
7B

Action

Legislative Committee

Analyses of Bills

Executive Summary: Staff will present analyses of educator preparation and licensing bills introduced by Legislators. The analyses will summarize current law, describe the bill's provisions, estimate its costs and recommend amendments, if applicable.

Recommended Action: Staff will recommend a position in each bill analysis submitted for the Commission's consideration.

Presenter: Anne Padilla, Consultant, Office of Governmental Relations

Strategic Plan Goal

III Communication and Engagement

- e) Advise the Governor, Legislature, and other policy makers as appropriate regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

February 2015

Bill Analysis

Assembly Bill 163 (Williams) American Indian Languages-Culture Credential

Recommended Position: Support

Sponsor: Santa Ynez Band of Chumash Indians

Bill Version: As Introduced

Summary

AB 163 would amend Education Code §44262.5, the American Indian Languages Credential, to add an American Indian Culture Authorization, as specified, and retitle the credential as the American Indian Languages-Culture Credential.

Background

Federal Law: The Native American Languages Act of 1990¹ allows exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and encourages state and territorial governments to make similar exceptions.

Other States: According to “A Compilation of Federal and State Education Laws regarding Native Language in Curriculum and Certification of Teachers of Native Languages, (2003)”² at least 16 other states have developed policies to allow Native American language teachers to teach in public schools. Those states include: Alaska, Arizona, Hawaii, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, Wisconsin and Wyoming. While laws and regulations vary across states, there are many similarities. Twelve of these states involve tribes either directly or indirectly, in the process of certifying, licensing, or endorsing the teachers of Native Languages for service in the state public schools. Thirteen states do not require a baccalaureate degree. Later research added California, Colorado and Michigan to this list for a total of 19 states.³

¹ P.L. 101-477 <http://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg1152.pdf> Sec. 104

² Melody L. McCoy, The Native American Rights Fund, November 2003 <http://www.narf.org/pubs/edu/pink.pdf>

³ Haley De Korne, Allocating Authority and Policing Competency: Indigenous Language Teacher Certification in the United States, www.gse.upenn.edu/wpel, Spring 2013

Analysis

AB 163 would authorize individuals who demonstrate an understanding of Native American culture, as specified, to teach American Indian Culture in public schools. Modeled after Wisconsin statutes, this bill would institute the following provisions:

- Upon recommendation of the tribal government of a federally recognized Indian tribe in California, require the Commission to issue an American Indian Culture Authorization to a candidate who meets the following requirements:
 - Demonstrated understanding of American Indian culture based on an assessment developed and administered by the recommending federally recognized Indian tribe
 - Successfully completed a criminal background check for credentialing purposes
 - Submitted an application, fee and recommendation for the credential to the Commission through the federally recognized Indian tribe
- Allows for Authorizations in both American Indian Languages and Culture for candidates who qualify for both Authorizations
- For candidates who have already received an American Indian Languages Credential under prior legislation, allows the tribe that recommended the candidate for the American Indian Languages Credential to determine if the candidate may add the American Indian Culture Authorization to the preexisting Languages Credential, or if the candidate must reapply for the American Indian Culture Authorization as a new initial credential

The credential with the Culture Authorization would be issued initially for a two-year period and renewed for an additional three-year period upon recommendation of the tribal government (unless added to an existing American Indian Languages Credential). After the three-year period, the credential holder would be eligible for a clear credential with the Culture Authorization upon application and the recommendation of the tribal government, in consultation with the applicant's public school employer. Holders of the Authorization would be prohibited from teaching any other subject area in the public schools unless they also hold a "valid teaching credential issued by the State of California."

Each federally recognized American Indian tribe would be encouraged to develop a written and oral assessment that should be successfully completed before an applicant is recommended for an American Indian Culture Authorization. The assessment method and content would be developed by each federally recognized Indian tribe based upon the following determinations:

- Demonstrated understanding of culture and its practices, including, without limitation, rituals and tradition, social institutions and relationships, holidays and festivals, health practices and traditions, patterns of work and leisure and culinary traditions and practices
- The standard of knowledge required to qualify for an American Indian Culture Credential in that tribal culture
- Standards for effective teaching methods to be evaluated in the classroom

Upon agreement by the tribe, each tribe recommending a candidate for an American Indian Culture Authorization would develop and administer a technical assistance program guided by the *California Standards for the Teaching Profession*. The program could include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian Culture teacher.

Public school personnel, responsible for evaluating teachers in accordance with local governing board policy, would be required to provide individuals employed to teach on the basis of the American Indian Culture Authorization with information on the teaching personnel evaluation process and with information on the *California Standards for the Teaching Profession*.

Prior Legislation

In 2009, Assembly Member Joe Coto authored AB 544 (Chap. 324, Stats. 2009) which established the American Indian Languages Credential, authorizing individuals fluent in Native American languages to teach those languages in public schools. This legislation was closely modeled after the laws established in Idaho and Oregon.

