

# Initial Statement of Reasons

## Background and Rationale for Proposed Regulations

California public school employers face substantial challenges when it comes to balancing the needs of students with the legal obligations for teacher leaves set forth through Federal and State labor laws. Statutory teacher leaves have increased steadily over the past decades, yet the options for employers to cover said leaves have not changed since the inception of the Emergency 30-Day Substitute Teaching Permit in 1981. Current restrictions limit an Emergency 30-Day Substitute Teaching Permit holder's service to no more than 30 cumulative days for any one teacher of record during the school year (California Code of Regulations, Title 5 §80025), except in special education classrooms, where a substitute may serve no more than 20 cumulative days during a school year for any one teacher (Education Code §56061(a)).

California public school employers must comply with the Federal and State employee leaves outlined in *Table 1*. In some cases, such statutory leaves may be taken concurrently or may be taken consecutively. Most statutory teacher leaves extend beyond the 20 or 30 day service limitation set forth in statute and regulations. This limitation often results in the use of a rotation of substitute teachers to cover the assignment of a teacher out on an extended statutory leave, creating an inconsistent and inadequate learning environment. A safe and effective learning environment begins with a teacher who is consistent. This trusted rapport allows behaviors to be supported in antecedent stage, and these proactive strategies are one important key to student success.

<i>Table 1</i>	
Statutory Leaves	
Type of Leave	Statutory Reference
Sick Leave	Education Code §44978
Differential Sick Leave	Education Code §44977
Pregnancy Disability Leave Act	Government Code §12945
Family and Medical Leave	Government Code §12945.2 and 29 U.S.C. §2601, et seq.
California Family Rights Act	Government Code §12945.2
Industrial Accident and Illness Leave	Education Code §44984

In a situation when a teacher is out on one of these statutory leaves for the maximum length, the unfilled position may require a rotation of several substitute teachers. For example, if a teacher of record for a classroom goes out on the maximum leave afforded under the Pregnancy Disability Leave Act they will be out of their general education classroom for four months. During this time, three different Emergency 30-Day Substitute Teaching Permit holders would need to be assigned to cover this classroom due to the 30 day service limitation. If this were a special education classroom, the 20 day limitation would require four different substitutes during that four month period (e.g., 20 instruction days per month). Further, such leaves can and often are taken consecutively, with teachers using personal sick leave or Family Medical Leave in conjunction with other statutory leaves.

During the Audience Presentation portion of the June 2014 meeting of the Commission on Teacher Credentialing (Commission), members of the California County Superintendents Educational Services Association (CCSESA) presented this issue for Commission consideration. Since then, Commission staff has engaged in a series of conversations with representatives from stakeholder groups, including but not limited to the Association of California School Administrators, California County Superintendents Educational Services Association, California

Department of Education, California Federation of Teachers, California School Boards Association, California Teachers Association, Public Advocates, Special Education Administrators of County Offices, and State Special Education Local Plan Areas.

These stakeholder groups discussed a variety of potential solutions, including the development of a new permit to provide a targeted solution to resolve some of the issues that impact students in relation to statutory teacher leaves. A majority of stakeholders who participated in preliminary work surrounding this issue agreed that the current options for resolving statutory leave issues are insufficient. Commission discussion on the topic indicated that staff should develop regulations that address this issue by balancing student welfare with the needs of California public school employers.

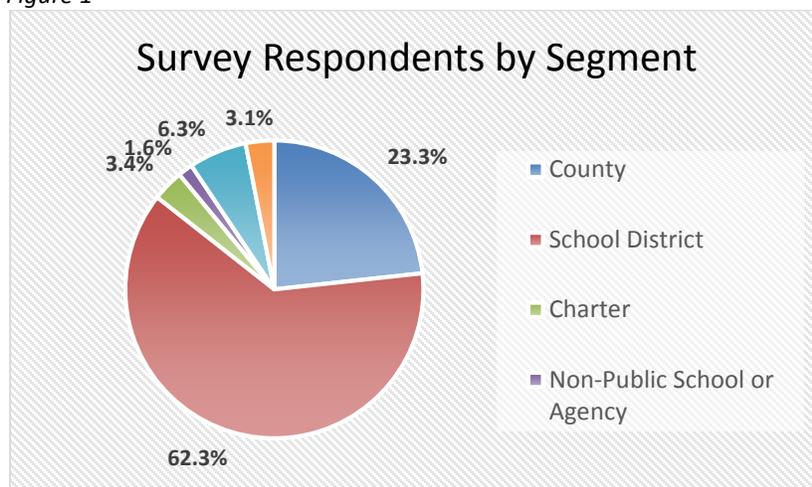
### **Stakeholder Feedback**

In October, 2015, Commission staff released a concept paper (see **Documents Relied Upon in Preparing Proposed Regulations** section) that summarized the consensus of the informal stakeholder groups. The purpose of the concept paper was to present the issues surrounding teacher statutory leave absences and to introduce the group’s potential solution to the issues in order to gauge perceptions of a broader stakeholder audience.

To determine if the issues have a genuine impact on stakeholders and if the proposed solution was appropriate, a 10 question survey (see **Documents Relied Upon in Preparing Proposed Regulations** section) was released through the Certification eNews and at the annual Credential Counselors and Analysts of California (CCAC) conference in tandem with the concept paper.

A total of 773 responses to the survey were received, which represent various segments of California’s local education agencies. Nearly two-thirds of the respondents (62.4%) were from school districts, followed by another one-fourth (23.3%) from County Offices of Education. *Figure 1* below shows the percentage of each segment that responded to the survey. The survey results confirmed that statutory leave absences do create challenges for California local education agencies, with 82.6% of respondents stating that they experienced staffing issues related to statutory leave.

*Figure 1*



A substantial number (85.6%) of survey respondents found it necessary to rely on a series of rotating Emergency 30-Day Substitute Teachers to resolve staffing issues created by statutory teacher leaves (see *Figure 2*). Additionally, 80.9% rated the impact of such a practice on students as “substantial.” As shown in *Figure 3*, only 2% of individuals that answered this question rated the impact of this practice as “minimal” or “not an issue.” Most comments

regarding this practice focused on the disruption it causes to students and the quality of instruction they receive. One participant wrote that, “...We have a large number of Autistic children and they are simply not able to cope with change, so forcing our district to rotate substitutes throughout their classroom is devastating to them.”

