

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to English Learner Authorizations for California Prepared Teachers and the World Language: English Language Development Content Area Authorization

Initial Statement of Reasons

Rationale for Proposed Regulations

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44225(e), 44252.1, and 44259.5(a).

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) pertaining to English learner authorizations for California prepared teachers and the World Language: English Language Development (ELD) content area as approved by the Commission at the March 2013 meeting.

The proposed regulations are based on the work completed during the past three years by the Commission and the English Learner Authorizations Advisory (ELAA) Panel to improve teaching and learning related to English learner students in California public schools. The Commission has heard multiple prior agenda items relating to the work of the ELAA Panel and has taken several related actions pertinent to the topics addressed in this agenda item. One component of this work addressed within the proposed regulations includes the new content area authorization of World Language: ELD for the Single Subject Teaching Credential. The other aspects of the work addressed in the proposed regulations include changes in the scope of the English learner authorizations for future completers of the Multiple Subject, Single Subject, and Education Specialist teacher preparation programs in order to align with the level of preparation provided. The World Language: ELD content area authorization and the revised EL authorization structure for California prepared teachers were previously approved by the Commission in December 2011 as part of the ELAA Panel's recommendations (<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5B.pdf>).

In January 2012, the Commission adopted Subject Matter Requirements (SMRs) for the Single Subject World Language: ELD content area. These SMRs are currently being used to develop the CSET subject matter examination in World Language: ELD and also served as the basis of the adopted Program Standards for the subject matter program (<http://www.ctc.ca.gov/commission/agendas/2012-01/2012-01-3A.pdf>).

In August 2012, the Commission adopted a timeline for implementation of the revised English learner authorizations structure for future holders of Multiple Subject, Single Subject, and Education Specialist Teaching Credentials based on their preparation in California (<http://www.ctc.ca.gov/commission/agendas/2012-08/2012-08-4F.pdf>).

In January 2013, the Commission adopted modifications to educator preparation standards to assure that these standards reflect the most current research and practices relating to the education of English learners with the intent of improving the delivery of services to English learners (<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4B.pdf>). At the same meeting the Commission also completed the final step necessary to move forward with program development for the World Language: ELD content area by adopting the necessary subject matter program preconditions and the Single Subject Teaching Credential preparation program content specific pedagogy standard (<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4E.pdf>).

The purpose of the proposed regulation amendments is to align the authorization structure with the preparation received by beginning teachers and is based on the following rationale:

- After reviewing extensive current research, the ELAA Panel and the Commission determined that current teacher preparation is not sufficient to support a departmentalized authorization for ELD for either multiple or single subject teachers.
- The ELAA Panel recommended that the authorization for providing ELD be limited to instruction that occurs within the scope of the teacher’s basic credential authorization, as is consistent with the level of preparation provided by Multiple Subject, Single Subject, and Education Specialist teacher preparation programs. This recommendation was approved by the Commission in December 2011.
- The ELAA Panel determined that ELD represents a separate discipline that should have its own single subject credential within the World Language content area. The Commission approved this recommendation and directed the ELAA Panel to develop the subject matter content needed to underlie this credential.

Revised English Learner Authorization Structure

The Commission adopted a revised English Learner Authorizations Structure at its December 2011 meeting (<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5B.pdf>). The Commission approved the recommendation of the ELAA Panel that current teacher preparation is not sufficient to support the content area of ELD in a departmentalized setting for either multiple or single subject teachers and concluded that the authorization for providing ELD should be “limited to instruction that occurs within the scope of the teacher’s basic credential authorization, as is consistent with the level of preparation provided by Multiple Subject, Single Subject, and Education Specialist teacher preparation programs.”

Since the authorization to provide Specially Designed Academic Instruction in English (SDAIE) services is clearly tied in statute to the teacher’s underlying prerequisite credential, it is consistent with legislative intent and with the mission of meeting the needs of all of California’s diverse students that the ELD authorization provided through Senate Bill (SB) 2042 (Chap. 548, Stats. 1998) and Assembly Bill (AB) 1059 (Chap. 711, Stats. 1999) teacher preparation programs also be tied to the teacher’s underlying prerequisite credential.

The revised authorization structure adopted in December 2011 limits the authorization for ELD and SDAIE services to more closely align with the preparation provided in the teaching credential program [reference proposed amendments to 5 CCR §§80003(e)(2), 80004(f)(2), and 80048.6(b)(10)(B)] and leaves unchanged the authorization for the Crosscultural, Language, and

Academic Development (CLAD) Certificate or English learner authorization based on completion of a Commission-approved California Teachers of English Learners (CTEL) program or examination.

Authorization Scope for the World Language: English Language Development Credential

As adopted by the Commission in December 2011, the Single Subject Credential in World Language: ELD authorizes the teaching of ELD in departmentalized settings and also SDAIE for additional content areas added to the basic credential or any additional basic credential earned [reference proposed amendments to 5 CCR §80004(e)].

