

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Adding a New Teaching or Content Area to an Existing General Education Teaching Credential 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:

**December 4, 2015**

**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 November 30, 2015. 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. Erin Skubal, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [eskubal@ctc.ca.gov](mailto:eskubal@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 regulations interpret and make specific Education Code sections 44225(e) pertaining to adding a new teaching or content area to an existing general education teaching credential.

#### **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) related to the English learner requirement for adding a teaching or content area to a general education teaching credential as approved by the Commission at the August 2015

meeting. The proposed amendments also include correction of a typographical error in the regulation.

Title 5 CCR section 80499 allows a California credentialed teacher to add a teaching or content area to an existing general education teaching credential without completing the full professional preparation program for the new content area or credential type. Current law requires an educator who wishes to apply for certification using this regulation to hold an English learner authorization issued pursuant to Education Code section 44253.3 or 44259.5.

However, these sections of Education Code refer solely to the English learner authorizations earned through either coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations. This inadvertent omission of other appropriate current and previously-issued English learner authorizations unintentionally resulted in limiting experienced educators from being able to use this regulation to add a new teaching or content area to their existing credential, thus creating inequity amongst educators.

These proposed amendments seek to clarify and make specific which English learner authorizations are acceptable towards meeting the requirements of Title 5, section 80499, including all appropriate current and previously-issued English learner authorizations.

There is also one non-substantive change that needs to be included in 5 CCR section 80499 to address a typographical error.

#### Objectives and Anticipated Benefits of the Proposed Regulations

The objective of the proposed amendments is to clarify and make specific the English learner requirement set forth in this section of regulations as it pertains to adding a new teaching or content area to an existing general education credential by listing all appropriate currently and previously listed English learner authorizations as acceptable towards meeting this regulatory requirement.

The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring equity between all educators who earned appropriate English learner authorizations and prevent the exclusion of those educators with an English learner authorization that was not earned through coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, 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.

#### Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR section 80499 is the only

regulation section related to the issuance of additional teaching or content areas to existing California general education credential holders.

### **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 within 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.

*Benefits of the Proposed Action:* The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring equity between all educators who earned appropriate English learner authorizations and prevent the exclusion of those educators whose English learner authorization was not earned through coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations.

The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, 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.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking to add additional teaching or content areas to existing California general education credentials.

### **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 action, 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 Erin Skubal by telephone at (916) 323-9596 or via written correspondence to Erin Skubal, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General inquiries may also be directed to David Crable (back-up contact) at (916) 323-5119 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](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### **Availability of the Initial Statement of Reasons, Text of Proposed Regulations, Document Incorporated by Reference, and Documents Relied Upon**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Erin Skubal 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 Erin Skubal at (916) 323-9596.

**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](http://www.ctc.ca.gov).