Figure 2

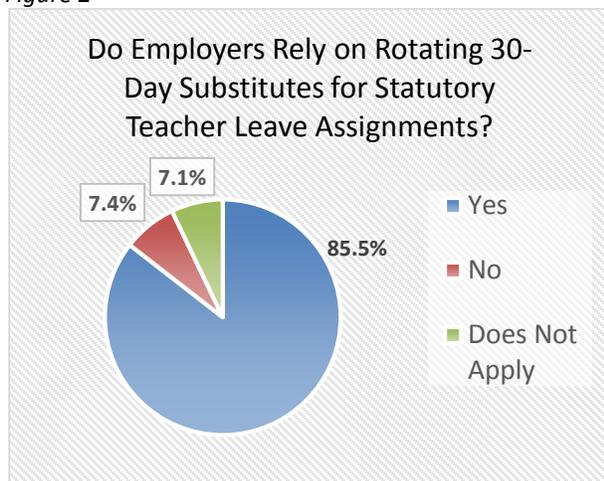
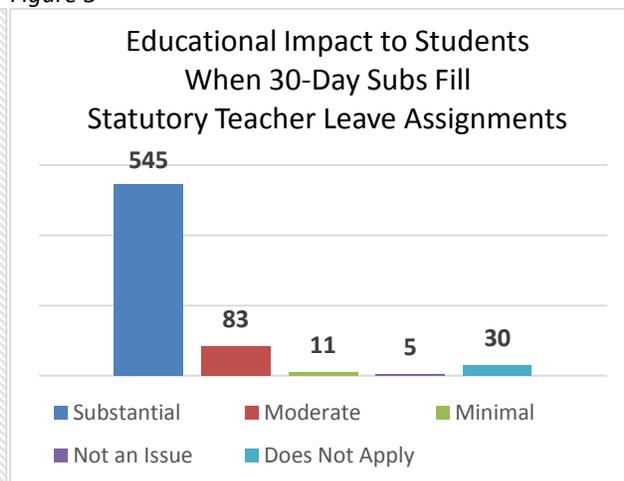


Figure 3



These survey responses provided a snapshot of how local education agencies are responding to statutory teacher leaves and their perspective on how these practices negatively impact students. In the survey comments, this impact was noted as ranging from students experiencing bonding and trust issues due to rotating substitutes through the challenges inherent in providing a consistent, safe, and stable learning environment for students.

The stakeholder groups felt that the current solutions available to appropriately cover such leaves, which can extend up to five calendar months, do not best serve California’s students. The service limitation for substitute permits correlates to the level of preparation that is required of a substitute permit holder; this permit requires a Bachelor’s or higher degree and satisfaction of the California Basic Skills Requirement for initial issuance with no restrictions or requirements for unlimited renewal. While a substitute permit holder may not be appropriately prepared to serve for more than 20 or 30 days, employers have limited options for covering longer assignments. Survey respondents were asked how to rate the level of difficulty in staffing classrooms for teachers of record out on a statutory leave. A majority of survey respondents (68.4%) stated that the difficulty in covering such leave assignments was “substantial,” with a further 19.4% stated that the difficulties were “moderate.” Only 2.7% of the respondents surveyed answered that staffing these positions “not an issue.”

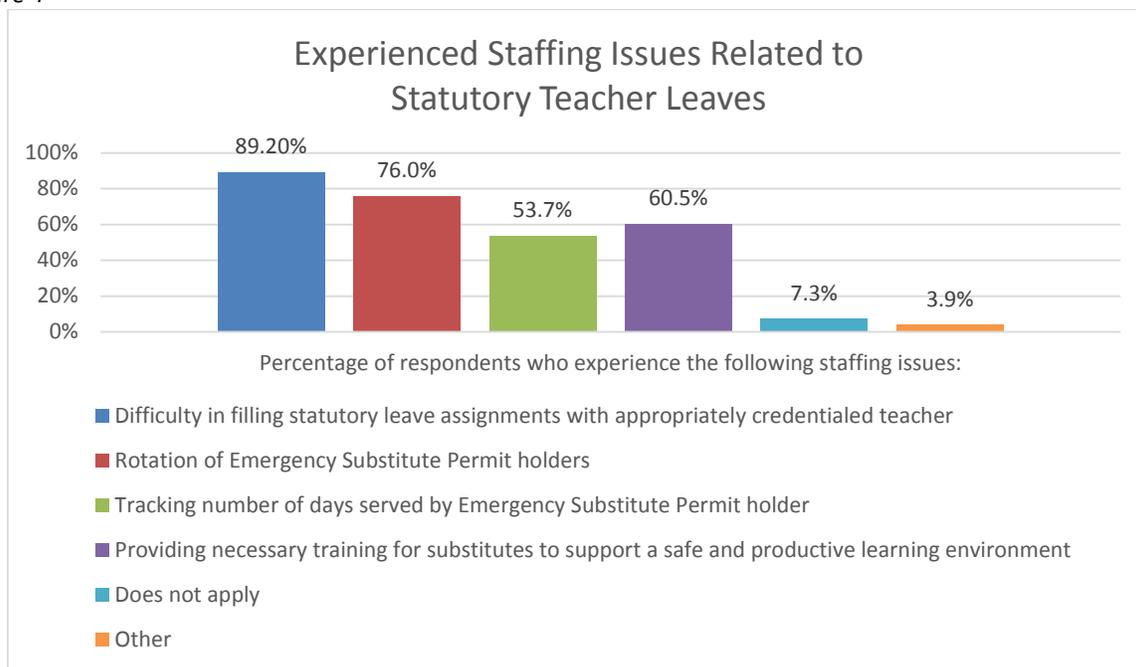
Pension reform restrictions for teachers working after retirement and the on-going shortage of educators, including substitutes, have further exacerbated the problem. Employers must consider several factors when trying to fill assignments brought on by statutory leaves:

- Statutory leave assignments require an interim teacher of record and are not considered vacancies.
- Employers cannot hire an individual to replace the teacher on leave.
- Statutory leave situations are spontaneous in nature and may begin or end with little to no notice.
- The employing agency must allow the teacher of record to return to work as soon as medically able.
- Provisional Internship Permits (PIPs) or Short-Term Staff Permits (STSPs) are not intended to be used for statutory leave assignments, as a diligent search for a fully credentialed teacher is required.

To measure the impact that the above factors have on employers, the survey asked respondents to identify how often they experience issues related to filling statutory leave assignments. *Figure 4* below shows the frequency of

specific issues that are encountered by respondents who must fill statutory leave assignments. 89.2% stated that they had experienced difficulty in filling stated leave assignments with appropriately credentialed teachers.

Figure 4



The circumstances of covering statutory leaves are further impacted by the limitations of certification options available to cover such extended assignments. As noted above, employers may rely on substitute teaching permits, or may employ individuals who hold other non-renewable teaching permits such as the PIP or STSP. However, the PIP and STSP were specifically designed to fill vacant teaching positions, not classrooms staffed by a fully credentialed teacher out on statutory leave. These permits are challenging to use for covering statutory leaves because they require employers to complete recruitment efforts prior to issuance, including conducting a diligent search for a fully credentialed teacher. When a teacher of record suddenly takes a statutory leave, the need to fill the teacher’s position is immediate and does not allow time for the employer to create job postings, advertise online, or attend job fairs in search of a fully credentialed teacher.

