



15-DAY NOTICE

DATE:

April 28, 2014

TO:

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

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

SUBJECT: Notice of Modifications to the Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials and Availability of an Additional Document

The Commission on Teacher Credentialing (Commission) conducted a public hearing on February 14, 2014 regarding the proposed amendments to Title 5 of the California Code of Regulations (CCR) pertaining to Designated Subjects Special Subjects Teaching Credentials. The majority of the written responses received during the 45-day comment period and all of the oral comments presented at the public hearing in opposition of the proposed regulation amendments concerned the addition of the Special Teaching Authorization in Physical Education. Following the oral comments in support and in opposition of the proposed regulations from the public, and discussion amongst the members of the Commission, the Commission voted six to four to not adopt the proposed amendments to the regulation.

To enable enactment of the non-controversial general clean-up language in the proposed amendments, staff recommended that the Commission consider deletion of all proposed language related to the Special Teaching Authorization in Physical Education and approval of the remaining proposed general clean-up amendments. This recommendation was approved by the Commission. A 15-Day Notice was distributed on February 26, 2014 regarding the modifications to the proposed regulation amendments. The 15-Day Notice period began on February 27, 2014 and ended on March 13, 2014.

The Commission received nine responses to the 15-Day Notice (four from organizations and five from individuals) in opposition to the modifications to the proposed amendments. The nine responses included written comments requesting the restoration of the originally proposed language concerning the Special Teaching Authorization in Physical Education. The modifications to the proposed amendments and the nine responses in opposition to the modifications were presented to the Commission as an Action item at the April 2014 meeting with the following possible options for Commission consideration:

- A. Approve the modifications to the proposed regulation amendments; or
- B. Restore the language pertaining to the Special Teaching Authorization in Physical Education

Oral comments from the public in support and in opposition of the modifications to the proposed regulation amendments were presented at the April 2014 meeting. The discussion by members of the Commission following oral presentations clarified several potential misunderstandings related to the Special Teaching Authorization in Physical Education as follows:

- 1) The Commission does not have the authority to decide if Junior Reserve Officer Training Corps (JROTC) or Basic Military Drill (BMD) courses may be awarded high school graduation credit in the area of Physical Education. The authority to designate ROTC and/or BMD courses as eligible for high school graduation credit in Physical Education rests with governing boards of California local education agencies as provided in Education Code section 51225.3(b);
- 2) The proposed authorization would allow ROTC and BMD credential holders to demonstrate a higher level of preparation (by satisfying California's basic skills requirement and verification of subject matter competence in Physical Education) and have that preparation recognized on their credentials through issuance of the Special Teaching Authorization;
- 3) The proposed authorization would serve as an incentive for ROTC and BMD credential holders to become better prepared to teach Physical Education in the context of a JROTC or BMD course, if such a course is approved for PE credit by a local governing board.

With clarification of the issues outlined above, the Commission voted to restore the language related to the Special Teaching Authorization in Physical Education to the proposed regulation amendments, with additional language added to the authorization statement as recommended by Ken Burt, representing the California Teachers Association, during the 45-day written comment period.

After the April 2014 Commission meeting, staff created the attached *Frequently Asked Questions, Proposed Special Teaching Authorization in Physical Education (PE), Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)* to further clarify the proposed Special Teaching Authorization in Physical Education. The aforementioned document is hereby added to the rulemaking file as a Document Relied Upon in Preparing Regulations.

Notice is Hereby Given, pursuant to the requirements of Government Code §11346.8(c), that the Commission has proposed the following modifications to the text of the proposed regulations provided in the previous 15-Day Notice and has placed an additional document into the rulemaking file. Any person who wishes to comment on the newly proposed modifications and/or the additional document may do so by submitting written comments postmarked beginning April 29, 2014 to May 13, 2014 to the person indicated on the response form attached to this 15-Day Notice.

Note: Any written comments are to be restricted to the recent modifications to the enclosed language. The Commission is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. All written comments received or postmarked by May 13, 2014, **which pertain to the modified text of the proposed regulations provided in this notice** will be reviewed and responded to by Commission staff as part of the compilation of the rulemaking file.

