

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

DATE: December 10, 2001 01-0020

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 Amendment of Sections 80026.4, 80026.6, and 80122 of Title 5, California Code of Regulations, Pertaining to Plan to Develop Fully Qualified Educators

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:

February 7, 2002
11:00 am
California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

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 for all speakers. Please contact Susan Browning at (916) 324-5339 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 Commissioner members 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.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on February 6, 2002. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the California Commission on Teacher Credentialing, Attention Susan Browning, 1900 Capitol Avenue, Sacramento, CA 95814; or submit an e-mail at sbrowning@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commission member 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.

Authority and Reference

Education Code Section 44225(q) authorizes the Commission to adopt the proposed actions, which will implement, interpret or make specific sections 44300 of the Education Code and govern the procedures of the Commission.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code Section 44300 provides that the Commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the Commission.

Section 80026.4 – Staff is proposing that employers will no longer be able to initially request approval of Plans to Develop Fully Qualified Educators after January 1, 2003 and that all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. There is a five-year time limit set by the Legislature to complete credential requirements while holding an emergency permit.

Section 80026.6 – Staff is proposing that all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. There is a five-year time limit set by the Legislature to complete credential requirements while holding an emergency permit.

Section 80122(g)(2) – Staff is proposing all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. This would encourage individuals on waivers to meet emergency permit requirements quicker. Once the individual is on the emergency permit he or she would have to complete credential requirements within five-years.

Section 80122(h)(2) – Staff is proposing all approved Plans to Develop Fully Qualified Educators not be offered after January 1, 2004. This would encourage individuals on waivers to meet emergency permit requirements quicker. Once the individual is on the

emergency permit he or she would have to complete credential requirements within five-years.

The Plan to Develop Fully Qualified Educators was designed as an option to request a subsequent waiver, or renew an emergency permit for the initial reissuance, by engaging in 90 hours of intensive professional development in lieu of completion of six units of conventional university course work or taking the appropriate subject matter examination. The Plan to Develop waives the college or university teacher preparation evaluation that is required for the initial reissuance of an emergency permit.

The Commission will derive three benefits from the proposed changes:

- Individuals employed on waivers will be encouraged to complete the subject matter requirements in order to qualify for the emergency permit as quickly as possible.
- The five-year time limit placed by legislation on an emergency permit holder to complete credential requirements essentially eliminates the rationale for Plans to Develop Fully Qualified Educators.
- The phasing out of Plans to Develop Fully Qualified Educators as an option to renew an emergency permit or waiver would not preclude an employer from still offering the training as on-going support or as an employment hiring enhancement.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandated costs to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code §11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

Inquiries concerning the proposed action may be directed to Susan Browning at (916) 327-5339 or Susan Browning, Commission on Teacher Credentialing, 1900 Capitol Ave. Sacramento, CA 95814. 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. This information is also available on the Commission's web-site at <<http://www.ctc.ca.gov>>. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action(s)

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

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at <<http://www.ctc.ca.gov>> or you may obtain a copy by contacting Susan Browning at (916) 327-5339.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

**Proposed Regulations for Section 80026.4, Division VIII
of Title 5 California Code of Regulations**

§ 80026.4 Plan to Develop Fully Qualified Educators

(a) Any employing agency may submit a Plan to Develop Fully Qualified Educators to the Commission for approval. Such a Plan shall be developed by the employing agency, in collaboration with a county office of education, regionally accredited college or university, Special Education Local Planning Area, or other public education entity in the region of the employing agency, as appropriate. The Plan shall describe efforts by the employing agency to:

(1) recommend to the Commission the certification of personnel who, by virtue of education, training or experience, have been judged by certificated educators from the employing agency as competent to serve in an assignment, but are not yet certified to do so;

(2) support and assist persons who have training and experience in teaching, but neither training nor experience in the area to which they will be assigned; and

(3) provide development activities for persons who have neither training nor experience in teaching, for example, through university or district internships, technologically based learning, or intensive professional development programs.

(b) Any Plan To Develop Fully Qualified Educators may propose alternatives to enrollment in a Commission accredited preparation program for the first year of development of persons granted an emergency permit for the first time. Such alternatives shall be designed to provide ninety clock hours of professional development and to be equivalent to at least 6 units of course work offered to first-year emergency permit holders by a college or university with an preparation program accredited by the Commission. Any such proposed alternatives shall include information on how the performance of the applicants for the reissuance of an emergency permit shall be evaluated.

(c) Any Plan To Develop Fully Qualified Educators may propose ways for the employing agency to streamline or decentralize existing procedures for the issuance or reissuance of any or all of the emergency permits listed in Section 80023 to allow the employing agency to devote more personnel or fiscal resources to supporting, assisting and developing fully qualified educators, and fewer resources to paperwork or other tasks associated with applying for emergency permits.

(d) Plans to Develop Fully Qualified Educators may be initially approved by the Commission until January 1, 2003 and all approved Plans to Develop Fully Qualified Educators shall no longer be offered after January 1, 2004.

