

Division VIII of Title 5 of the California Code of Regulations
Proposed Amendments to Title 5 of the California Code of Regulations
Pertaining to the Period of Validity of Examinations for Certification

Initial Statement of Reasons

Rationale for Proposed Regulations

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code section 44225(a)(1) pertaining to the period of validity of examinations used for certification.

This rulemaking action proposes the amendments to sections 80015, 80015.1, and 80071 of Title 5 of the California Code of Regulations (CCR) related to the period of validity of examinations used for certification as approved by the Commission at the June 2016 meeting.

General Provisions

The primary purpose of each of the Commission's examinations is to ensure that educators have the required knowledge, skills and abilities to provide effective instruction for K-12 students in accordance with California's student academic content standards.

Education Code §44225(a)(1) allows the Commission to grant preliminary credentials to individuals who meet the credentialing requirements, including either passage of a subject matter examination or completion of a subject matter program:

"The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college-level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test..."

Title 5 CCR §80071(b) sets the validity period of all examinations used for credentialing at five years, unless otherwise set by statute or another regulation:

"For each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, there can be no more than five years between (1) the date the score was earned and (2) the issuance date of the credential, certificate, permit, or waiver for which the examination score is used."

The five-year period for exam score validity is somewhat arbitrary and does at times lead to inconvenient situations for individuals and could keep prospective educators from earning a credential. These are scenarios both prospective and previously credentialed educators encounter that cause inquiries regarding the term of exam validity:

Example 1: A candidate passes two of three subtests of a subject matter exam but fails subtest number three repeatedly. The individual manages to pass the third subtest after six years, but the first two subtest scores are now expired and have to be taken again.

Example 2: A candidate passes all required subject matter exams but has difficulty passing the Reading Instruction Competence Assessment (RICA) in spite of repeated attempts. After an additional two or three years, the candidate finally passes RICA but finds the subject matter exam scores are now more than five years old and have expired because they were never used to issue a document.

Example 3: A credentialed teacher passes all the required examinations to obtain an English learner (EL) authorization. The teacher thinks that after passing the examinations the new authorization is just added automatically, does not look into application requirements or submit an application and fee, and fails to follow up to verify the authorization has been added to his or her credential. The teacher never notices that the new authorization was not added to the credential, even when renewing. Seven years go by from when the exams were taken before the teacher is questioned by an employer about the lack of an EL authorization, or the teacher plans to apply for a new position and finally looks at the credential only then realizing the authorization was not added (the same scenario has occurred with other types of credentialing exams).

At the June 2016 Commission meeting (<http://www.ctc.ca.gov/commission/agendas/2016-06/2016-06-3B.pdf>), three possible alternatives were brought forward for consideration as potential remedies to such issues. The options to allow an individual to appeal to the Commission for an extended period of test score validity and to “freeze” an examination score for later use were both seen to encounter a number of problematic scenarios that would be hard to quantify for legal purposes, presenting significant difficulties in providing a supporting rationale that would be acceptable to the Office of Administrative Law (OAL) for regulatory purposes, and fell short in creating a mechanism that could be applied equitably to all educators due to the differing circumstances of those who might be seeking to use the examination route to qualify for an additional type of certification.

The Commission took action to approve a third option under consideration to extend the validity period of examination scores from five years to ten years. The Commission saw the extension to a ten year validity period as necessary to provide educators additional flexibility in the timeframe now required for many to complete all credential requirements and assist them to avoid the negative consequences encountered with the five-year validity term, given how credential program requirements have changed since the five-year validity period was set in 1981. The longer term of validity will prevent many educators from being forced to invest the added time and cost to retake examinations previously passed simply because it now takes many educators longer complete credential programs than in the past, making it more likely that examinations could expire before an educator completes all program requirements. The extended period of validity also maintains a timeframe sufficient to allow for the periodic revision of examinations to assure that they remain aligned with the current standards and frameworks adopted by the California State Board of Education, thus assuring credential candidates are held to the most up to date standards and are prepared to provide effective instruction to assist all of California’s PK-12 students meet state standards.

The Commission also approved adding to the proposed regulations an amendment that would exclude from the change to a ten-year validity period examinations no longer being administered for California certification. This would include the BCLAD examination, discontinued and no longer valid for certification since June 23, 2014, the School Leaders Licensure Assessment (SLLA) examination #1010, which has been discontinued and no longer valid for certification since February 26, 2016 and the Specialized Science examinations, which were discontinued July 11, 2015.

The BCLAD and SLLA examinations have been replaced by examinations that meet the revised credential program standards for the Bilingual Authorization and the Administrative Services Credential, respectively. Therefore, these examinations which are no longer administered should not be extended along with the change to a ten year validity period as they no longer meet the requirements for the respective types of certification.