Summary of Modifications to 5 CCR §80037

(c) and (c)(1) through (c)(4):

The modifications to subsections (c) and (c)(1) through (c)(4) restore the proposed minimum requirements for the Special Teaching Authorization in Physical Education.

(d): This subsection is re-lettered from (c) to (d) due to the proposed restoration of the new subsection (c) detailing the minimum requirements for the Special Teaching Authorization in Physical Education.

(e): This subsection is re-lettered from (d) to (e) due to the proposed restoration of the language detailing the minimum requirements for the Special Teaching Authorization in Physical Education in subsection (c).

(e)(3): The modifications to this subsection restore the proposed authorization for the Special Teaching Authorization in Physical Education. Additional modifications to this subsection add language to clarify that the authorization will not compel local employing agencies to grant high school graduation credit in physical education pursuant to Education Code section 51225.3(b).

Note: Education Code §§44280, 44281, 44282, and 44310 are related to the proposed subject-matter knowledge requirement referenced in subsection (c)(3) of the proposed regulation amendments. Due to the restoration of the proposed language in subsections (c) and (c)(1) through (c)(4) pertaining to the minimum requirements for the Special Teaching Authorization in Physical Education, the modifications to the proposed regulations also restore the Education Code references related to the subject-matter knowledge requirement.

The entire rulemaking file, including this notice, is available for public inspection at the Commission's office located at 1900 Capitol Avenue, Sacramento, California, 95811 from April 29, 2014 to May 13, 2014 between 8:00 am and 5:00 pm. Please ask for Tammy Duggan or Terri Fesperman.

The Commission is scheduled to consider the modifications to the proposed regulation amendments and the addition of the *Frequently Asked Questions* document at the June 2014 Commission meeting. As part of finalizing the amendments, the Commission will consider written responses in opposition of the modifications and/or the addition of the *Frequently Asked Questions* document.

Attached is a copy of the entire text, clearly showing the re-deleted text in ~~double-strike through~~, the restored text in double underline, and the new text in *italics* and double underline. Single underline [including the single underline and italicized text in subsection (b)(3)] and single strikeout is text already noticed for the 45-day comment period and the public comment period closed on January 27, 2014.

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.

(a) The minimum requirements for the preliminary special subjects teaching credential shall include all of the following:

(1) Experience, or experience and education, or education in each special subject to be named on the credential, which totals four years. One year of the required experience shall be within the three-year period immediately preceding the issuance of the credential. This requirement shall be verified in one of the following ways:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, experience is to be verified by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, experience is to be verified by the adjutant general of the State of California; ~~or~~

(C) for the special subject: Reserve Officers Training Corp (R.O.T.C.), experience is to be verified by the branch of military service sponsoring the program in the employing school district; ~~or~~

(D) for the special subject: Driver Education and Training, a baccalaureate degree from a regionally accredited college or university and a valid California Driver's License;

(E) for the special subject: Limited Driver Training, submission of a current transcript of driving record from the Department of Motor Vehicles.

(2) License, or recommendation, or course work shall meet one of the following criteria:

(A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, possession of a properly rated valid certificate, issued by the Federal Aviation Agency;

(B) for the special subject: Basic Military Drill, a recommendation from the adjutant general of the State of California;

(C) for the special subject: R.O.T.C., a recommendation from the branch of military service sponsoring the program in the employing school districts;

(D) for the special subject: Driver Education and Training, twelve semester hours of subject-matter course work in driver education;