Table A provides an outline of both the revised scope of the English learner authorizations based on the preparation route completed and the scope of the new authorization for the World Language: ELD content area (<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5B.pdf>).

Table A: English Learner Authorizations Scope

EL Preparation Route	Revised Scope of the EL Authorization
Multiple Subject Teaching Credential holders	SDAIE and ELD in self-contained and core settings
Single Subject Teaching Credential holders	SDAIE and ELD within the content area(s) authorized on the credential
Education Specialist Instruction Credential holders	SDAIE and ELD for students with special needs across the full continuum of placement options indicated in the students’ IEPs and in alignment with the disability categories authorized by the teacher’s credential and authorizations
CLAD Certificate or English Learner Authorization holders based on completion of a Commission-approved CTETL program or examination	SDAIE and ELD in the grade levels, subjects and settings authorized by the prerequisite teaching credential and ELD as a separate departmentalized content area in grades Pre-K-12 and for adults
World Language: ELD	Departmentalized ELD including reading, writing, listening and speaking in grades Pre-K-12 and classes organized primarily for adults and SDAIE (for additional subjects added to the basic credential or any additional basic credential earned)

Implementation Dates

In accordance with California Education Code (EC) §44251.2, a credential, permit, certificate, or other document once issued by the Commission remains in force in accordance with the laws and regulations under which it was issued, and is exempt from new laws and regulations. The holder retains the full scope of the original authorization as specified under the laws and regulations under which it was issued and additional requirements may not be added later as a condition of retaining the document and authorization.

The proposed regulations include a final date of December 31, 2013 for candidates to enroll in programs based on the current authorization structure as approved by the Commission in August 2012. The proposed regulations also include a transition window, or period of time allowed for completion of the program and authorization for which they were enrolled. The terms “enrolled” and “continuously enrolled” are defined in EC§44252.1(b), as provided below:

For the purposes of this section, the following terms shall have the following meanings:

- (1) “Enrolled” refers to an individual who, on or after January 1, 2002, continuously participates in and is working toward completing the requirements for a program that meets the minimum requirements for a California preliminary multiple or single subject teaching credential as specified in Section 44259. Whether an individual is enrolled shall be subject to verification by the Commission on Teacher Credentialing.*
- (2) “Continuously enrolled” refers to an individual who has begun a teacher preparation program and does not have a break in that participation that exceeds a period of 18 months.*

Consistent with the sections of statute referenced above, all current holders of valid California credentials with English learner authorizations and those enrolled in California programs prior to the cut-off transition date established by the Commission in the proposed regulations would retain an English learner authorization with the same scope and content that is currently issued for as long as they hold their valid California credential. Therefore, in departmentalized settings, there would still be a considerable pool of teachers eligible to provide departmentalized ELD instructional services. This pool would include but not be limited to teachers with a Multiple or Single Subject Teaching Credential or an Education Specialist Instruction Credential issued with an EL authorization as long as program enrollment occurs by December 31, 2013, holders of a CLAD Certificate or English learner authorization earned through a Commission-approved CTEL program or examination, and teachers with the new Single Subject World Language: ELD Credential.

EC §44252.1(c)(1) provides candidates a minimum of 24 months after enrollment for program completion without any new criteria based on changes in statute, regulations or standards:

The commission shall adopt regulations that provide a credential candidate enrolled in a commission-accredited preparation program time of not less than 24 months after enrollment in the program, during which time new or amended statutes, regulations, and commission standards that become effective and are imposed on credential candidates after the candidate’s enrollment date shall not apply to that candidate.

The Education Code does allow for an additional extension for extenuating circumstances and EC §44252.1(c)(2) outlines a process and some conditions under which an extension may be granted:

The commission shall allow a credential candidate an extension of time in addition to the time specified pursuant to paragraph (1) to complete a credential program under the statutes, regulations, and commission standards in place at the time of the candidate’s enrollment if the candidate can demonstrate extenuating circumstances, including, but not limited to, personal or family illness, bereavement, or financial hardship and develops a plan, in consultation with the credential preparation program, for continued progress toward completion of the preparation program.

For candidates in blended or integrated programs, EC §44252.1(e)(2) discusses an automatic 12-month free-of-new-criteria period once the candidate begins the student teaching component.

A credential candidate continuously enrolled in an integrated program of professional preparation pursuant to subdivision (a) of Section 44259.1 who has completed all requirements necessary to begin the student teaching component of his or her program shall be eligible to receive an extension of 12 months, if necessary, to complete the outstanding requirements that were in place when that credential candidate began the preparation program, and shall not be subject to any new requirements added by statute, regulation, or commission standards, once that candidate begins the student teaching portion of his or her program.

