroom.

If the credential holder fails to verify completion of requirements by the deadline and must be removed from the classroom, the proposed regulations provide a way to return the holder to the assignment as soon as he or she submits verification to the employer. This way the students are not without their teacher while the paper work is being processed. The employing agency then has ten working days to submit the paperwork to the Commission. Once the verification of completion of requirements is processed in the Commission office, the Commission will send a formal notice of reactivation.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

No studies, reports, or other research documents were relied upon in the development of these proposed regulations.

DOCUMENTS INCORPORATED BY REFERENCE

- Verification of Completion of Requirements for a Credential Issued Pursuant to Education Code §44205 (CL813 - 5/98)

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, November 4, 1998.

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, attention Executive Office, 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. The Commission would appreciate 14 days advance notice in order to

schedule sufficient time on the agenda for all speakers. 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 fifty copies to be distributed to the Commissioners and interested members of the public. 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 (916) 445-5857 or <bfite@ctc.ca.gov>.. 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. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

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

**Proposed Addition of Section 80413.2 and Amendment of Subsection
80048.3 of Title 5, California Code of Regulations,
Pertaining to the Implementation of the Credentialed Out-of-State
Teacher Recruitment and Retention Act of 1997--AB 838 (Pacheco)**

**80413.2 Specific Requirements for Preliminary and Professional Clear
Multiple and Single Subject Teaching Credentials Pursuant to the
Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997**

- (a) The minimum requirements for the five-year preliminary Multiple or Single Subject Teaching Credential pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997 are:
- (1) possession of a valid comparable teaching credential from a state other than California that required both of the following:
 - (A) completion of a baccalaureate or higher degree from a regionally accredited institution of higher education and
 - (B) completion of a professional preparation program approved by the applicable state agency in the state where the program was completed; and
 - (2) an offer of employment from a California school district, county office of education, non-public, non-sectarian school or agency, or school operating under the direction of a California state agency. Service on the credential is restricted to the employing agency listed on the document. If the holder changes employing agencies, he or she and the new employer must request a change of restriction on the document.
 - (3) An individual who has previously been issued a California Multiple or Single Subject Teaching Credential or Permit is not eligible for this preliminary credential.
- (b) On or before the end of the first year following the issuance date of the credential (year-one deadline), the credential holder must pass the California Basic Educational Skills Test (CBEST).
- (1) If the holder does not have a passing score on file with the Commission one month prior to the year-one deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
 - (2) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with his or her official CBEST verification transcript as proof of passage of the

- examination.
- (3) The employer must submit a copy of the CBEST verification transcript to the Commission within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once the scores are entered into the Commission's computer system.
 - (c) On or before the end of the fourth year following the issuance date of the credential (year-four deadline), the credential holder must submit verification that he or she has completed the requirements for continuation of employment to the Commission using form CL-813.

 - (1) The requirements for continuation of employment are:

 - (A) subject-matter competence verified either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094,
 - (B) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Title 5 Section 80415; and
 - (C) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4).
 - (2) If the holder does not verify completion of the year-four requirements to the Commission at least three months prior to the year-four deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
 - (3) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification unless the holder provides the employer with verification that all year-four requirements have been completed prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with official verification that all year-four requirements have been completed.
 - (4) The employer must submit verification of completion of requirements to the Commission within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once verification has been entered into the Commission's computer system.
 - (d) To be eligible to apply for the professional clear credential, the holder must complete the following requirements in addition to the requirements listed above:

 - (1) study of health education as specified in Education Code Section 44259(c)(1),
 - (2) study and field experience in methods of delivering appropriate

- educational services to pupils with exceptional needs in regular education programs as specified in Education Code Section 44259(c)(2),
- (3) study of computer-based technology as specified in Education Code Section 44259(c)(3), and
- (4) completion of an approved fifth year of study as specified in either Education Code Section 44259(c)(4) or Section 44227(e)(1).

NOTE: Authority Cited: Sections 44225 and 44205, Education Code. Reference: Sections 44227(c), 44227(e), and 44259(c), Education Code

80048.3 Specific Requirements for the Preliminary Level I Education Specialist Instruction Credential

- (a) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program in California shall include (1) through (8):
- (1) a baccalaureate or higher degree from a regionally accredited institution of higher education;
 - (2) the completion of a professional preparation program accredited by the Committee on Accreditation in the requested education specialist category, including successful completion of supervised field study;
 - (3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252, unless exempt by statute or regulation;
 - (4) verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject-matter competence requirement;
 - (5) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);
 - (6) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article;
 - (7) the recommendation from a regionally accredited institution of higher education that has a program accredited by the Committee on Accreditation in the preliminary credential sought, as specified in Education Code Section 44227(a); and
 - (8) verification of an offer of employment. The employment requirement may be met in one of the following ways:

