
2A

Action

Certification Committee

Proposed Regulations for Teaching Permit for Statutory Leave

Executive Summary: This agenda item presents proposed regulations for a new document, the Teaching Permit for Statutory Leave (TPSL), to authorize serving in statutory teacher leave assignments.

Policy Question: Is the TPSL a viable and appropriate solution for statutory teacher leave assignments?

Recommended Action:

- 1) That the Commission approve the development of the Teaching Permit for Statutory Leave (TPSL).
- 2) That the Commission approve the proposed requirements and associated regulations for the TPSL in order to begin the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing.

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Strategic Plan Goal

I. Educator Quality

- c) Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

Proposed Regulations for Teaching Permit for Statutory Leave

Introduction

This agenda item presents proposed regulations for a new document, the Teaching Permit for Statutory Leave (TPSL), to cover statutory teacher leave assignments. The TPSL would serve as an option for local educational agencies (LEAs) to use when faced with covering classrooms where the teacher of record is out on an extended statutory leave. Currently, LEAs rely most often on Emergency 30-Day Substitute Teaching Permit holders to cover such assignments.

However, present restrictions limit an Emergency 30-Day Substitute Teaching Permit holder's service to no more than 30 cumulative days for any one teacher of record during the school year (California Code of Regulations, Title 5 §80025), except in special education classrooms, where a substitute may serve no more than 20 cumulative days during a school year for any one teacher [Education Code §56061(a)]. Because most statutory teacher leaves extend beyond this 20 or 30 day service limitation, LEAs must often rely on a series of rotating substitute teachers to cover the assignments of teachers out on extended statutory leaves. Rotating substitute teachers in this manner results in an inconsistent and inadequate learning environment which can be detrimental to student success.

Background

A summary of the issues surrounding statutory teacher leaves and the impact they have on California's students and local employing agencies were presented at the December 2015 Commission meeting. [Agenda Item 4A](#) presented detailed information regarding stakeholder discussions that centered on the issue of statutory teacher leaves. The item also included a summary of results from a survey developed by Commission staff that was designed to gauge perceptions of the issues from a broader stakeholder audience.

A majority of stakeholders who participated in both the meetings and survey agreed that the current options for resolving statutory leave issues are insufficient. Commission discussion on the topic indicated that staff should bring forth a future agenda item providing information on the most viable solution to the issue and possible regulations.

Part I: Possible Solutions Considered for Statutory Teacher Leave Issues

1. Teaching Permit for Statutory Leave (TPSL)

Education Code section 44225 provides the Commission authority to develop permits, their associated requirements, and the scope of the authorizations. A new document titled *Teaching Permit for Statutory Leave (TPSL)* could be developed to allow the holder to serve as the interim teacher of record when a contracted teacher of record is out on one of the identified statutory leaves noted within regulations. Use of the document would be an option for local employing

agencies to request when a teacher of record is unable to provide services due to a statutory leave.

This possible solution would remove the need for rotating through a series of substitute teachers and instead provide a more consistent and stable learning environment for students whose teacher of record is out on statutory leave. The permit would afford employers the opportunity to invest in a pool of individuals with an increased level of preparation to serve in longer statutory leave assignments. The design of the document would include additional requirements beyond that of a substitute permit holder by increasing the individual's knowledge, skills, and abilities in key areas.

2. Modification of Existing Short-Term Staff Permit (STSP)

Modifying the existing Short-Term Staff Permit (STSP) to allow for easier use, including renewability, when covering statutory teacher leaves is a second solution that was identified. Unlike the Provisional Internship Permit (PIP), the STSP does not require the employing agency to submit verification of recruitment efforts for a fully credentialed teacher for issuance, but it does require verification that a diligent search was conducted.

Modification of a document that already exists to allow renewability solely for statutory teacher leave assignments could be done through the regulatory process. However, the data and accountability complications that might arise when tracking the usage of the STSP for actual vacancies versus statutory teacher leave assignments are a consideration. Also, issuance of the STSP requires that a diligent search was conducted by the employer prior to issuance. This is an issue because many statutory teacher leaves are spontaneous in nature and can begin or end with little to no notice.

