

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

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

June 14, 2013

8:30 a.m.

Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95811

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 relevant to the proposed action. The written comment period closes at 5:00 p.m. on June 10, 2013. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission 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 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).

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

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>).

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

Implementation Dates

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.

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 CTETL program or examination, and teachers with the new Single Subject World Language: ELD Credential.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations amendments are to:

- 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).

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.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations.

Documents Incorporated by Reference: None.

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>

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate 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 businesses including the ability of California businesses to compete with businesses in other states: None.

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 section 17500) of the Government Code.

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.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by limiting the time an individual may teach outside of his/her credentialed area (emergency permits) or teach prior to completing a teacher preparation program and satisfying the subject-matter competence requirement (PIPs). The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on teaching and services permits. 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.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for teaching or services permits that authorize service in California's public schools.

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.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may

also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. 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 website at 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 of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, an economic impact assessment/analysis contained in the Initial Statement of Reasons, Commission agenda item 5B from the December 2011 meeting, Commission agenda item 3A from the January 2012 meeting, Commission agenda item 4F from the August 2012 meeting, and Commission agenda items 4B and 4E from the January 2013 meeting. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions 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.

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. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

Availability of Documents on the Internet

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