- (E) for the special subject: Limited Driver Training, a valid California driver's license; ~~submission of a current transcript of driving record from the Department of Motor Vehicles;~~ possession of a written statement from the prospective employing school district attesting to the applicant's ability to actually perform behind-the-wheel driver instruction; and possession of written assurance, from the prospective employing school district, that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization.
- (3) Verification of a high school diploma or the equivalent;
- (4) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;
- (5) ~~Verification of passage of~~ Satisfy the California Basic Education Skills Test basic skills requirement for the special subjects credential in Driver Education and Training, as specified in Education Code Section 44252;-
- (6) ~~Verification by the Employing School District (ESD) or a Commission-approved Local Education Agency (LEA)~~ that the applicant is aware of the requirements for the clear credential, including the program of personalized preparation;
- (7) Submission of a completed ~~a~~ Application for Credential Authorizing Public School Serviceform as specified in Section 80001; ~~a recommendation signed by a Commission approved LEA or the ESD on a form approved by the Commission;~~ the fee as specified in Section 80487(a)(1); ~~verification as specified for requirements (a)(1) through (a)(6); and personal identification on duplicate fingerprint cards~~ verification of completion of livescan and clearance by the Commission, unless clearance is already on file with the Commission;-
- (8) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1(a).
- (b) The minimum requirements for the clear special subjects teaching credential shall include all of the following:
- (1) A valid preliminary special subjects teaching credential;
- (2) ~~Verification by the ESD of~~ Two years, or the equivalent, of successful teaching as defined in subsection 80034(f) and as authorized by the preliminary special subjects teaching credential. "Two years of successful teaching" means teaching for a minimum of one course in each of four terms;
- (3) ~~Verification by a Commission approved LEA of completion of nine semester units, or 135 clock hours, in a Commission approved program(s) of personalized preparation~~ Completion of a Commission-approved program of personalized preparation based on the *Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09), available on the

Commission's website and hereby incorporated by reference, accredited by the Committee on Accreditation as specified in Education Code Section 44373(c) ;

- (4) ~~Verification of completion of~~ The study of health-unit requirement education as specified in Education Code Section 4426144259(c)(4)(A), by one of the means specified in Section 80421;
 - (5) ~~Submission of a completed a~~ Application Authorizing Public School Service form as specified in Section 80001; a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; and the fee as specified in Section 80487(a)(1); and verifications as specified for requirements (b)(2), (b)(3) and (b)(4).
 - (6) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1.
- (c) The minimum requirements for the Special Teaching Authorization in Physical Education shall include all of the following:
- (1) Possession of a valid preliminary or clear special subjects teaching credential in Basic Military Drill or R.O.T.C.;
 - (2) Satisfy the basic skills requirement as specified in Education Code Section 44252;
 - (3) Verification of Physical Education subject-matter knowledge by passage of an examination(s) as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310;
 - (4) Submission of a completed Application Authorizing Public School Service as specified in Section 80001 and the fee as specified in Section 80487(a)(1).
- (~~e~~) Authorization.
- (1) ~~The preliminary or clear~~ Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults;
 - (2) The clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults, including services to English learners in specially designed content instruction delivered in English;
 - (3) The Special Teaching Authorization in Physical Education authorizes the holder to teach physical education courses in basic military drill and physical fitness training in grades 12 and below, and classes organized primarily for adults. *Nothing contained herein is intended to otherwise limit or in any way modify the authority of a local governing board under Education Code Section 51225.3(b).*

(~~e~~) Period of Validity. The period of validity of the preliminary and clear special subjects teaching credentials shall be as follows:

- (1) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(4) shall be valid for one year. The one-year preliminary special subjects teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(4) and submission of a completed application form and the fee, as specified in Section 80487;
- (2) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years;
- (3) A clear special subjects education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (b) shall be valid for five years and is renewable on the basis of an application and payment of a fee.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44259(c)(4)(A), 44260.4, ~~44261~~44280, 44281, 44282, 44310, ~~and 44335~~, and 44373(c), Education Code.



Frequently Asked Questions

Proposed Special Teaching Authorization in Physical Education (PE) Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)

1. What is the proposed Special Teaching Authorization in Physical Education for Designated Subjects Teaching Credential holders in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD)?

The Special Teaching Authorization in Physical Education (PE) for DSSS Teaching Credential holders in ROTC and BMD would recognize that Junior ROTC (JROTC) and BMD teachers who meet PE subject matter requirements and satisfy the basic skills requirement have met a higher standard to teach PE in the context of a JROTC or BMD course. It would not have an impact on the range of courses these credential holders can teach.

2. Why is the proposed Special Teaching Authorization in PE needed?

The Commission issues teaching credentials to educators who meet the minimum requirements established in statute and/or regulations. These credentials authorize the holders to teach specific courses based on their preparation. DSSS–ROTC/BMD Credential holders who meet the higher standard of subject matter competence by passing the California Subject Examination for Teachers (CSET) in PE or by completing an approved PE subject matter program will have that higher level of preparation recognized on their credential.

