

## **PUBLIC HEARING**

**January 9, 2003**

### **Proposed Addition to California Code of Regulations, Title 5 Section 80020.1, Pertaining to Additional Assignment Authorizations for Specific Special Education Credentials**

#### **Introduction**

The proposed addition to California Code of Regulations, Title 5 Section 80020.1, pertaining to Additional Assignment Authorizations for Specific Special Education Credentials are being presented for public hearing. Included in this item are the background of the proposed regulations, a brief discussion of the proposed changes, and the financial impact. Also included are the responses to the notification of the public hearing and a copy of the notification distributed in Coded Correspondence 02-0025 dated November 12, 2002.

#### **Background of the Proposed Regulations**

In March 1993, the Commission approved a plan to study the alignment of pre-Ryan and Ryan credential authorizations. The plan developed by staff was an effort to respond to a recommendation by the Commission-approved Advisory Panel on Ways to Streamline the Credentialing System. The recommendation asked the Commission to align the more restrictive pre-Ryan credential authorizations with the Ryan Credentials and to require the teachers consent to serve in the assignment. In late 1993, Commission staff presented three proposals to the Commission to align pre-Ryan and Ryan Credential authorizations. With Commission approval, three sections were added to Title 5 Regulations in the areas of teaching, pupil personnel services, and administrative services.

One area of teaching authorizations that was overlooked in 1993 was special education. The Commission issued special education credentials under the General and Standard statutes that authorized service to special education students in grades K-12. The Ryan Specialist Instruction Credential, created in 1976, authorizes service in grades preschool, K-12, and adults. In 1997, the Commission adopted regulations to develop the Education Specialist Special Education Credential that authorizes service to mild/moderate and moderate/severe students in grades K-12 and for service in the low incidence areas such as deaf and hard of hearing, visual impairments, or physical impairments, ages birth to age 22.

At that time, the Early Childhood Special Education (ECSE) Specialist Credential and Certificate were also created which authorizes service to mild/moderate and moderate/severe students ages birth to pre-K. The *Certificate* program, which is approximately eighteen semester units, is specifically for holders of special education credentials that need the authorization to serve mild/moderate or moderate/severe students birth to pre-K. An individual that is only teaching students ages birth to preschool in the area of mild/moderate or moderate/severe may obtain the *ECSE Credential*.

There was another area of teaching authorizations overlooked when the new Education Specialist Credential was created. While the ECSE Certificate authorizes services to students specifically in the disability areas of mild/moderate and moderate/severe, teachers with the Ryan Specialist Credentials in the low incidences areas of communication, physically, and visually handicapped do not have this option, as the Certificate does not authorize these disability areas. If holders of these credentials wanted to serve ages birth to pre-K, they need to obtain a new Education Specialist Credential in the disability area.

The General and Standard Credentials do not include service to students below grade K. The preschool population was not served in public schools until mandated by PL-94-142 in 1974. With the growing popularity of preschools and to meet the federal mandate, the preschool grade level was added to the Ryan Credentials when it was created in 1976. The birth to pre-K authorization was added in 1997 as noted above with the ECSE Education Specialist Credentials due to another federal mandate and to address the growing number of children in that age group who needed specific special education services.

Prior to the creation of the ECSE Special Education Credential, some individuals who hold the General and Standard Credentials were providing services to special education students ages birth to preschool within the disability area on their document. Since 1997, employing agencies have struggled whether to require individuals with these "older" types of credentials to acquire the ECSE Special Education Certificate to serve ages birth to preschool.

### **Proposed Changes**

**80020.1(a)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the preschool level.

**80020.1(b)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to preschool level.

**80020.1(c)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to pre-kindergarten level.

### **Financial Impact**

California Commission on Teacher Credentialing: None

California Colleges and Universities: None

Private Persons: None

Mandate Costs: None



## Notice of Proposed Rulemaking Mailing List and Responses

### Mailing List

- Members of the California Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-accredited programs
- Credential Analysts at the California Institutions of Higher Education with Commission-accredited programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

As of Monday, December 16, the Commission had received the following three written responses to the public announcement:

<i>In Support</i>	<i>In Opposition</i>
2 organizational opinions	0 organizational opinion
1 personal opinions	0 personal opinion

**Total Responses: 3**

### *Responses Representing Organizations in Support*

1. California Speech-Language-Hearing Association: Robert Powell, Legislative Counsel  
*Comment:* The California Speech-Language-Hearing Association (CSHA) represents speech-language pathologists (also known as Speech-Language Specialists; Language & Speech Specialists; or Language-Speech & Hearing Specialists) and Audiologists. The California Speech-Language-Hearing Associations wishes to be on the record in strong support of authorizing specific special education credential assignments as outlined in Title 5 Section 80021.1 to include service to preschool children.
2. South Bay Children's Health Center Association, Inc.: Herbert C. Masi, Executive Director

### *Responses Representing Individuals in Support*

1. Kathy Bettger, Credential Analyst, Calaveras County Office of Education  
*Comment:* I am in favor of the proposed regulations as described in Coded 02-0025. I would like to also add a comment - what about the LSH/Speech employees?