**Benefits of the Proposed Regulations**

The Teaching Permit for Statutory Leave (TPSL) provides a new option for staffing statutory leave assignments that extend beyond the 20 or 30 day service limitation that applies to Emergency 30-Day Substitute Teaching Permits. The TPSL is intended to provide local education agencies (LEAs) with greater flexibility in staffing schools and creates educational continuity for students by avoiding the process of rotating substitute teachers through such assignments. The preparation required for the TPSL ensures that the individual is academically capable, knowledgeable of the subject, and has the skills to foster a positive, motivating, and equitable learning environment. The permit could afford employers the opportunity to invest in a pool of individuals with a higher level of preparation to serve in longer statutory leave assignments. The design of the document requires improved preparation beyond that of a substitute permit holder by increasing the individual’s knowledge, skills, and abilities in the areas of pedagogy, classroom management, subject matter knowledge, and educational practices across the continuum of learning abilities. Having a better prepared teacher available to cover statutory leave assignments would provide a more consistent and stable learning environment for students whose teacher of record is out on statutory leave.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing schools with options for covering statutory leave assignments that extend beyond the service limitation of the Emergency 30-Day Substitute Teaching Permit. The proposed regulations will increase the health and safety of individuals serving in statutory leave assignments by ensuring better preparation and support from the employing agency. 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.

### **Purpose Regulatory Provisions**

The regulations propose the addition of a new section (80022) which creates the option for LEAs to request a TPSL to be used when a teacher of record is unable to provide services due to a statutory leave, as defined in section 80022(f)(19) and previously in *Table 1*. Providing this new option for LEAs will help the Commission meet the statutory requirement set forth in subsections (b) and (d) of EC section 44225.

The proposed TPSL would authorize service as the interim teacher of record for the full length of leave for any contracted teacher on a statutory leave as defined in regulations. The TPSL would not be an option to fill teacher vacancies and would be appropriate solely for classrooms where the contracted teacher of record is on a statutory leave requiring an interim teacher of record to serve in their place until their return. Service would be limited to the specific setting indicated in the document's authorization statement. Authorizations could be earned for specific Single Subject areas, Multiple Subjects, or Special Education. Individuals could potentially apply for and be issued more than one authorization on their TPSL, depending on qualifications.

A single document with the option to list multiple authorizations would allow service only in the specific settings and subject area(s) that an individual is qualified for. It would also prevent educators from having to apply for and pay fees for separate TPSL documents if they are qualified to serve in more than one setting, while also ensuring that an individual meets specific requirements for each setting and subject area.

### **General Requirements**

The proposed regulation for the TPSL includes and specifies the details for all of the following requirements:

1. Bachelor's or higher degree;
2. Meet the Basic Skills requirement;
3. Meet the Subject Matter requirement;
4. Completion of 45 hours of TPSL preparation based on defined content areas of study as specified in regulations for the first three issuances, and ongoing professional development for all subsequent issuances;
5. Orientation, mentoring, and support provided by the local employing agency, and
6. Transparency and Accountability.

### **Subject Matter Requirement**

The regulation proposes that the following be required to meet the TPSL subject matter requirement:

#### Single Subject Authorization

One of the following required for issuance:

- Passage of the California Subject Examination for Teachers (CSET): Single Subject examination in the subject area requested, or
- A degree major in the requested single subject area (or subsumed subject as defined in Title 5 CCR 80005), or

- At least 18 semester units, or 9 upper division semester units, of degree-applicable course work in the subject to be listed on the permit. Coursework in subsumed subjects can be used to meet this requirement.

#### Multiple Subject Authorization

One of the following required for issuance:

- Passage of the CSET: Multiple Subjects examination, or
- A degree major in liberal studies, or
- 40 semester units including 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three of the subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. Subject areas include language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

#### Special Education Authorization

One of the following required for issuance:

- Meet the applicable subject matter requirements for the Multiple or Single Subject authorizations as outlined above, or
- 9 semester units of course work in special education or in a combination of special education and general education, or
- 1 year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students.

#### ***TPSL Preparation***

Stakeholders indicated that some type of relevant, targeted preparation to equip individuals for statutory leave assignments was preferred for the TPSL. Feedback suggested that the ideal structure for such preparation would be locally developed and designed based on specific content areas of study that are defined by the Commission and set forth in regulations.

Completion of 45 hours of initial TPSL preparation covering the necessary concepts for an extended assignment in special and/or general education would be required for initial issuance of the TPSL. Such preparation would extend beyond what is required of the substitute permit, PIP, or STSP. This focused TPSL preparation would be cohesive and applicable to every classroom, emphasizing educational practices across the continuum of learning abilities including teaching methods, learning styles, lesson planning, pedagogical concepts, equity and diversity in the classroom, mandated reporting, and legal and ethical issues. TPSL preparation would cover both special and general education settings to ensure that the TPSL holder is skilled in the fundamental areas for statutory leave assignments in either setting. The 45 hours could cover universal components for pedagogy, classroom management, and other areas that are applicable to both educational settings.

#### ***Orientation***

In addition to the initial TPSL preparation hours, the LEA would be required to provide an early orientation before or during the first month of service. Such orientation should be specific to the statutory leave assignment and classroom type that the TPSL holder will be assigned to.

#### ***Mentoring and Support***

In addition to early orientation, LEAs must develop a system of support for the TPSL holder, including providing an average of two hours of mentoring, support, and/or coaching per week of service in a statutory leave assignment. This system of support must be coordinated and/or provided by an identified mentor who holds a valid life or clear credential that would authorize service in the area of the TPSL holder's assignment. Having a mentor who is credentialed in the same setting and/or subject area as the statutory leave assignment would ensure that the TPSL

holder receives directed teaching experience. The mentor could assist with curriculum and lesson planning for the first four weeks of the assignment in the event that the teacher of record on leave has not developed them prior to his or her leave.

### ***Transparency and Accountability***

The proposed TPSL would be a document that restricts the holder to service with the local employing agency requesting the permit. A local employing agency is defined as a California public school district, county office of education, nonpublic, nonsectarian school and agency as defined in EC sections 56365 and 56366, charter school, or statewide agency. The employing agency would be required to maintain documentation on TPSL holders and report data on the use of the TPSL to ensure the document is appropriately used for statutory leave assignments and not for teacher vacancies.

In addition to reporting on the appropriate use of the TPSL, accountability would also require the LEA to verify that they have made reasonable efforts in hiring a substitute with a full teaching credential in the setting and/or subject area for the statutory leave position and that no such candidate is available.

