

**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 Reauthorization of Elementary Subject Matter Programs to**  
**Meet the Subject Matter Requirement for Teaching Credentials**

**Initial Statement of Reasons**

**Rationale for Proposed Regulations**

The proposed regulations implement, interpret, and make specific Education Code sections 44280, 44281, 44282, and 44310 pertaining to meeting the subject matter requirement for California teaching credentials.

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations related to the reauthorization of elementary subject matter programs as a means to meet the subject matter requirement for teaching credentials for applicants prepared in California.

**General Provisions**

The Education Code (EC) provides two routes for individuals to satisfy the subject matter requirement for earning teaching credentials. EC §44282 directs the Commission to adopt examinations and assessments to verify subject matter knowledge and competence for Multiple and Single Subject Teaching Credentials. In addition, EC §44310 authorizes the Commission to “waive” the subject matter examination requirement for individuals completing coursework at authorized institutions as approved by the Commission:

*“The commission shall waive the subject matter examination requirement for graduates of accredited public and private institutions of higher education who successfully complete subject matter programs specified by the commission.*

*Eligibility for an examination waiver can only be achieved when the subject matter program is one which is listed by the commission under Section 44282, and the program has been successfully completed in an approved institution of higher learning.”*

To conform with the Federal No Child Left Behind (NCLB) law and the California State Board of Education’s State Plan, the Commission took action at its October 2003 meeting that all candidates for a Multiple Subject Credential must pass the Commission-adopted examination (CSET) to satisfy the subject matter requirement, and credential candidates enrolled after July 1, 2004 would no longer be able to complete a subject matter program to satisfy the subject matter requirement, as outlined in [Coded Correspondence03-0025](#).

Discussion at the April 2016 Commission meeting (<http://www.ctc.ca.gov/commission/agendas/2016-04/2016-04-4C.pdf>) included several points of concern regarding the present requirements in connection with this issue. Concern has been expressed that there are multiple subject candidates beginning their teacher preparation programs without a deep understanding of the content they will be teaching. Also discussed was whether it is fair to offer only the examination option for demonstrating elementary subject matter competence while candidates for the Single Subject credential retain the option of completing either an examination or a Commission-approved subject

matter program. Some candidates may have issues with tests due to disability, or may have weak standardized test-taking skills, yet may demonstrate strong undergraduate academic performance or have relevant experience in the practical application of the subject matter knowledge in question.

As California seeks to remedy the decline of the recent past in recruiting and retaining individuals in the teaching profession, restricting multiple subject credential candidates to only the examination option could be seen as creating a barrier to individuals who may otherwise be qualified to be effective teachers.

### **Recent Change Eliminating the Highly Qualified Designation**

Section 1119 of NCLB, which requires all teachers of core academic subjects in the state to be “highly qualified,” is among the provisions of the Elementary and Secondary Education Act (ESEA) that states are **not** required to implement in the 2016-17 school year in order to facilitate an orderly transition to the Every Student Succeeds Act (ESSA). Highly qualified teacher (HQT) is a term that was defined in NCLB. Under ESSA, the federal definition of HQT is eliminated in favor of allowing states to set their own teacher standards. States will continue to be required to disclose the steps they are taking to evaluate the equity of teacher distribution and the qualifications of their teachers and school administrators.

With this change, the Commission is in a position to make the completion of elementary subject matter programs once again an option for teaching credential candidates to meet the subject matter requirement for the Multiple Subject teaching credential.