As noted in Coded Correspondence 14-09 (<http://www.ctc.ca.gov/notices/coded/2014/1409.pdf>), the Commission took action at the August 2014 meeting to streamline the science content area authorization structure for California in order to align the preparation and authorizations for future science teachers with the Next Generation Science Standards (NGSS) for California as adopted by the State Board of Education in 2013. As a result of this action, the option to earn a specialized science content area on a Single Subject Teaching Credential will be discontinued as of August 1, 2020, the last date the specialized science examinations, now no longer administered, are valid to use toward obtaining a credential. The proposed regulations provide that any examinations for certification that were discontinued and no longer being administered as of January 1, 2017 would not be included in the proposed change to a ten-year validity period.

In addition, it was brought to attention that regulations regarding the CTET and CSET World Languages examinations, used by many to qualify for English learner and bilingual authorizations, specifically state that these examinations are only valid for certification use for five years. This limit was included in these sections predicated on the current period of validity for certification examinations of five years given in §80071(b). The proposed amendments also include changes to Title 5 §§80015(b)(3) and 80015.1(a)(2) to harmonize with the proposed extension to a ten year period of validity for certification examinations.

Summary of Proposed Amendments

§80015

(a)(2)(D) Proposes removing the reference to the CLAD/BCLAD examinations as these exams are no longer administered and their period of validity for certification use has expired pursuant to 80015.1(a)(2). Proposes deleting the acronym LOTE, standing for Languages Other Than English, and adding the phrase World Languages to match the term now used to describe this category of CSET examinations.

(a)(4) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(a)(6)(C) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(a)(7)(D) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(b)(3) Proposes removing the reference to the CLAD/BCLAD examinations as these exams are no longer administered and their period of validity for certification use has expired pursuant to 80015.1(a)(2). Proposes deleting the reference to a five-year validity term and changing the period the CTEL examinations used to qualify for obtaining an English Learner Authorization or CLAD Certificate are valid for certification use to the term of validity specified in §80071(b) so it would harmonize with the proposed change to that section. The Commission saw the extension to a ten year validity period as necessary to provide educators additional flexibility in the timeframe now required for many to complete all credential requirements and assist them to avoid the negative consequences encountered with the five-year validity term, given how credential program requirements have changed since the five-year validity period was set in 1981. The longer term of validity will prevent many educators from being forced to invest the added time and cost to retake examinations previously passed simply because it now takes many educators longer complete credential programs than in the past, making it more likely that examinations could expire before an educator completes all program requirements. The extended period of validity also maintains a timeframe sufficient to allow for the periodic revision of examinations to assure that they remain aligned with the current standards and frameworks adopted by the California State Board of Education, thus assuring credential candidates are held to the most up to date standards and are prepared to provide effective instruction to assist all of California's PK-12 students meet state standards.

(b)(4) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(c) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(d) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

§80015.1

(a)(2) Proposes deleting the word 'through,' adding the word 'and,' and changing the subsection reference from (D) to (B) to account for the proposed deletion of the two subsections (a)(2)(B) and (a)(2)(C), re-lettering the section, and for better clarity in grammar since there are only two subsections remaining to reference instead of four. Proposes deleting the reference to a five-year validity term and changing the period the CTEL and CSET: World Languages

examinations used to qualify for obtaining bilingual authorizations are valid for certification use to the term of validity specified in §80071(b) so it would harmonize with the proposed change in that section. The Commission saw the extension to a ten year validity period as necessary to provide educators additional flexibility in the timeframe now required for many to complete all credential requirements and assist them to avoid the negative consequences encountered with the five-year validity term, given how credential program requirements have changed since the five-year validity period was set in 1981. The longer term of validity will prevent many educators from being forced to invest the added time and cost to retake examinations previously passed simply because it now takes many educators longer complete credential programs than in the past, making it more likely that examinations could expire before an educator completes all program requirements. The extended period of validity also maintains a timeframe sufficient to allow for the periodic revision of examinations to assure that they remain aligned with the current standards and frameworks adopted by the California State Board of Education, thus assuring credential candidates are held to the most up to date standards and are prepared to provide effective instruction to assist all of California's PK-12 students meet state standards. Proposes deleting the acronym LOTE, standing for Languages Other Than English, and adding the phrase World Languages to match the term now used to describe this category of CSET examinations.

(a)(2)(A) Proposes deleting the acronym LOTE, standing for Languages Other Than English, and adding the phrase World Languages to match the term now used to describe this category of CSET examinations.

(a)(2)(B) Proposes deletion of this subsection as the CLAD/BCLAD examinations are no longer administered and their period of validity for certification use has expired pursuant to 80015.1(a)(2).

(a)(2)(C) Proposes deletion of this subsection as the CLAD/BCLAD examinations are no longer administered and their period of validity for certification use has expired pursuant to 80015.1(a)(2).