### ***Renewals***

The TPSL would be renewable through a series of tiered renewal requirements that require additional hours of targeted preparation. Such targeted TPSL preparation would be based on modules that are broken out to cover all required content areas as outlined in the next section of this agenda item. Each reissuance would be counted until 135 hours have been completed. Once the individual completes all TPSL preparation modules following the third issuance, each subsequent reissuance shall require the local employing agency to verify that the TPSL holder has completed the same professional learning activities that are offered to the local employing agency's regular teaching staff. For example:

- First Issuance = Initial 45 hours of initial TPSL preparation
- Second Issuance (first reissuance)= 45 additional TPSL preparation hours
- Third Issuance (second reissuance)= 45 additional TPSL preparation hours
- Fourth and all subsequent reissuances = Local employing agency's professional learning activities

### ***Content Areas Required for Locally-Designed Preparation***

Local employing agencies may elect to design and offer a series of modules to fulfill the TPSL preparation requirement. Modules would be delivered in a series of tiered stages corresponding with the initial issuance, first reissuance, and second reissuance. TPSL preparation would include the following content areas:

- (1) "Best Practices in Instruction and Individualized Education Programs," including but not limited to: federal disability category definitions and specific best practices; basic explanation of individualized education programs and other special education acronyms; how to interpret an individualized education program goal and collect data; how to interpret and implement a behavior plan; differentiated instruction and universal design for learning including visual supports, applied behavior analysis and positive behavioral interventions and supports; communication with parents; working with related service providers and paraeducators.
- (2) "Classroom Management and the Learning Environment," including but not limited to: research based strategies for creating and maintaining effective learning environments; classroom organization; behavior management plans that support student engagement and learning; positive behavior supports; and local context (e.g., school-wide behavior management systems, Positive Behavioral Interventions and Support

(PBIS), Multi-Tier Systems of Support (MTSS), Response to Instruction and Intervention (RTI<sup>2</sup>), Restorative Justice Approach).

- (3) “Curriculum and Instruction,” including but not limited to: preparation in developing, implementing, adapting, modifying, and evaluating a variety of pedagogical approaches to instruction; using and developing instructional sequences and lesson plans that provide all students with equitable access to the content and experiences found in the state-approved core curriculum.
- (4) “Ethics,” including but not limited to: confidentiality regarding student information; mandated reporting and child abuse prevention; Americans with Disabilities Act of 1990 (ADA); Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973; non-discrimination; universal access, designing and implementing equitable and inclusive learning environments for all students.
- (5) “Health, Safety and Hygiene,” including but not limited to: emergency behavior interventions and de-escalation strategies; establishing a physically, socially, and emotionally safe classroom environment; specialized health care procedures; injury and illness prevention; lifting, carrying, and use of mechanical lifts and equipment; general and specialized ergonomics; blood-borne pathogens and universal precautions.
- (6) “Human Development,” including but not limited to: comprehensive knowledge of typical and atypical human development from the prenatal stage through adulthood; knowledge of developmental stages and development associated with various disabilities and risk conditions (e.g. visual impairment, autism spectrum disorders, cerebral palsy); resilience and protective factors (e.g. attachment, temperament) and their implications for learning.
- (7) “Local Context,” including but not limited to: employer specific software or programs used for attendance, grading, and individualized education program tracking; school expectations; local educational programs.
- (8) “Pedagogy,” including but not limited to: introductory coursework in planning and delivering content-specific instruction consistent with state-adopted academic content standards for students and curriculum frameworks; knowledge of the full range of the service delivery system, including special and general education, diversity of grades/ages, and federal disability categories.
- (9) “Reading and Language Arts,” including but not limited to: systematic instruction in reading, writing, listening, and speaking aligned to the state adopted English Language Arts Content Standards and the Reading/Language Arts Framework that meets the needs of the full range of learners including struggling readers, students with special needs, typologies of English language learners, speakers of non-standard English, students who have no communication/language system, and advanced learners who have varied reading levels and language backgrounds.
- (10) “Relationships Between Theory and Practice,” including but not limited to: exposure to the relationships between foundational issues, theories, and professional practice in relation to the principles of human learning and development, pedagogical strategies, curriculum, instruction, assessment, student accomplishments, attitudes, and conduct.
- (11) “Teaching English Learners,” including but not limited to: principles of linguistic development; language acquisition; assessment of language proficiency; academic delivery and building strategies for English

language learners; knowledge of educational equity, diversity, cultural and linguistic responsiveness and their implementation in curriculum content and school practices for all students.

- (12) “Using Technology in the Classroom,” including but not limited to: knowledge in the basic principles of operation of computer hardware and software; use of technology to facilitate the teaching and learning process; legal and ethical issues related to the use of technology; best practices and research on the use of technology to deliver lessons that enhance student learning; integration of technology-related tools into the educational experience.

The above content would be provided to the TPSL holder through three levels of delivery in the tiered manner as outlined in *Table 2* below and as specified in regulations. The local employing agency would have the flexibility to design the modules as they see fit as long as the design meets the content and delivery levels defined in regulations. The LEA could use preparation that was developed by an outside party as long as it meets the requirements set forth in regulations. The tiers for delivery would include:

- Foundational level content: the most basic or introductory level concepts
- Intermediate level content: concepts that are in advance of or build upon the foundational level
- Proficient level content: concepts that are in advance of or build upon the intermediate level

<b>TPSL 45-Hour Preparation Modules Delivery of Broad Content Areas</b>			
<b>Broad Content Area</b>	<b>First Issuance</b>	<b>Second Issuance</b>	<b>Third Issuance</b>
Best Practices in Instruction and Individualized Education Programs (IEPs)	F	I	P
Classroom Management and the Learning Environment	F	I	P
Curriculum and Instruction	F	I	P
Ethics	F/I/P		
Health, Safety and Hygiene	F/I/P		
Human Development	F		I/P
Local Context	F/I/P	Ongoing	Ongoing
Pedagogy	F	I	P
Reading and Language Arts	F	I	P
Relationships Between Theory and Practice		F	I/P
Teaching English Learners	F	I	P
Using Technology in the Classroom		F/I	P
Key: F = Foundational Level      I = Intermediate Level      P = Proficient Level			

**Purpose and Necessity of Proposed Regulations**

Effective teaching requires careful crafting of learning communities built on trust and respect, as well as routines, expectations, resources, and strategies that support diverse students’ intellectual engagement in learning. When a statutory leave forces a school to rotate a series of substitute teachers through a classroom, the opportunity to develop routines, trust, and respect are lost. The TPSL is a step towards bridging that lost continuity until the teacher of record is able to return from their leave.

Each component of the proposed regulations resulted from discussions with stakeholders who identified that a targeted solution was needed to bring this integral stability and continuity back to these classrooms. The consensus was that the TPSL provided this very specific, targeted solution for the problem of staffing temporary positions associated with statutory teacher leaves that extend beyond the 20 or 30 day service limitation that applies to the Emergency 30-Day Substitute Teaching Permit. Discussions focused on building consensus around the identified stakeholder concerns that came along with creating requirements for a new permit for statutory leaves. *Table 3* below outlines the concerns expressed by stakeholders, agreed upon solution to each concern and its purpose, and the specific section of proposed regulations that implements the solution.