- (A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or
- (B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:
 - 1. Possession of a non-special education credential that authorizes employment in the position;
 - 2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;
 - 3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is enrolled must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and
 - 4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.
- (9) An individual who has completed requirements (1) through (7) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.
- (b) The minimum requirements for the preliminary level I Education Specialist Instruction Credential for applicants who complete a professional preparation program outside of California shall include (1) through (9) below. Applicants may apply directly to the Commission for the preliminary level I Education Specialist Instruction Credential under this section.
 - (1) a baccalaureate or higher degree from a regionally accredited institution of higher education;
 - (2) the completion of a professional preparation program in the requested education specialist category, consisting of a minimum of 24 semester units, comparable to a program accredited by the Committee on Accreditation, including successful completion of supervised field study, but taken outside of California at a regionally accredited institution of higher education and approved by the appropriate state agency where the coursework was completed;

- (3) passage of the California Basic Education Skills Test (CBEST) described in Education Code Section 44252;
- (4) verification of subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education or holders of a California clear, professional clear, or life teaching credential requiring a baccalaureate or higher degree and a program of professional preparation, including student teaching, are exempt from this subject-matter competence requirement;
- (5) a minimum of three units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum;
- (6) a minimum of one semester unit of supervised field experience in general education verified by transcript or 45 clock hours with non-special education students verified by the employing agency;
- (7) demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4);
- (8) knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article; and
- (9) verification of an offer of employment. The employment requirement may be met in one of the following ways:
 - (A) Employment in a position requiring the Education Specialist Instruction Credential in a public school or private school of equivalent status; or
 - (B) Employment in a position not requiring the Education Specialist Instruction Credential but where duties include providing direct instruction to special education students. The applicant must verify all of the following:
 1. Possession of a non-special education credential that authorizes employment in the position;
 2. The duties of the position are equivalent in nature to special education duties. A letter from the employing school district, county office or special education local planning area must verify the assignment, including a description of the duties and explanation as to why the position does not require an Education Specialist Instruction Credential;
 3. The Coordinator or Director of the Education Specialist credential program at the college or university in which the applicant is seeking enrollment must verify that experience is appropriate for the requested education specialist category of the preliminary Education Specialist Instruction Credential; and

4. The Commission staff confirms that the teaching position would be considered equivalent to a special education position, including a position such as teacher in a regular classroom where special education students are included, but not including positions such as curriculum consultant or administrator.
- (10) An individual who has completed requirements (1) through (8) above but does not have an offer of employment may apply for a Certificate of Eligibility which verifies completion of all requirements for the preliminary level I credential and authorizes the holder to seek employment.
- (c) The requirements for the preliminary level I Education Specialist Instruction Credential pursuant to the Credentialed Out-of-State Teacher Recruitment and Retention Act of 1997 include all of the following:
- (1) The minimum requirements for initial issuance include:
 - (A) possession of a valid comparable teaching credential from a state other than California that required both of the following:
 1. completion of a baccalaureate or higher degree from a regionally accredited institution of higher education and
 2. completion of a professional preparation program approved by the applicable state agency in the state where the program was completed; and
 - (B) an offer of employment from a California school district, county office of education, non-public, non-sectarian school or agency, or school operating under the direction of a California state agency. Service on the credential is restricted to the employing agency listed on the document. If the holder changes employing agencies, he or she and the new employer must request a change of restriction on the document.
 - (C) An individual who has previously been issued a California Specialist Instruction Credential or Permit in Special Education or an Education Specialist Instruction Credential or Permit is not eligible for this preliminary level I credential.
 - (2) On or before the end of the first year following the issuance date of the credential (year-one deadline), the credential holder must pass the California Basic Educational Skills Test (CBEST).
 - (A) If the holder does not have a passing score on file with the Commission one month prior to the year-one deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.
 - (B) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with his or her official CBEST verification transcript as proof of passage of the examination prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides

the employer with his or her official CBEST verification transcript as proof of passage of the examination.

(C) The employer must submit a copy of the CBEST verification transcript to the Commission within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once the scores are entered into the Commission's computer system.

(3) On or before the end of the fourth year following the issuance date of the credential (year-four deadline), the credential holder must submit verification that he or she has completed the requirements for continuation of employment to the Commission using form CL-813.

(A) The requirements for continuation of employment are:

1. subject-matter knowledge either by examination as specified in Education Code Sections 44280 and 44281 and described in Title 5 Section 80071, or by completion of a subject-matter program as provided for in Education Code Section 44310 and described in Title 5 Sections 80085-80088 and 80094; candidates for the specialist category of Early Childhood Special Education are exempt from this subject-matter competence requirement;

2. a minimum of three semester units of coursework in non-special education pedagogy relating to teaching basic academic skills and content areas that are commonly taught in the public school curriculum verified by official transcript;

3. a minimum of one semester unit of supervised field experience in general education verified by official transcript or 45 clock hours with non-special education students verified by the employing agency;

4. demonstration of the study of alternative methods of developing English language skills, including the study of reading, as described in Education Code Section 44259(b)(4) verified by official transcript; and

5. knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415 of this article.