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

**Proposed Regulations for Section 80026.6, Division VIII
of Title 5 California Code of Regulations**

§80026.6. Requirements for the Reissuance of Emergency Permits

(a) The reissuance requirements for an emergency permit identified in Section 80023 shall include all of the following:

(1) A completed Application for Credential Authorizing Public School Service (form 41-4, rev 4-94),

(2) Payment of the fee(s) required by Section 80487.

(3) Prior submission of a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(4) Verification that orientation, guidance and assistance have been provided as required in Section 80026.5.

(5) For the first reissuance only, an evaluation by a Commission-accredited professional preparation institution identifying requirements the emergency permit holder must complete to be eligible for the related credential.

(6) The following, unless exceptions for reissuance are listed under the specific requirements for the type of emergency permit for which application is being made:

(A) Completion of at least six semester units (or the equivalent quarter units) of approved coursework in a Commission-accredited professional preparation program required for issuance of the related credential; or

(B) for the first reissuance only, completion of a minimum of ninety hours of professional development activities that are directly related to the subject or class authorized by the emergency permit if the applicant is employed by a employing agency with a Plan to Develop Fully Qualified Educators which has been accredited by the Commission. This option will no longer be available after January 1, 2004.

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

**Proposed Regulations for Section 80122, Division VIII
of Title 5 California Code of Regulations**

§80122. Requirements for Variable Term Waivers.

The application for a waiver document shall include all of the following:

(a) Name of Employing Agency. The application shall identify the employing agency seeking a waiver.

(b) Section Number. The application shall cite the specific Education Code or Title 5 section number(s) for which a waiver is being requested. In the case of waivers for the purpose of assignment in school programs addressing issues of educational reform, the application may instead identify the plan under which the reform will take place and, if applicable, the date when the plan was approved by the employing agency or the appropriate state agency, whichever came later.

(c) Reason for Waiver. The application shall summarize the reason the waiver is being requested, including, but not limited to, the specific employment criteria for the position that must be filled, a description of the efforts to locate and recruit individuals who hold the appropriate credential or who can be assigned under one of the available assignment options, and a description of the efforts the employing agency has made to establish alternative training options such as co-sponsoring internships with institutions of higher education or establishing a District Intern program.

(d) Proposed Solution. The application shall describe how the waiver will remedy the situation, give the rationale for the request including what makes the applicant the best candidate to fill the position, and describe any negative effect(s) that are likely to occur if the request is not granted.

(e) Identification of Applicant. The application shall identify, by name, date of birth and Social Security number, the applicant for whom the waiver is requested.

(f) If the applicant does not already have fingerprint clearance on file with the Commission, the application must include two fingerprint cards and the completed Application for Character and Identification Clearance (form 41-CIC, rev 11-93), and appropriate fee(s).

(g) Requirements and Commitment. The request shall:

(1) list the requirement(s) that the applicant must complete to be eligible for the credential which authorizes the service being requested and the anticipated date(s) of completion of those requirement(s),

(2) include a commitment by the applicant, in the form of an original signature, to pursue a course of study leading to full certification, with the understanding that no subsequent waiver will be requested should the applicant fail to verify completion of requirement(s) leading toward the credential ~~or completion of the alternative requirement(s) specified in the employing agency's approved Plan to Develop Fully Qualified Educators,~~

(3) list the name and/or position of any person assigned to provide support and assistance to the applicant while he or she is serving on the waiver, and

(4) state that the employing agency has made a commitment to support and assist the applicant, as feasible, in completing the credentialing requirement(s).

(h) Additional Requirements

(1) To fill a position to serve special education students, the employing agency must include the SELPA among those receiving notice of the intent to request a waiver.

~~(2) Waiver requests from geographically isolated regions with severely limited ability to develop personnel shall include a Plan to Develop Fully Qualified Educators pursuant to Section 80026.4 or an explanation as to why such a plan is not feasible.~~

(i) Effective Date and Proposed Duration. The application shall specify the beginning date of service on the waiver and the date when the waiver will cease to be needed.

(j) Public Notice. The request shall include verification that a notice of intent to employ the applicant in the position identified has been made public as follows:

(1) If the waiver request is being submitted by a public school district, it must include a copy of the agenda item presented to the governing board of the district in public meeting with a signed statement from the superintendent, or his or her designee, that the item was acted upon favorably. The agenda item must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(k) Signatures. The application shall include the signature of the district personnel administrator or superintendent or the county superintendent if service will be provided in a county-operated school or the administrator of the state-operated school or of the nonpublic, nonsectarian school or agency, or his or her designee certifying that the information provided is accurate and complete.

(l) Fee(s). Effective July 1, 1996, the waiver request shall include payment of the fee(s) required by Section 80487. Waiver requests for individuals who hold a valid non-emergency teaching credential based on possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching shall include payment of the fee(s) required by all subsections of Section 80487, as appropriate, except 80487(a)(1).

Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m) and 44235, Education Code.

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Attn.: Susan Browning
CAW Division

Title: Plan to Develop Fully Qualified
Educators

Section Nos.: 80026.4, 80026.6 & 80122

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, attention Susan Browning, at the above addressor fax to his attention at (916) 327-3166. Respond by 5:00 pm on February 6, 2002 in order that the material can be presented at the February 7, 2002, 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: _____

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