### **Implications of Reauthorization**

At the June 2016 meeting (<http://www.ctc.ca.gov/commission/agendas/2016-06/2016-06-3A.pdf>), the discussion brought out that the reauthorization of elementary subject matter programs to meet the subject matter requirement would necessitate an amendment to current regulations. California Code of Regulations, Title 5 §80413(a)(5)(A) specifically states that educators enrolled in California teacher preparation programs on or after July 1, 2004 seeking a Multiple Subject credential must pass a subject matter examination to meet the subject matter knowledge requirement:

*“For a multiple subject credential, an applicant enrolled in a teacher preparation program prior to July 1, 2004 shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310. An applicant enrolled in a teacher preparation program on or after July 1, 2004 shall meet this requirement by passage of an examination as provided in Education Code Sections 44280, 44281 and 44282.”*

In addition to Multiple Subject Credential candidates, the reauthorization of elementary subject matter programs would make it possible to allow this pathway toward meeting the subject matter requirement to be used by credential candidates seeking the Education Specialist Instruction credential, as well as by fully credentialed teachers seeking to add an additional credential type.

The Commission took action to approve proposed amendments to Title 5 regulations pertaining to the reauthorization of elementary subject matter programs to meet the subject matter requirement for

teaching credentials that include amendments to Title 5 §§80413, 80048.8, and 80499 to provide for all these changes.

The Commission also approved adding to the proposed amendments to §80499 provision that individuals holding the Reading and Literacy Leadership Specialist (RLLS) Credential (previously issued as the Specialist Credential in Reading and Language Arts), or the Reading and Literacy Added Authorization (previously issued as The Reading Certificate) should be exempted from verifying the completion of the reading course and RICA when seeking a new credential type or teaching area using the provisions of §80499. It had been previously determined that individuals who held one of these documents had completed coursework in those respective programs considered to be at the level of the RICA or higher. Adding this provision to regulations avoids having individuals using this section of regulations from being required to complete duplicative work.

Allowing subject matter programs to serve as a means of demonstrating subject matter competence for credentialing purposes would provide a strong, consistent program route for multiple subject credential candidates, and at the same time address the current inequities between credential requirements, allowing the use of subject matter programs in single subject areas to meet the subject matter requirement for credentialing but excluding elementary subject matter programs.

### **Proposed Amendments to Regulations**

#### **§80048.8**

**(a)(4)(B)** Proposes adding the option to complete a Commission-approved elementary subject matter program to meet the subject matter requirement for the Education Specialist Instruction credential.

With the proposed reinstatement of completing an elementary subject matter program for teaching credential candidates to meet the subject matter requirement for the Multiple Subject teaching credential, as proposed for §80413, for the sake of equity this option should also be applied to educators seeking the Education Specialist Instruction credential, as authorized under Education Code (EC) §44310, resolving the current inequity that allows subject matter programs in single subject areas to be used toward obtaining this type of certification but excluding elementary subject matter programs.

#### **§80413**

**(a)(5)(A)** Proposes deleting the date July 1, 2004 and the associated language that eliminated the use of subject matter programs to meet the subject matter requirement for the Multiple Subject teaching credential. To conform with the Federal No Child Left Behind (NCLB) law and the California State Board of Education's State Plan, the Commission took action at its October 2003 meeting to require that all candidates for the Multiple Subject Credential enrolled after July 1, 2004 pass the CSET: Multiple Subjects examination to satisfy the subject matter requirement for a teaching credential, creating an inequity between the multiple and single subject credential subject matter requirements.

Under the Federal Every Student Succeeds Act (ESSA), the federal definition of Highly Qualified Teachers is eliminated in favor of allowing states to determine their own teacher qualifications. With this change, the Commission is in a position to reinstate the completion of elementary subject matter

programs as an option for teaching credential candidates to meet the subject matter requirement for the Multiple Subject teaching credential, as authorized under Education Code (EC) §44310, resolving the current inequity between the Multiple and Single Subject Credential requirements.

**(d)(2)(A)** Proposes the deletion of the application and instruction sheet revision dates and the obsolete Form 41-ECC *Explanation of Criminal Conviction or Pending Criminal Charge*, which has been replaced by Form OA-EF *Professional Fitness Explanation Form*, and adds reference to §80001, which provides definitions for applications used for certification purposes.