(B) If the holder does not verify completion of the year-four requirements to the Commission at least three months prior to the year-four deadline, the Commission will send a credential inactivation notice to both the employer and the credential holder specifying the date on which the document will become inactive.

(C) The employer must remove the holder from the teaching position no later than the inactivation date specified in the notification, unless the holder provides the employer with verification that all year-four requirements have been

completed prior to the specified inactivation date. If the holder is removed from the teaching position, he or she may be returned to the position as soon as he or she provides the employer with official verification that all year-four requirements have been completed.

(E) The employer must submit verification of completion of requirements to the Commission within ten working days of returning the holder to the teaching position. The Commission will send the employer and the holder a letter indicating the document has been reactivated once verification has been entered into the Commission's computer system.

~~(e)~~(d) Period of Validity.

(1) A preliminary level I Education Specialist Instruction Credential issued on the basis of the completion of all requirements in subsections (a), ~~(b)~~, or (c) is valid for five years.

NOTE: Authority Cited: Sections 44225 and 44205, Education Code. Reference: Sections 44225, 44227(a), 44252, 44265, 44280, 44281, 44310, 44259(b)(4), and 44335, Education Code.

**CREDENTIAL ISSUED PURSUANT TO EDUCATION CODE §44205
(AB838 /PACHECO)**

Your document has been issued under the provisions of Education Code §44205 which allow for the issuance of a five-year document to qualified teachers who hold valid comparable certification in another state. As the holder of this credential, you must complete specific requirements by certain deadlines in order to retain your document. The document will be inactivated if you miss the deadline and you will be removed from your teaching position.

The specific requirements that you must complete are listed on the face of your document and described in detail on the enclosed information leaflet. The chart below outlines the requirements in general terms.

Scores for the California Basic Educational Skills Test (CBEST) are reported directly to the Commission by the testing company. If you take and pass the test before the end of the first year that you hold the document, your document will continue in force. The Commission will notify you and your employer *only* if the scores are not received prior to the year-one deadline. You will receive instructions on how to submit the CBEST verification transcript at that time if necessary.

To verify completion of the year-four requirements, you must submit a copy of the reverse of this form to the Commission office at the post office box number provided *at least three months prior to the deadline* (fifteen months prior to the expiration date printed on the document). Please fill in all applicable sections of the form, then sign and date it. Attach supporting documentation (score reports, official transcripts, original letters) for the requirements that you complete. There is no fee.

At the end of the five years, you must submit a new application and fee, plus verification of the remaining requirements, to apply for the professional clear credential.

Time Line	Multiple & Single Subject Teaching Credentials	Education Specialist Instruction Credentials (Special Education)
Initial Issuance	Hold Comparable Out-of-State Elementary or Secondary Teaching Credential	Hold Comparable Out-of-State Special Education Teaching Credential
End of Year 1	Passage of CBEST	Passage of CBEST
End of Year 4	<ul style="list-style-type: none"> • U.S. Constitution • Methods of Teaching Reading • Subject-Matter Competence 	<ul style="list-style-type: none"> • U.S. Constitution • Methods of Teaching Reading • Subject-Matter Competence <small>(except in Early Childhood Special Education)</small> • Non-Special Education Pedagogy <small>(3 semester units minimum)</small> • Supervised Field Experience in General Education <small>(45 clock hours minimum)</small>
For Professional Clear Credential	<ul style="list-style-type: none"> • Health Education • Special Education • Computers in Education • Fifth Year of Study, including IHE recommendation if completed in California 	<ul style="list-style-type: none"> • Level II Program, including IHE Recommendation • Two Years of Special Education Teaching Experience • Health Education • Computers in Education

**VERIFICATION OF COMPLETION OF REQUIREMENTS
 FOR A CREDENTIAL ISSUED
 PURSUANT TO EDUCATION CODE §44205**

This form is to be completed by the credential holder. Please type or print. Submit this form and the supporting documentation to the Commission when ALL year-4 requirements have been completed. Mail all materials in one packet to the address listed above at least fifteen months prior to the expiration date of the credential document to avoid having the document inactivated. No fee is required.

Name

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First Middle Last

Social Security Number

	-		-	
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Mailing Address

City State Zip

Document Title Multiple Subject Teaching Credential
 Single Subject Teaching Credential
 Education Specialist Instruction Credential

Document Number

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Expiration Date

	-		-	
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Employing School District

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Documentation Attached Verification of Subject-Matter Competence

Examination score reports for the examination(s) checked:

MSAT

SSAT in _____

Praxis in _____

Subject-matter verification letter from college/university

Official transcripts for the course(s) checked:

U. S. Constitution

Teaching of Reading

Non-Special Education Pedagogy for Education Specialist Credential

Letter verifying 45 hours of experience with non-special education students for the Education Specialist Credential

Signature _____ Date _____

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

1812 Ninth Street
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OFFICE OF THE EXECUTIVE DIRECTOR

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

Title: *Implementation of AB 838*
 Sections: 80413.2 and 80048.3

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, November 4, 1998, in order that the material can be presented at the November 5, 1998, 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