Title 5 of the California Code of Regulations §80473.1(b) provides the timeframe of up to twelve months for these candidate extensions and specifies the process in Title 5 §80473.1(g):

The Commission shall maintain a list of candidates who are allowed an extended time period under this section. This list shall include the projected date of program completion for each candidate.

The proposed regulations specify the final initial issuance dates for Preliminary Multiple Subject, Single Subject, and Education Specialist Credentials for candidates who enrolled on or before December 31, 2013. As approved by the Commission, candidates enrolled by December 31, 2013 will be allowed two years to complete a program that leads to the current English learner authorization, with the exception of individuals enrolled in Education Specialist district intern programs. Education Specialist District Intern Credentials are issued for three years; therefore, individuals with this type of district intern credential will be allowed three years to complete a program that leads to the current English learner authorization.

The proposed final initial issuance dates include the 24 months specified in EC §44252.1(c)(1) plus 12 months to allow for a possible extension specified in subdivisions (c)(2) and (e)(2). For all Multiple Subject and Single Subject Credential candidates and all Education Specialist candidates except those enrolled in district intern programs, the proposed final initial issuance date for the preliminary credential with the current English learner authorization is December 31, 2016 [reference proposed amendments to 5 CCR §§80003(e)(1), 80004(f)(1), and 80048.6(b)(10)(A)(i)]. The proposed final initial issuance date for a preliminary Education Specialist credential with the current English learner authorization for candidates enrolled in district intern program is December 31, 2017 [reference proposed amendments to 5 CCR §80048.6(b)(10)(A)(ii)].

Summary of Proposed Amendments to Regulations

§80003. Multiple Subject Teaching Credential Authorization for Service.

(c): Proposes deletion of the word “and” at the end of this subsection due to the proposed addition of subsection (e).

(d): Proposes the addition of the relevant EC section (§44258.1) for clarity. Also proposes amendment of the period (.) to a semicolon (;) and the addition of the word “and” at the end of this subsection due to the proposed addition of subsection (e).

(e): Proposed new subsection to preface the English learner authorizations for Multiple Subject Teaching Credentials as determined by program enrollment date.

(e)(1): Proposed new subsection stating that individuals enrolled in California multiple subject teacher preparation programs on or before December 31, 2013 who remain continuously enrolled will earn the English learner authorization specified in EC §44253.3(a) per the implementation timeline approved by the Commission in August 2012. Also proposes December 31, 2016 as the final initial issuance date for a Preliminary Multiple Subject Teaching Credential with the referenced English learner authorization.

(e)(2): Proposed new subsection defining the English learner authorization individuals will earn on a Multiple Subject Teaching Credential if program enrollment occurs after December 31, 2013 per the implementation timeline approved by the Commission in August 2012.

Note: Proposes amendments to add additional relevant EC references.

§80004. Single Subject Teaching Credential Authorization for Service.

(a) and (b): Proposes the amendment of “subject” to “content” for consistency with current Commission terminology pertaining to Single Subject Teaching majors.

(c): Proposes the amendment of “subject” to “content” for consistency with current Commission terminology pertaining to Single Subject Teaching Credential majors. Also proposes the addition of “career” before “technical” for consistency with the current Designated Subjects Career Technical Education and Vocational Education Teaching Credentials authorizations [reference 5 CCR §§80034.2(c), 80035(e), and 80035.1(e)].

(d): Proposes amendments to delete the redundant reference to “the holder,” add “is,” and change “authorizes” to “authorized” for clarity.

(e): Proposed new subsection to detail the authorization for the World Language: ELD content area as recommended by the ELAA Panel and approved by the Commission.

(f): Proposed new subsection to preface the English learner authorizations for Single Subject Teaching Credentials as determined by program enrollment date.

(f)(1): Proposed new subsection stating that individuals enrolled in California single subject teacher preparation programs on or before December 31, 2013 who remain continuously enrolled will earn the English learner authorization specified in EC §44253.3(a) per the implementation timeline approved by the Commission in August 2012. Also proposes December 31, 2016 as the final initial issuance date for a Preliminary Single Subject Teaching Credential with the referenced English learner authorization.

(f)(2): Proposed new subsection defining the English learner authorization individuals will earn on a Single Subject Teaching Credential if program enrollment occurs after December 31, 2013 per the implementation timeline approved by the Commission in August 2012.

Note: Proposes amendments to swap the EC subsections referenced for §44225 in the Authority Cited and References section for consistency with 5 CCR §80003 and to add additional relevant EC references.

§80048.6. Authorizations for Education Specialist Instruction Credentials and Special Education Added Authorization.

