

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

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.

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 sections 44280, 44281, 44282, and 44310 pertaining to the reauthorization of elementary subject matter programs to meet the subject matter requirement for teaching credentials.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to sections 80048.8, 80413, and 80499 of Title 5 of the California Code of Regulations (CCR) related to elementary subject matter programs as approved by the Commission at the June 2016 meeting.

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 Correspondence 03-0025](#).

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 teaching credentials.

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. The proposed regulations include amendments to Title 5 §§80413, 80048.8, and 80499 to provide for these changes.

The Commission also approved adding to the proposed amendments to §80499 the provision that individuals holding either the Reading and Literacy Leadership Specialist (RLLS) Credential or the Reading and Literacy Added Authorization 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.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulation amendments are to:

- 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, 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.

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 when meeting the subject matter requirement toward obtaining a California teaching credential. 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 meeting the subject matter requirement for credentials in California.

Documents Incorporated by Reference:

None.

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>

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 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 when meeting the subject matter requirement toward obtaining a California teaching credential. 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 seeking to obtain 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 in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. 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 can be accessed through the Commission's website at www.ctc.ca.gov.