

**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**

**Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is attached with the added text underlined and the deleted text lined out.

A public hearing on the proposed actions will be held:

**September 9, 2016  
8:30 a.m.  
Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes at 5:00 p.m. September 6, 2016. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. David Crable, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [dcrable@ctc.ca.gov](mailto:dcrable@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

**Authority and Reference**

Education Code section 44225 authorizes the Commission to adopt 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.

**Informative Digest/Policy Statement Overview**

Summary of Existing Laws and Regulations

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. The proposed regulations also include a general cleanup of regulations, deleting references to examinations no longer administered for certification use and updating references to application processes found in other sections of regulations.

## 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 option to allow an individual to appeal directly to the Commission for an extended period of test score validity and the option 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. Following this course will provide educators added flexibility that will assist many to avoid the negative consequences encountered with the five-year validity term and does not encounter any of the problematic scenarios identified with the either of the other proposed options. The extended period of validity also allows 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 to 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 that the Commission had previously determined should no longer administered for California certification. This would include 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. Coded Correspondence 14-09 set a final date for the use of the Specialized Science examinations for certification at August 1, 2020. 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 CTEL 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.

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

The objectives of the proposed regulation amendments are to:

- extend the validity period of examination scores from five to ten years to provide educators more time to complete the requirements to obtain a new credential type or authorization while still allowing time 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.
- assist educators to avoid the negative consequences encountered with the shorter five-year validity term in acknowledgement of the additional requirements educators must now meet to obtain certification since the time when the five-year term was initially adopted
- provide a general cleanup of regulations, deleting references to examinations no longer administered for certification use and updating references to application processes found in regulations recently approved

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.

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

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the period of exam validity in California.

#### **Documents Incorporated by Reference:**

None.

#### **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>

#### **Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a cost on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by 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.

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

### **Consideration of Alternatives**

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

### **Contact Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to David Crable by telephone at (916) 323-5119 or write to David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Erin Skubal (back-up contact) at (916) 323-9596 or at the address mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### **Availability of Statement of Reasons and Text of Proposed Regulations**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting David Crable at the address or telephone number provided above.

### **Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

### **Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting David Crable at (916) 323-5119.

### **Availability of Documents on the Internet**

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