(b)(1), (b)(2), (b)(6), and (b)(7): In 2010, President Obama signed “Rosa’s Law” creating federal legislation to replace the term “mental retardation” (MR) with “intellectual disability.” SB 1381 (Chap. 457, Stats. 2012) revised many California statutes to eliminate use of “mental retardation” and “mentally retarded.” As stated in the bill, state agencies must revise regulations to update “mental retardation” to “intellectual disability” when there is another reason to revise the regulation. The proposed amendments to the listed subsections revise all references to “mental retardation” to “intellectual disabilities” to comply with SB 1381.

(b)(8): Proposes amendment of “section” to “Section” for consistency with other references to EC sections.

(b)(10): Proposes the addition of language to preface the types of available English learner authorizations for Education Specialist credentials as determined by program enrollment date.

(b)(10)(A): Renumbered from (b)(10) due to the proposed addition of new language and amends “section” to “Section” for consistency with other EC references. Proposes amendments to change “who complete” to “enrolled in” and add the final program enrollment date for a credential that will include the referenced English learner authorization. Also proposes the deletion of language detailing the English learner authorization and the addition of language, including reference to EC §44253.3(a), for consistency with the proposed language in 5 CCR §§80003(e)(1) and 80004(e)(1). The grade level and subject area authorizations for ELD and SDAIE instruction that are proposed to be deleted from this subsection are detailed in EC §44253.3(a).

(b)(10)(A)(i): Proposed new subsection to establish the final initial issuance date for preliminary Education Specialist credentials with the English learner authorization specified in subsection (b)(10)(A) for individuals enrolled in traditional, blended or integrated, and university intern programs per the implementation timeline approved by the Commission in August 2012.

(b)(10)(A)(ii): Proposed new subsection to establish the final initial issuance date for preliminary Education Specialist credentials with the English learner authorization specified in subsection (b)(10)(A) for individuals enrolled in district intern programs per the implementation timeline approved by the Commission in August 2012.

(b)(10)(B): Proposed new subsection defining the English learner authorization individuals will earn on an Education Specialist credential if program enrollment occurs after December 31, 2013 per the implementation timeline approved by the Commission in August 2012.

Note: Proposes amendments to add additional relevant EC references.

Documents Relied Upon in Preparing Regulations:

December 2011 Commission agenda item 5B:

<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5B.pdf>

January 2012 Commission agenda item 3A:

<http://www.ctc.ca.gov/commission/agendas/2012-01/2012-01-3A.pdf>

August 2012 Commission agenda item 4F:

<http://www.ctc.ca.gov/commission/agendas/2012-08/2012-08-4F.pdf>

January 2013 Commission agenda items 4B and 4E:

<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4B.pdf>

<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4E.pdf>

Economic Impact Assessment/Analysis

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44225(e), 44252.1, and 44259.5(a).

The purpose of the proposed regulations amendments is as follows:

- Establish a new single subject World Language: ELD content area that would authorize the holder to provide ELD within departmentalized settings;
- Retain the SDAIE authorization for future Multiple Subject, Single Subject, and Education Specialist credentialed teachers;
- Limit the authorization for providing ELD instruction for Multiple Subject credentialed teachers to students in self-contained or core classroom settings;
- Limit the authorization for providing ELD instruction for a Single Subject credentialed teacher to students in a departmentalized class in the content area(s) and grades authorized by the basic credential; and
- Limit the authorization for providing ELD instruction for an Education Specialist teacher to students with special needs in the full continuum of placement options indicated in students' Individual Education Program (IEP) and in alignment with the specialty areas authorized by the teacher's credential and authorization(s).

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulation amendments:

Creation or Elimination of Jobs Within the State of California

The proposed amendments pertain to English learner authorizations for California prepared teachers and the creation of the World Language: ELD content area authorization. Clarifying the English learner authorizations for current and future California prepared teachers and creating a new content area will not create or eliminate jobs in California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to English learner authorizations for California prepared teachers and the creation of the World Language: ELD content area authorization. Clarifying the English learner authorizations for current and future California prepared teachers and creating a new content area will not create or eliminate existing businesses in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to English learner authorizations for California prepared teachers and the creation of the World Language: ELD content area authorization. Clarifying the English learner authorizations for current and future California prepared teachers and creating a new content area will not cause the expansion or elimination of existing businesses in California.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by aligning the English learner authorization for future completers of the Multiple Subject, Single Subject, and Education Specialist teacher preparation programs with the level of preparation provided; and creating a World Language: ELD content area authorization that will authorize the holder to provide ELD within departmentalized settings upon completion of a Single Subject teacher preparation program.

The proposed regulations will promote fairness and prevent discrimination by ensuring the authorizations issued to teachers of English learner students are properly aligned with the level of preparation completed. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No alternatives have yet been proposed that will be less burdensome and equally effective.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with §17500) of the Government Code.

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for teaching credentials that authorize service in California's public schools.