<b>Table 3</b>		
<b>Purpose and Necessity of Proposed Regulations</b>		
<b>Stakeholder Concern</b>	<b>Solution and Purpose</b> <i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i>	<b>Regulatory Section(s)</b>
Did not want the permit to be <i>required</i> for statutory leave assignments, but rather be an additional <i>option</i> that LEAs can elect to use if they wish to do so.	- Clearly indicates that use of the TPSL is at the discretion of the LEA; thereby ensuring that the proposed regulations do not create a mandate on LEAs.	<b>80022(a)</b> <b>80022(d)</b>
That the permit require the same minimum qualifications that demonstrate knowledge, skills, and abilities as comparable to other Commission-issued permits, including the Emergency 30-Day Substitute Permit.	- Require a Bachelor’s or higher degree from a regionally accredited college or university which is a requirement for all Commission- issued K-12 teaching permits. This is a standard requirement for all Commission issued permits, including the Emergency 30-Day Substitute Teaching Permit (Title 5 CCR section 80025) and all emergency teaching permits (Title 5 CCR section 80023.2(a)).	<b>80022(a)(2)</b>
	- Meet the California basic skills requirements (unless exempt by statutes or regulations); this is a statutory requirement set forth in EC section 44252.	<b>80022(a)(3)</b>

Stakeholder Concern	<p style="text-align: center;"><b>Solution and Purpose</b></p> <p style="text-align: center;"><i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i></p>	Regulatory Section(s)
<p>That permit holders are required to demonstrate some knowledge of the subject matter and/or setting that they will be teaching in.</p>	<ul style="list-style-type: none"> <li>- Require that the permit be issued with teaching authorization(s) that authorizes service in a specific subject and/or setting for Single Subjects, Multiple Subjects, and Special Education.</li> <li>- These authorizations clearly define the subject area and/or setting that the permit holder has demonstrated subject matter knowledge for. EC section 44225(d)(2) tasks the Commission with establishing standards that ensure an individual requesting a permit is knowledgeable of the subjects to be taught in the classroom.</li> <li>- Stakeholders agreed that the authorizations should follow those of the teachers whose classroom the permit holder would be assigned to. EC indicates that credentials shall be issued in single subject instruction (44256(a) and 44257), multiple subject instruction (44256(b)), and specialist instruction, including special education (44256(c)). The correlating authorizations for the TPSL were selected to mirror the teaching authorizations set forth in EC and regulations.</li> </ul>	<p><b>80022(a)(4)</b>  <b>80022(e)(1)</b>  <b>80022(e)(2)</b>  <b>80022(e)(3)</b></p>
	<ul style="list-style-type: none"> <li>- Require a specific subject matter component be met for each authorization being requested. EC section 44225(d)(2) tasks the Commission with establishing standards that ensure an individual requesting a permit is knowledgeable of the subjects to be taught in the classroom.</li> <li>- Subject matter requirements for Single Subject, Multiple Subjects, and Special Education were modeled after the requirements for the Short-Term Staff Permit as defined in Title 5 CCR section 80021(a)(3).</li> <li>- Stakeholders agreed that these requirements have been the standard for individuals to demonstrate subject matter knowledge when applying for similar permits and are appropriate for the TPSL.</li> <li>- Provide applicants with flexibility in demonstrating subject matter knowledge by providing three options to meet the subject matter requirement.</li> </ul>	<p><b>80022(a)(4)(A)</b>  <b>80022(a)(4)(B)</b>  <b>80022(a)(4)(C)</b></p>

Stakeholder Concern	<p style="text-align: center;"><b>Solution and Purpose</b></p> <p style="text-align: center;"><i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i></p>	Regulatory Section(s)
<p>Since the permit holder would not have to complete an approved teacher preparation program, there must be some defined training that would ensure that they have the practical knowledge to serve in a classroom beyond 20 or 30 days. Preparation should not be too lengthy or onerous, but must still be extensive enough to cover all necessary content.</p>	<ul style="list-style-type: none"> <li>- Commission staff and stakeholders agreed that the TPSL preparation requirement should include 45 hours of preparation for each of the first three issuances of the permit (initial issuance, first reissuance, and second reissuance).</li> <li>- This requirement is consistent with other teaching permits issued by the Commission. EC section 44300(g) requires the holder of an emergency permit to participate in ongoing training, coursework, or seminars designed to prepare the individual in the subject area or areas in which he or she is assigned to serve, and that the employing agency verify that employees applying to renew their emergency permits are meeting these ongoing training requirements. While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who are serving in assignments where they have not completed full preparation is evident and best for students.</li> <li>- The preparation equates to 135 hours which stakeholders felt balanced the need to have adequate content covered while not making the hour requirement too onerous. The number of pre-service preparation hours required for an individual requesting an Intern credential is 120 hours of foundational pre-service preparation (Title 5 CCR section 80033(c)(6)) plus an additional 45 hours of support specific to teaching English learners (Title 5 CCR section 80033(b)(5)(A)), which equates to 165 hours. As well, the 120 hours must be completed prior to the initial issuance of the Intern credential and the 45 hours are on-going as the intern serves in their assignment. Because the TPSL permit holder could potentially serve in a single classroom the entire year, it was important to stakeholders that the total number of preparation hours be similar to that of an Intern credential holder. However, unlike an Intern, the TPSL holder is still serving in a temporary capacity and therefore the preparation can be fewer hours and can be spread across the first three issuances.</li> </ul>	<p><b>80022(a)(5)</b>  <b>80022(d)(1)(C)</b>  <b>80022(d)(2)(C)</b></p>
	<ul style="list-style-type: none"> <li>- The proposed regulations clearly define the broad content areas that stakeholders agreed were necessary for a TPSL holder to have adequate training in and that must be covered in the TPSL preparation.</li> <li>- Which content areas need to be addressed for each of the first three issuances is set forth within the regulations. These areas were identified as being vital to an individual who is not a fully prepared teacher but is serving in a long-term temporary teaching assignment. Consideration was also given to the existing Intern pre-service requirements which have been identified by the Commission as the fundamental area that an unprepared teacher of record must have prior to beginning an assignment.</li> </ul>	<p><b>80022(a)(5), subsections (A) through (J)</b></p> <p><b>80022(d)(1)(C), subsections 1 through 9</b></p> <p><b>80022(d)(2)(C), subsections 1 through 10</b></p>