3. How would a teacher earn the proposed Special Teaching Authorization in PE?

Holders of DSSS-ROTC/BMD Credentials who additionally satisfy the basic skills requirement, and pass the CSET in PE or complete an approved PE subject matter program would qualify for the Special Teaching Authorization.

4. Why aren't these teachers required to hold a bachelor's degree like other teachers?

The Designated Subjects Credential series recognizes experience in a particular employment sector as equivalent to a bachelor's degree for the purpose of credentialing. The Commission issues Designated Subjects Credentials to individuals in a wide range of business and industry sectors, and these credentials are most often used in Career Technical Education programs offered in California's high schools. DSSS –ROTC/BMD Credential experience requirements include at least four years of military service; preparation requirements include at least 135 hours of teacher preparation in a Commission approved program.

5. Will all DSSS-JROTC/BMD teachers be required to hold this proposed Special Teaching Authorization in PE?

No. The Special Teaching Authorization in PE will be added to the credential of a JROTC/BMD teacher if they pass a basic skills test and satisfy the subject matter competence requirement. Holders of the DSSS Credential who do not complete these requirements will still be authorized, by school board action, on a local teaching assignment option in the Education Code or Title 5 regulations, to teach PE in the context of JROTC or BMD courses that have been approved to carry PE credit. Teachers who earn the Special Teaching Authorization will be recognized as having met a higher standard.

6. What may teachers who earn this proposed Special Teaching Authorization in PE teach?

Holders of this Special Teaching Authorization in PE would only be able to teach JROTC or BMD courses that have been approved by their local school board to carry PE credit. DSSS-ROTC/BMD teachers can already teach these courses under current law; the Special Teaching Authorization will recognize that they have met a higher standard of subject matter competence than the regular DSSS-ROTC/BMD credential requires.

7. Would holders of the proposed Special Teaching Authorization be allowed to teach regular PE courses?

No. Holders of the Special Teaching Authorization would only be authorized to teach PE in the context of a JROTC or Basic Military Drill course that has been approved by the local school board to award PE credit. This is consistent with current practice, which would not be impacted by this change.

8. How can JROTC/BMD courses qualify for PE credit?

Current law provides local school boards the authority to offer PE credit for a JROTC/BMD course as part of the high school curriculum provided the course meets the *Physical Education Content Standards for California Public Schools* adopted by the State Board of Education and the local governing board takes special action at a public meeting to grant PE credit for these courses. Under current law, DSSS Teaching Credential holders in ROTC/BMD may currently teach these courses.

9. Will adding the proposed Special Teaching Authorization in PE to the DSSS Credential require local school boards to allow JROTC or BMD courses to count for PE?

No. Local school boards will retain full authority to evaluate JROTC or BMD courses and determine whether they will qualify for PE credit. This authorization in PE will not impact a local school board's authority in any way.

10. If the Commission adopts these regulations, will more students be able to opt out of general PE courses in favor of JROTC/BMD courses?

The availability of JROTC/BMD courses and programs is a local decision, and adding the Special Teaching Authorization in PE to the credential is not expected to enable or constrain the growth of these programs. There are currently 60 California Cadet Corps (CACC) and 360 JROTC programs operating in California. The CACC enrolls about 6,000 students, and JROTC enrolls about 40,000 students statewide, representing approximately 2.3% of 9th -12th grade students enrolled in California public schools. There are federal limits on the number of programs of JROTC. While there are no limits on the number of CACC programs that can be offered by the state, growth would depend on the availability of resources to support expansion.



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 323-5354 Fax (916) 322-0048 www.ctc.ca.gov

Attn: Tammy A. Duggan, Consultant
Certification Division

Title: Notice of Modifications to the Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials and Availability of an Additional Document

Section: 80037

Response to the Modifications to the Proposed Amendments/Additional Document

If you disagree with the modifications to the proposed amendments and/or the additional document, please return this response form to the Commission's office, attention Tammy A. Duggan, at the above address postmarked no later than May 13, 2014.

No, I do not agree with the modifications to the proposed amendments for the following reasons:

Personal opinion of the undersigned

Organizational opinion representing: (Circle One)

School District, County Schools, College/University, Professional Organization,
Other _____

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____

Route to tad