**(e)(2)(A)** Proposes the deletion of the application and instruction sheet revision dates and the obsolete Form 41-ECC *Explanation of Criminal Conviction or Pending Criminal Charge*, which has been replaced by Form OA-EF *Professional Fitness Explanation Form*, and adds reference to §80001, which provides definitions for application forms used for certification purposes.

### **§80499**

**(c)(2)(A)** Proposes adding the option to complete a Commission-approved elementary subject matter program to meet the subject matter requirement to allow previously credentialed teachers to obtain a new credential type under the provisions of this section, as authorized under EC §44310, resolving the current inequity that allows subject matter programs in single subject areas to be used toward obtaining this type of certification but excluding elementary subject matter programs.

**(c)(2)(E)** Proposes the addition of this subsection to clarify that the requirements in subsection (c)(2)(C) should not be applied to all applicants. It has been determined by the Commission that individuals who hold the Reading and Literacy Leadership Specialist Credential (previously issued as the Specialist Credential in Reading and Language Arts) or the Reading and Literacy Added Authorization (previously issued as The Reading Certificate) have completed coursework in those respective programs considered to be at a level equal to or higher than that stated in the requirements given in subsection (c)(2)(C). Therefore, to prevent an individual being required to complete duplicative work for which the required competencies have already been demonstrated, an individual holding either the Reading and Literacy Leadership Specialist Credential or the Reading and Literacy Added Authorization should be exempted from verifying completion of both a reading course and the RICA assessment when using the provisions of this section to add a new credential type or content area.

**(d)(2)(A)** Proposes adding the option to complete a Commission-approved elementary subject matter program to meet the subject matter requirement to allow previously credentialed teachers to obtain a new credential type under the provisions of this section, as authorized under EC §44310, resolving the current inequity that allows subject matter programs in single subject areas to be used toward obtaining this type of certification but excluding elementary subject matter programs.

**(d)(6)** Proposes the addition of this subsection to clarify that the requirements in subsections (d)(1)(C), (d)(2)(C), and (d)(3)(C) should not be applied to all applicants. It has been determined by the Commission that individuals who hold the Reading and Literacy Leadership Specialist Credential (previously issued as the Specialist Credential in Reading and Language Arts) or the Reading and Literacy Added Authorization (previously issued as The Reading Certificate) have completed coursework in those respective programs considered to be at a level equal to or higher than the stated

requirements in subsections (d)(1)(C), (d)(2)(C), and (d)(3)(C). Therefore, to prevent an individual being required to complete duplicative work for which the required competencies have already been demonstrated, an individual holding either the Reading and Literacy Leadership Specialist Credential or the Reading and Literacy Added Authorization should be exempted from verifying completion of both a reading course and the RICA assessment when using the provisions of this section to add a new credential type or content area.

**Documents Relied Upon in Preparing Regulations:**

April 2016 Commission agenda item 4C:

<http://www.ctc.ca.gov/commission/agendas/2016-04/2016-04-4C.pdf>

June 2016 Commission agenda item 3A:

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

**Economic Impact Assessment/Analysis**

Education Code section 44225 authorizes the Commission to adopt the proposed regulation addition. The proposed regulations implement, interpret, and make specific Education Code sections 44280, 44281, 44282, and 44310 pertaining to meeting the subject matter requirement for California teaching credentials.

The purpose of the proposed regulations is as follows:

- Reauthorize the use of elementary subject matter programs as a means for educators to demonstrate subject matter competence when seeking a credential
- Provide a strong, consistent program route for multiple subject credential candidates
- Address the current inequities between credential requirements which allow the use of subject matter programs in single subject areas to meet the subject matter requirement for credentialing but exclude the use elementary subject matter programs for the same purpose

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 requirements to obtain 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 requirements to obtain 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 requirements to obtain 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 teachers will have completed the kind of comprehensive preparation required to provide meaningful instruction to all students in California public schools. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in the requirements individuals are held to for demonstrating subject matter competence when completing their credential requirements. 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.