Stakeholder Concern	<p style="text-align: center;"><b>Solution and Purpose</b></p> <p style="text-align: center;"><i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i></p>	Regulatory Section(s)
<p>Specific components of the required preparation needs to be clearly defined so that LEAs are able to identify and, if desired, develop appropriate preparation.</p>	<ul style="list-style-type: none"> <li>- The specific details of what each content area must include are defined in the proposed regulations so that an LEA knows what preparation should cover.</li> <li>- As well, the content was modeled after the pre-service requirements for Intern Credential holders as defined in Title 5 CCR section 80033(c)(6). This section of regulations identifies that an Intern Credential holder must complete 120 clock hours of foundational preparation in specific content areas as follows: <ul style="list-style-type: none"> <li><i>(a) Each Multiple and Single Subject Internship program must include a minimum of 120 clock hour (or the semester or quarter unit equivalent) pre-service component which includes foundational preparation in general pedagogy including classroom management and planning, reading/language arts, subject specific pedagogy, human development, and teaching English Learners.</i></li> <li><i>(b) Each Education Specialist Internship program includes a minimum of 120 clock hour (or the semester or quarter unit equivalent) pre-service component which includes foundational preparation in pedagogy including classroom management and planning reading/language arts, specialty specific pedagogy, human development, and teaching English Learners.</i></li> </ul> </li> <li>- Most of the TPSL preparation was derived from these requirements. Specifically, the following sections of the proposed regulations correspond to the following pre-service requirements: <ul style="list-style-type: none"> <li>• <i>Best Practices in Instruction and Individualized Education Programs</i> defined in section <b>80022(f)(2)</b> is covered in the Special Education (SE) preparation requirement for <i>specialty specific pedagogy</i>.</li> <li>• <i>Classroom Management and the Learning Environment</i> defined in section <b>80022(f)(3)</b> is covered in General Education (GE) and SE preparation requirements for <i>classroom management and planning</i>.</li> <li>• <i>Curriculum and Instruction</i> defined in section <b>80022(f)(4)</b> is covered in GE and SE preparation requirements for <i>classroom management and planning</i>.</li> <li>• <i>Human Development</i> defined in section <b>80022(f)(9)</b> is covered in both the GE and SE preparation requirements for <i>human development</i>.</li> <li>• <i>Pedagogy</i> defined in section <b>80022(f)(14)</b> is covered in GE and SE preparation requirements for <i>pedagogy</i>.</li> <li>• <i>Reading and Language Arts</i> defined in section <b>80022(f)(17)</b> is covered in GE and SE preparation requirements for <i>reading/language arts</i>.</li> <li>• <i>Relationships Between Theory and Practice</i> defined in section <b>80022(f)(18)</b> is covered in GE and SE preparation requirements for <i>classroom management and planning, pedagogy, and human development</i>.</li> <li>• <i>Teaching English Learners</i> defined in section <b>80022(f)(20)</b> is covered in GE and SE preparation requirements for <i>teaching English Learners</i>.</li> </ul> </li> <li>- The remaining content areas, including <i>Ethics (80022(f)(6))</i>, <i>Health, Safety, and Hygiene (80022(f)(8))</i>, <i>Local Context (80022(f)(11))</i>, and <i>Using Technology in the Classroom (80022(f)(21))</i> were derived from stakeholder feedback. These topics were identified as integral to the success of any temporary teacher who has not completed a teacher preparation program, and many LEAs already provide some introductory training in these topics for substitutes, especially those serving in a special education setting.</li> </ul>	<p><b>80022(f)(2)</b>  <b>80022(f)(3)</b>  <b>80022(f)(4)</b>  <b>80022(f)(6)</b>  <b>80022(f)(8)</b>  <b>80022(f)(9)</b>  <b>80022(f)(11)</b>  <b>80022(f)(14)</b>  <b>80022(f)(17)</b>  <b>80022(f)(18)</b>  <b>80022(f)(20)</b>  <b>80022(f)(21)</b></p>

<b>Stakeholder Concern</b>	<b>Solution and Purpose</b> <i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i>	<b>Regulatory Section(s)</b>
<p>Since the preparation would not have any component of Commission oversight the regulations should provide guidance in regards to the level of preparation that should be covered.</p>	<ul style="list-style-type: none"> <li>- The preparation hour requirements were divided into three tiers to make the requirement easier to meet and to present a structured delivery of content. As the TPSL holder serves each of the first three years, they should be exposed to new experiences and challenges in each classroom. The tiered delivery of the preparation allows the concepts to build upon each other in a scaffolded manner.</li> <li>- The proposed regulations provide a guide for each of the first three issuances that require 45 hours of preparation that includes the level of knowledge each content area should touch upon for each 45 hour segment of preparation. Content areas may be delivered at a foundational, intermediate, or proficient level.</li> </ul>	<p><b>80022(a)(5), subsections (A) through (J)</b></p> <p><b>80022(d)(1)(C), subsections 1 through 9</b></p> <p><b>80022(d)(2)(C), subsections 1 through 10</b></p>
<p>The permit should be valid for one year.</p>	<ul style="list-style-type: none"> <li>- The regulations clearly define the validity period of the TPSL. The one-year validity follows the validity and dating structure that can be found on other Commission-issued teaching permits that authorize service beyond 20 or 30 days. Title 5 CCR sections 80021(b) and 80021.1(b) set the one year validity period for the Short-Term Staff Permit and Provisional Internship Permit.</li> </ul>	<p><b>80022(b)</b></p>
<p>The permit should be renewable.</p>	<ul style="list-style-type: none"> <li>- The option to reissue a TPSL was decided upon by stakeholders so that individuals with this higher-level of preparation beyond that required of a substitute permit holder may continue to serve in statutory leave assignments. These individuals would be highly desired for both statutory leave and substitute assignments because of the extra training and knowledge required to obtain the TPSL.</li> </ul>	<p><b>80022(d)</b></p>
<p>That the permit could not ever be used to cover teacher vacancies.</p>	<ul style="list-style-type: none"> <li>- The regulations clearly define the specific statutory leaves that a teacher of record may be out on which would authorize a TPSL holder to cover their assignment. The regulations also reference the specific statutory sections of Education Code and Government Code that defined each leave which is acceptable for using the TPSL to ensure that LEAs cannot misconstrue what an appropriate leave would be.</li> <li>- Leaves that do not meet this definition, such as administrative leave, are not included in the definition, and would therefore not be appropriate for a TPSL assignment beyond 20 or 30 days. Vacant teaching positions that do not have a teacher of record would also not be appropriate for a TPSL assignment beyond 20 or 30 days.</li> </ul>	<p><b>80022(f)(19)</b></p>
<p>There must be a way to track the issuances and usage of the permit to identify which LEAs are using the permit and how often they are using it.</p>	<ul style="list-style-type: none"> <li>- The mechanism the Commission uses to identify and track permit use by LEAs is through restricting the service of the permit to the LEA(s) requesting it. Both the Short-Term Staff Permit and Provisional Internship Permit are restricted documents. The TPSL regulations follow the regulatory language for these documents, including the definitions of an employing agency (Title 5 CCR sections 80021(f) and 80021.1(f)) and restriction of service (Title 5 CCR sections 80021(d) and 80021.1(d)).</li> </ul>	<p><b>80022(c)</b> <b>80022(f)(5)</b></p>