*Commission Response:* The proposed regulations add an option to assign individuals to teach special education students. The question of expanding the grade level for the Clinical Rehabilitative Services Credential is a broader issue. The Commission does not issue an Early Childhood Speech Services authorization as is currently available with the Early Childhood Special Education authorization for teaching assignments. The current programs for Clinical Rehabilitative Services Credential do not address birth to pre-kindergarten age students. Such a change would need to be made to the programs before a change could be made to the authorization for the credential.

### **Staff Recommendation**

Staff recommends that the Commission adopt the proposed addition to California Code of Regulations, Title 5 Section 80020.1, Pertaining to Additional Assignment Authorizations for Specific Special Education Credentials.

## **Proposed Title 5 Regulations**

### **Title 5 Section 80020.1. Additional Assignment Authorizations for Specific Special Education Credentials**

- (a) The holder of the following credentials may be assigned, with his or her consent, to teach preschool age students in the disability area(s) authorized by the credential. The holder must have successfully taught preschool age students for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:
- (1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Mentally Retarded,
  - (2) Standard Limited Specialized Preparation Teaching Credential with a major in Mentally Retarded,
  - (3) Exceptional Children Teaching Credential with a major in Mentally Retarded,
  - (4) Standard Restricted Teaching Credential with a minor in Trainable Mentally Retarded or Educable Mentally Retarded, and
  - (5) Special Secondary Teaching Credential with a major in Mentally Retarded.
- (b) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to preschool in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to preschool for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:
- (1) Standard Elementary and Standard Secondary Teaching Credential with a minor in Speech and Hearing Handicapped, Deaf and Severely Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,

- (2) Standard Limited Specialized Preparation Teaching Credential with a major in Speech and Hearing Handicapped, Deaf and Severely Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,
  - (3) Exceptional Children Teaching Credential with a major in Speech Correction and Lip Reading, Deaf or Hard-of-Hearing, Visually Handicapped, or Orthopedically Handicapped Including the Cerebral Palsied,
  - (4) Standard Restricted Teaching Credential with a minor in Speech and Hearing Therapy, Deaf and Severely Hard-of-Hearing, Visually Handicapped, Orthopedically Handicapped Including the Cerebral Palsied, Deaf-Blind, or Severely Hard-of-Hearing, and
  - (5) Special Secondary Teaching Credential with a major in Correction of Speech Defects, Deaf, Lip Reading, or Partially Sighted Child, and Blind.
- (c) The holder of the following credentials may be assigned, with his or her consent, to teach students ages birth to pre-kindergarten in the disability area(s) authorized by the credential. The holder must have successfully taught students ages birth to pre-kindergarten for a minimum of three years prior to July 1, 2003 in the disability area(s) authorized by the credential:
- (1) Specialist Instruction Teaching Credential with a major in Communication Handicapped, Physically Handicapped or Visually Handicapped.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b) and 44225(e), Education Code.

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

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OFFICE OF THE EXECUTIVE DIRECTOR

November 12, 2002

02-0025

To: All Individuals and Groups Interested in the Activities of the California Commission on Teacher Credentialing

From: Sam W. Swofford, Ed.D., Executive Director

Subject: Proposed Addition to California Code of Regulations, Title 5 Section 80020.1, Pertaining to Additional Assignment Authorizations for Specific Special Education Credentials

**Notice of Public Hearing is Hereby Given**

In accordance with Commission policy, the following Title 5 Regulation is being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined.

A public hearing on the proposed actions will be held:

**January 9, 2003**

**10:00 am**

**California Commission on Teacher Credentialing**

**1900 Capitol Avenue**

**Sacramento, California 95814**

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Terri H. Fesperman at 916-323-5777 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on January 8, 2003. 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 California Commission on Teacher Credentialing, attn. Terri H.

Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner 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(q) authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Sections 44225(b) and 44225(e) of the Education Code and govern the procedures of the Commission.

### **Informative Digest/Policy Statement Overview**

#### Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Existing law and regulations allow special education credential holders to serve students in grades K-12 with General and Standard Teaching Credentials; preschool, K-12 and adults with Ryan Credentials; and grades K-12 with Education Specialist Credentials. In addition, low incidence special education areas allow service in ages birth to age 22 for holders of the Education Specialist Credential.

**80020.1(a)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the preschool level.

**80020.1(b)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to preschool level.

**80020.1(c)** Staff is proposing that the Commission allow individuals that hold specific special education credentials who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to pre-kindergarten level.

**Documents Incorporated by Reference:** None

**Documents Relied Upon in Preparing Regulations:** None

### **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 mandate 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 persons 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.

*Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]:* The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

*Effect on small businesses:* The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

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

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Rhonda Stearns at (916) 323-7140 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 web site 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 this notice, the proposed text of regulations, and the initial statement of reasons.

**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. When it is available, it will be placed on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

**Availability of Documents on the Internet**

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