The bill provided that upon recommendation of the tribal government of a federally recognized Indian tribe in California, the Commission issues an American Indian Languages Credential to a candidate who meets the following requirements;

- Demonstrated fluency in the specified tribal language based on an assessment developed and administered by the recommending federally recognized Indian tribe
- Successfully completed a criminal background check for credentialing purposes
- Submission of an application, fee and recommendation for the credential to the Commission through the federally recognized Indian tribe

The credential is issued initially for a two-year period and renewed for an additional three-year period upon recommendation of the tribal government. After the three-year period, the credential holder would be eligible for a clear American Indian Languages Credential upon application and the recommendation of the tribal government, in consultation with the applicant's public school employer. Holders of the credential are prohibited from teaching any other subject area in the public schools unless they also hold a "valid teaching credential issued by the State of California."

The Commission took a position of "Support" on AB 544. To date, a total of 38 American Indian Languages Credentials have been issued by the Commission.

Fiscal Impact

Minor/Absorbable costs for establishing a credentialing protocol with interested federally recognized Indian tribes, computer programming and informational leaflets.

Relevant Commission Legislative Policies

Policy 6: The Commission supports alternatives to existing credential requirements that maintain high standards for the preparation of educators and opposes alternatives that do not provide sufficient assurances of quality.

Organizational Positions

Support

Santa Ynez Band of Chumash Indians (Sponsor)

Opposition

None noted at this time

Reason for Suggested Position

The purpose of AB 544 was to help increase the number of fluent speakers of American Indian languages. Many of these languages are threatened with extinction.

AB 163 builds on the provisions of AB 544 and allows further alignment with federal law and to ensure that experts in American Indian culture are allowed to serve as the teacher of record in the public schools for this subject area only. AB 163 furthers this purpose by adding an authorization in American Indian Culture to ensure that American Indian culture and traditions are preserved alongside American Indian Languages.

For these reasons, staff is recommending a **“Support”** position on AB 544.

Analyst: Anne Padilla

Date of Analysis: January 28, 2015

LEGISLATIVE GUIDELINES OF THE CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Adopted February 3, 1995

1. The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California and opposes legislation that would lower standards for teachers and other educators.
2. The Commission supports legislation that proposes to maintain or establish high standards of fitness and conduct for public school educators in California and opposes legislation that would lower standards of fitness or conduct for public school educators.
3. The Commission supports legislation that reaffirms that teachers and other educators have appropriate qualifications and experience for their positions, as evidenced by holding appropriate credentials, and opposes legislation that would allow unprepared persons to serve in the public schools.
4. The Commission supports the maintenance of a thoughtful, cohesive approach to the preparation of credential candidates and opposes legislation that would tend to fragment or undermine the cohesiveness of the preparation of credential candidates.
5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted and opposes legislation that would undermine initiatives or reforms that it previously has adopted.
6. The Commission supports alternatives to existing credential requirements that maintain high standards for the preparation of educators and opposes alternatives that do not provide sufficient assurances of quality.
7. The Commission opposes legislation that would give it significant additional duties and responsibilities if the legislation does not include an appropriate source of funding to support those additional duties and responsibilities.
8. The Commission supports legislation that affirms its role as an autonomous teacher standards board and opposes legislation that would erode the independence or authority of the Commission.

Possible Bill Positions for Commission Consideration

The Commission may adopt a position on each bill considered for action. The following chart describes the bill positions. The Commission may choose to change a position on a bill at any subsequent meeting.

Sponsor: Legislative concepts are adopted by the Commission and staff is directed to find an author for the bill and to aid the author's staff by providing background information and seeking support for the bill.

Support: The Commission votes to support a bill and directs staff to write letters of support to Legislative Committee members and to testify in support of the bill at Legislative Committee hearings. The Commission's support position will be recorded in the Legislative Committee's bill analysis. If the bill is successful in the Legislature, staff writes letters of support to the Governor.

Support if Amended: The Commission expresses support for the overall concept of a bill, but objects to one or more sections. The Commission votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, the Commission's position automatically becomes "Support."

Seek Amendments: The Commission expresses concern over one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Watch: The Commission expresses interest in the content of the bill but votes to direct staff to "watch" the bill for future amendments or for further movement through the Legislative process. Early in the Legislative session, the Commission may wish to adopt a "watch" position on bills that are not yet fully formed.

Oppose Unless Amended: The Commission objects strenuously to one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is not amended to reflect the Commission's recommendations, the Commission may vote to adopt an "Oppose" position at a subsequent meeting. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Oppose: The Commission expresses opposition to the overall concept of a bill and votes to direct staff to write letters of opposition to Legislative Committee members and to testify in opposition to the bill at Legislative Committee hearings. The Commission's "oppose" position will be recorded in the Legislative Committee bill analysis. If the bill is successful in the Legislature, staff writes letters of opposition to the Governor.

No Position: The Commission may choose to delay taking a position on a bill and may vote to direct staff to bring the bill forward at a subsequent meeting. The Commission may also choose to direct staff not to bring the bill forward for further consideration.