<b>Stakeholder Concern</b>	<b>Solution and Purpose</b> <i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i>	<b>Regulatory Section(s)</b>
There must be a way to track the issuances and usage of the permit to identify which LEAs are using the permit and how often they are using it.	<ul style="list-style-type: none"> <li>- The mechanism the Commission uses to identify and track permit use by LEAs is through restricting the service of the permit to the LEA(s) requesting it. Both the Short-Term Staff Permit and Provisional Internship Permit are restricted documents. The TPSL regulations follow the regulatory language for these documents, including the definitions of an employing agency (Title 5 CCR sections 80021(f) and 80021.1(f)) and restriction of service (Title 5 CCR sections 80021(d) and 80021.1(d)).</li> </ul>	<p><b>80022(c)</b> <b>80022(f)(5)</b></p>
The design of the permit needs to ensure that there is a component of accountability for the use of the permit and a mechanism for data collection to evaluate the use of the permit.	<ul style="list-style-type: none"> <li>- To address accountability and data collection, the proposed regulations include the LEA’s assignment monitoring responsibilities outlined in EC section 44258.9. This section of EC gives the Commission the authority to collect teacher assignment data through the Assignment Monitoring Program. Under this statutory section, school districts are required to annually report specific assignment data (such as teacher vacancies) to their county office of education. This section of EC also identifies specific funding sources for counties to perform these monitoring activities and report misassignment and vacancy information to the Commission. In accordance with these statutes, the Commission could request and collect information on TPSL assignments as a part of the established Assignment Monitoring Program. Collecting this data could identify the nature and frequency of statutory teacher leaves and help to ensure that the TPSL is used only for its intended purpose.</li> <li>- For the purpose of assignment monitoring, the local employing agency would document specific information on each TPSL assignment, including the name of the TPSL holder serving in the specific assignment, teacher of record, the specific statutory leave section that justifies use of the TPSL, school site of the assignment, assignment setting, subject, grade level, name of the mentor assigned to the permit holder, and number of cumulative days the TPSL holder served in the specific statutory leave assignment. The documentation would be kept on file by the school district and reported to the local County Office of Education (COE) annually along with the district’s teacher vacancy data. The documentation for that data would be subject to review by the COE as part of the assignment monitoring conducted under EC section 44258.9.</li> <li>- The additional component of the accountability requirement is for the LEA to verify that they have made reasonable efforts to hire a substitute teacher that is fully credentialed in the area of the statutory leave assignment. This regulation mirrors the existing section of EC 56062 which outlines the priorities for placing substitutes in special education assignments and calls for an attempt to place fully credentialed teachers as substitutes for these assignments prior to using other substitutes.</li> </ul>	<p><b>80022(a)(6)</b> <b>80022(d)(1)(B)</b> <b>80022(d)(2)(B)</b> <b>80022(d)(3)(B)</b> <b>80022(f)(1)(A)</b> <b>80022(f)(1)(B)</b></p>

Stakeholder Concern	<p style="text-align: center;"><b>Solution and Purpose</b></p> <p style="text-align: center;"><i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i></p>	Regulatory Section(s)
<p>There should be a system of support for the permit holder with an appropriate mentor because the TPSL holder may have little to no experience teaching beyond day-to-day substitute teaching.</p>	<ul style="list-style-type: none"> <li>- To address stakeholder concerns for a system of support for the TPSL holder, the proposed regulations require the LEA to provide the TPSL holder with an early orientation to the assignment before or during the first month of service in the statutory leave assignment. This requirement is consistent with existing EC 44300(f), which states that the holder of an emergency permit “shall attend an orientation to the curriculum and to techniques of instruction and classroom management.” While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who have not completed a full teacher preparation program to be provided an orientation to their assignment is evident and best for students.</li> <li>- To address stakeholder concerns for a system of support for the TPSL holder, the proposed regulations require the LEA to provide the TPSL holder with a mentor who is credentialed in a corresponding area as the statutory leave assignment. This requirement is also consistent with existing EC 44300(f), which states that the holder of an emergency permit “shall teach only with the assistance and guidance of a certificated employee of the district who has completed at least three years of full-time teaching experience, or the equivalent thereof. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.” While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who have not completed a full teacher preparation program to be provided guidance and assistance throughout their assignment is evident and best for students.</li> <li>- The regulations also identify an average number of mentoring hours per week that the TPSL holder should receive. This requirement is consistent with the required hours of mentoring that an Intern Credential holder must receive as outlined in Title 5 CCR section 80033(b)(4) which states that “...A minimum of two hours of support/mentoring and supervision shall be provided to an intern teacher every five instructional days.”</li> </ul>	<p><b>80022(a)(6)</b> <b>80022(f)(13)</b></p> <p><b>80022(a)(6)</b> <b>80022(d)(1)(B)</b> <b>80022(d)(2)(B)</b> <b>80022(d)(3)(B)</b> <b>80022(f)(12)</b></p>
<p>The TPSL permit holder should be able to also substitute teach on a day-to-day basis so they do not have to apply for an Emergency 30-Day Substitute Teaching Permit and a TPSL.</p>	<ul style="list-style-type: none"> <li>- To address this concern, the proposed regulations also include amendments to the section of Title 5 regulations that authorize specific permits for substitute teaching beyond the three substitute permits that the Commission issues. These permits meet the same standards that the Emergency 30-Day Substitute Teaching Permit requires, which is possession of a Bachelor’s degree and satisfaction of the Basic Skills Requirement.</li> <li>- The amendments to Title 5 CCR section <b>80025.3(b)</b> include the addition of the new Teaching Permit for Statutory Leave, the Provisional Internship Permit (PIP), and the Short-Term Staff Permit (STSP). The TPSL is included because it is a new document that meets the exact requirements that are outlined in this section of regulations. The PIP and STSP are included because they too meet these requirements and this section of regulations was not amended when the PIP and STSP regulations were created in 2005. This oversight has prevented PIP and STSP permit holders from being able to substitute teach without also holding an Emergency 30-Day Substitute Teaching Permit even though the requirements for the PIP and STSP include the require degree and Basic Skills.</li> </ul>	<p><b>80025.3(b)</b></p>

Additional components of the proposed regulations were included to align the new permit’s requirements with the requirements for existing Commission-issued documents. Specifically, sections **80022(a)(1)**, **80022(d)(1)(A)**, **80022(d)(2)(A)**, and **80022(d)(3)(A)** propose the requirement of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for all issuances of the Teaching Permit for Statutory Leave as outlined in existing sections of regulations. All documents issued by the Commission require the applicant to 1) submit a completed application as defined in section 80001, 2) submit a processing fee as defined in section 80487(a), and 3) complete the fingerprint clearance process as defined in section 80442.

As well, section **80025.3(b)** contains clarifying terminology to identify that the service limitations for substitute teaching are specific to the setting of the assignment. The addition of the terms “general education” and “or classroom,” clarifies that an individual serving as a substitute under the provisions of this section may only serve in a general education classroom for 30 days for any one general education teacher or classroom as is specified in the Emergency 30-Day Substitute Teaching Permit regulations (Title 5 CCR section 80025(b)). The addition of the term “or more than 20 days for any one special education teacher or classroom” clarifies that an individual serving as a substitute under the provisions of this section may only serve in a special education classroom for 20 days for any one special education teacher or classroom as is specified in EC section 56061(a).

#### *Non-Substantive Changes*

There is one non-substantive change that needs to be included in Title 5 CCR section **80025.3(a)** to address a typographical error.

There is one non-substantive change to the *Note* section of Title 5 CCR section **80025.3** to remove an Education Code reference for section 44305 because this section of Education Code no longer exists.