(a)(2)(D) Proposes re-lettering this subsection to (B) to account for the proposed deletion of the two prior subsections (a)(2)(B) and (a)(2)(C). Proposes adding the word 'Examinations' to clarify what the CTEL and CSET: LOTE refer to and to be consistent with previous subsections. Proposes deleting the acronym LOTE, standing for Languages Other Than English, and adding the phrase World Languages to match the term now used to describe this category of CSET examinations.

(a)(3) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

(a)(4) Proposes deleting the word 'through,' adding the word 'and,' and changing the subsection reference from (D) to (B) to account for the proposed deletion of the two subsections (a)(2)(B) and (a)(2)(C), re-lettering the section, and for better clarity in grammar since there are only two subsections remaining to reference instead of four. Proposes removing reference to the CLAD/BCLAD examinations as these are no longer administered and their period of validity for certification use has expired pursuant to 80015.1(a)(2). Proposes adding the word 'Examinations' to clarify what the CTEL and CSET: LOTE refer to and to be consistent with previous subsections. Proposes deleting the acronym LOTE,

standing for Languages Other Than English, and adding the phrase World Languages to match the term now used to describe this category of CSET examinations.

(b)(3) Proposes adding a reference to section 80002. Since these regulations were last amended, section 80002 has been added to define what is required when submitting a complete application packet. Proposes adding subsection (a)(1) to 80487 as the specific subsection that refers to the fee.

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§80071

(b) Proposes changing the period an exam is valid for certification from five years to ten years. The Commission saw the extension to a ten year validity period as necessary to provide educators additional flexibility in the timeframe now required for many to complete all credential requirements and assist them to avoid the negative consequences encountered with the five-year validity term, given how credential program requirements have changed since the five-year validity period was set in 1981. The longer term of validity will prevent many educators from being forced to invest the added time and cost to retake examinations previously passed simply because it now takes many educators longer complete credential programs than in the past, making it more likely that examinations could expire before an educator completes all program requirements. The extended period of validity also maintains a timeframe sufficient to allow for the periodic revision of examinations to assure that they remain aligned with the current standards and frameworks adopted by the California State Board of Education, thus assuring credential candidates are held to the most up to date standards and are prepared to provide effective instruction to assist all of California's PK-12 students meet state standards.

(d) Proposes changing the period an exam is valid for certification from five years to ten years to harmonize with the proposed change in subsection (b).

(e) Proposes changing the period an exam is valid for certification from five years to ten years to harmonize with the proposed change in subsection (b). Proposes adding the language that the ten-year limit on scores described in subsection (b) shall not apply to any examination that was discontinued for certification use and no longer administered prior to January 1, 2017. For example, this would include the BCLAD examinations, which are discontinued and have been replaced by the CSET: World Languages examinations, the School Leaders Licensure Assessment (SLLA) examination #1010, which has been discontinued and replaced by the current California Preliminary Administrative Credential Examination (CPACE) examination, and the Specialized Science examinations, which were discontinued July 11, 2015.

The BCLAD and SLLA examinations have been replaced by examinations that meet the revised credential program standards for the Bilingual Authorization and the Administrative Services Credential, respectively. Therefore, these examinations which are no longer administered should not be extended along with the change to a ten year validity period as they no longer meet the requirements for the respective types of certification.

As noted in Coded Correspondence 14-09 (<http://www.ctc.ca.gov/notices/coded/2014/1409.pdf>), the Commission took action at the August 2014 meeting to streamline the science content area authorization structure for California in order to align the preparation and authorizations for future science teachers with the Next Generation Science Standards (NGSS) for California as adopted by the State Board of Education in 2013. As a result of this action, the option to earn a specialized science content area on a Single Subject Teaching Credential will be discontinued as of August 1, 2020, the last date the specialized science examinations, now no longer administered, are valid to use toward obtaining a credential. The proposed regulations provide that any examinations for certification that were discontinued and no longer being administered as of January 1, 2017 would not be included in the proposed change to a ten-year validity period.

Documents Relied Upon in Preparing Regulations:

June 2016 Commission agenda item 3B:

<http://www.ctc.ca.gov/commission/agendas/2016-06/2016-06-3B.pdf>

Coded Correspondence 14-09

<http://www.ctc.ca.gov/notices/coded/2014/1409.pdf>

Economic Impact Assessment/Analysis

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code section 44225(a)(1) pertaining to the period of validity of examinations used for certification.

The purpose of the proposed regulations is to change the length of time examination scores are valid for use to obtain the initial issuance of a credential or additional authorization from five to ten years.

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 applications for teaching credentials 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 applications for teaching credentials 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 applications for teaching credentials 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.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by assuring educators are held to the most up to date

standards to be prepared to provide effective instruction to assist all of California’s PK-12 students meet state standards. The proposed regulations will promote fairness and prevent discrimination by ensuring educators have the added flexibility that will assist many to avoid the negative consequences encountered with the five-year validity term in light of the additional requirements that must be completed now compared with when the five-year validity term was first instituted. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Consideration of Alternatives

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

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 credentials that authorize service in California’s public schools.