#### **Authority to Develop the Teaching Permit for Statutory Leave (TPSL)**

The Commission is tasked with the responsibility to create, develop regulations for, and issue permits of varying types to be used for public school service, including emergency and substitute permits. The two tables below provide an overview of the Commission’s history of and authority to create new permits. *Table 4* outlines the different types of new emergency and substitute permits created by the Commission, including their Title 5 regulatory section and the section(s) of EC cited as authority. *Table 5* summarizes the specific sections of EC that give the Commission the authority to develop new permits, the scope of their authorization, associated minimum requirements, and terms of issuance.

Since the TPSL holder would not serve as the teacher of record and would only substitute as the interim teacher of record for the length of the statutory leave, the permit would be considered an emergency substitute permit in nature and its creation is authorized by EC section 44300(i). This section of EC states that the Commission shall establish the minimum requirements for such permits.

Further, *Table 5* summarizes the sections of EC 44225 that give the Commission the expressed authority to establish standards for the issuance and renewal of such permits (d), determine the scope and authorization of such permits (e), establish alternative methods for entry into certificated roles in schools (g), determine the terms of such permits (l), and propose appropriate rules and regulations to implement such requirements (q).

<b>Development of New Permits by the Commission</b>			
<b>Permit Title</b>	<b>Year Established</b>	<b>Title 5 Section</b>	<b>Authority Cited in Education Code (EC)</b>
Special Education Limited Assignment Permit (SELAP)	2009	§ 80027.1	§§44225(d), 44225(g), 44225(l), 44225(q) and 44300
Provisional Internship Permit (PIP)	2005	§ 80021.1	§§44225(d), 44225(g), 44225(l), 44225(q) and 44300
Short-Term Staff Permit (STSP)	2005	§ 80021	§§44225(d), 44225(g), 44225(l), 44225(q) and 44300
Emergency Career Substitute Teaching Permit	1998	§ 80025.1	§44225(q)
Emergency Substitute Teaching Permit for Prospective Teachers	1998	§ 80025.2	§44225(q)
General Education Limited Assignment Teaching Permit (GELAP)	1976	§ 80027	§§44225(d), 44225(g), 44225(q) and 44300
Emergency 30-Day Substitute Teaching Permit	1974	§ 80025	§44225(q)

<b>Commission Authority to Create New Permits</b>	
<b>Education Code</b>	<b>Text</b>
EC§44225	The commission shall do all of the following:
EC§44225(d)	(d) Establish standards for the issuance and renewal of credentials, certificates, and permits.
EC§44225(e)	(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credential holders. (...)
EC§44225(g)	(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. (...)
EC§44225(l)	(l) Determine the terms of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance. (...)
<b>EC§44225(q)</b>	<b>(q) Propose appropriate rules and regulations to implement the act which enacts this section.</b>
EC§44300(i): Emergency Permits	(i) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of his or her field of certification, for which the commission shall establish minimum requirements.
<b>Applicable Definitions and Legislative Intent</b>	
EC§44002	A “credential” includes a credential, certificate, life document, life diploma, permit, certificate of clearance, or waiver issued by the commission.
EC§44005	The word “certificate” used as a verb refers to the act of licensing individuals for employment in educational positions.
EC§44202	It is the intent of the Legislature that the Commission for Teacher Preparation and Licensing shall exercise authority over all services provided to pupils in grade 12 or below. It is not the intent of the Legislature to authorize the commission to issue credentials authorizing service in grades 13 and 14, or in any institution of higher education.

### **Documents Relied Upon in Preparing Regulations**

*Proposed Teaching Permit for Statutory Leave (TPSL) Concept Paper*

Appendix A, Agenda Item 4A, December 2015 Commission Meeting Commission on Teacher Credentialing

<http://www.ctc.ca.gov/commission/agendas/2015-12/2015-12-4A.pdf>

*Proposed Teaching Permit for Statutory Leave (TPSL) Stakeholder Survey*

Appendix B, Agenda Item 4A, December 2015 Commission Meeting Commission on Teacher Credentialing

<http://www.ctc.ca.gov/commission/agendas/2015-12/2015-12-4A-appendix-B.pdf>

### **Economic Impact Assessment/Analysis**

EC section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments interpret and make specific EC sections 44225(d), 44225(e), 44225(l) and 44300(i) pertaining to the requirements for permits issued by the Commission.

The purpose of the proposed regulation additions and amendments clarify and make specific a) the requirements for a permit that authorizes service as the interim teacher of record when an existing teacher of record is unable to serve due to a specified statutory leave. and b) the documents that authorize substitute teaching based on the common requirements to the Emergency 30-Day Substitute Teaching Permit.

**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 teaching permits that authorize service in California’s public schools. The proposed amendments 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 teaching permits that authorize service in California’s public schools. The proposed amendments 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 teaching permits that authorize service in California’s public schools. As a result of the proposed amendments, no existing businesses in California will be expanded or eliminated.

#### **Consideration of Alternatives**

The Commission considered the following alternatives to resolve the issues surrounding statutory leave assignments:

##### *Modification of Existing Short-Term Staff Permit (STSP)*

Modifying the existing STSP to allow for easier use, including renewability, when covering statutory teacher leaves is a second solution that was identified. Unlike the PIP, the STSP does not require the employing agency to submit verification of recruitment efforts for a fully credentialed teacher for issuance, but it does require verification that a diligent search was conducted.

Modification of a document that already exists to allow renewability solely for statutory teacher leave assignments could be done through the regulatory process. However, the data and accountability complications that might arise when tracking the usage of the STSP for actual vacancies versus statutory teacher leave assignments are a consideration. Also, issuance of the STSP requires that a diligent search was conducted by the employer prior to

issuance. This is an issue because many statutory teacher leaves are spontaneous in nature and can begin or end with little to no notice.

As well, the STSP does not require any additional preparation such as pedagogy or classroom management. As proposed, the TPSL would require additional targeted preparation to better prepare individuals for longer assignments. Stakeholders did not support this alternative.

*Modification of Service Limitation of Substitute Assignments*

A second possible solution could be to modify the current 20 or 30 day limitation for serving in a substitute assignment. Modifying the 30-day limitation for general education would require changes to regulations, which the Commission has the authority to do. The 20-day limitation for special education classrooms is set in Education Code and would require legislation to amend.

Substitute limitations could be set to a higher level specifically for statutory teacher leave situations, which would remove the need for rotating substitute teachers through a classroom. Limitations could also be higher for fully credentialed teachers who are teaching outside of their credential area. Currently, such teachers are also limited to the 20 or 30 days even though they have completed a full teacher preparation program in a different subject area or setting.

However, it is important to note that such a modification would require that the Commission seek out a sponsor for a bill to be written and approved by the Legislature, as the 20 day special education setting limitation is specified in Education Code. As well, this option does not increase the requirements for substitute permit holders who are serving in longer statutory leave assignments. Additionally, these substitutes are not appropriately prepared to serve beyond these set limitations, which are intended to prevent individuals with no training in pedagogy, classroom management, or knowledge of the subject being taught from such long assignments. Stakeholders did not support this alternative.

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that neither of these alternatives 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 seeking permits that authorize service in California's public schools.