As well, the STSP does not require any additional preparation such as pedagogy or classroom management. As proposed, the TPSL would require additional targeted preparation to better prepare individuals for longer assignments.

3. Modification of Service Limitation of Substitute Assignments

A third possible solution could be to modify the current 20 or 30 day limitation for serving in a substitute assignment. Modifying the 30-day limitation for general education would require changes to regulations, which the Commission has the authority to do. The 20-day limitation for special education classrooms is set in Education Code and would require legislation to amend.

Substitute limitations could be set to a higher level specifically for statutory teacher leave situations, which would remove the need for rotating substitute teachers through a classroom. Limitations could also be higher for fully credentialed teachers who are teaching outside of their credential area. Currently, such teachers are also limited to the 20 or 30 days even though they have completed a full teacher preparation program in a different subject area or setting.

However, it is important to note that such a modification would require that the Commission seek out a sponsor for a bill to be written and approved by the Legislature, as the 20 day special

education setting limitation is specified in Education Code. As well, this option does not increase the requirements for substitute permit holders who are serving in longer statutory leave assignments.

Staff Recommendation

Staff recommends that the Commission move forward with the development of the TPSL to provide an option for statutory teacher leave issues. A broad range of stakeholder groups support the creation of a new permit such as the TSPL. By providing an alternative to rotating through a series of substitute teachers, this solution creates a more consistent and stable learning environment for students whose teacher of record is out on an extended statutory leave. The permit could afford employers the opportunity to invest in a pool of individuals with a higher level of skill to serve in longer statutory leave assignments. The design of the document, as proposed, would involve additional requirements beyond what is currently required for a substitute permit by increasing the holder’s knowledge, skills, and abilities in the areas of pedagogy, classroom management, subject matter knowledge, and educational practices across the continuum of learning abilities.

Part II: The TPSL as a Proposed Solution

Appropriate Use

Staff recommends that the proposed TPSL be designed to authorize service for a teacher of record who is out of their classroom due to one of the statutory leaves defined in regulations and specified in *Table 1* below. The proposed TPSL would not be an option to fill teacher vacancies and would be appropriate solely for classrooms where the contracted teacher of record is on a statutory leave requiring an interim teacher of record to serve in their place until their return.

Table 1

| Type of Leave | Length of Leave | Statutory Reference |
|---------------------------------------|---------------------------|--|
| Sick Leave | As accumulated by teacher | EC §44978 |
| Differential Sick Leave | 5 months | EC §44977 |
| Pregnancy Disability Leave Act | 4 months | GC §12945 |
| Family and Medical Leave | 12 workweeks | GC §12945.2 and 29 U.S.C. §2601, et seq. |
| California Family Rights Act | 12 workweeks | GC §12945.2 |
| Industrial Accident and Illness Leave | 60 days | EC §44984 |

Education Code (EC) §44225.7 contains the hiring hierarchy for public schools in California and requires employing agencies to recruit a fully-prepared teacher as the highest priority. Specifically, subsections (a)(1) and (2) state that when a fully credentialed teacher is not available, employers may first recruit for an intern credential holder followed by a Provisional-Internship or Short-Term Staff Permit holder. When no other option is available, employers may hire an individual who does not meet the criteria in subsections (a)(1) and (2) as a last resort. This hiring

hierarchy should be followed for statutory leave teaching assignment just as it would for teacher vacancies.

Document Structure

The proposed TPSL would authorize service as the interim teacher of record for the full length of leave for any contracted teacher on a statutory leave as defined in regulations. Service would be limited to the specific setting indicated in the document's authorization statement. Authorizations could be earned for specific Single Subject areas, Multiple Subject, or Special Education. Individuals could potentially apply for and be issued more than one authorization on their TPSL permit, depending on qualifications.

A single document with the option to list multiple authorizations would allow service only in the specific settings and subject area(s) that an individual is qualified for. It would also prevent educators from having to apply for and pay fees for separate TPSL documents if they are qualified to serve in more than one setting, while also ensuring that an individual meets specific requirements for each setting and subject area.

General Requirements

Staff recommends that the TPSL include all of the following broad requirements:

1. Bachelor's or higher degree
2. Meet the Basic Skills requirement
3. Meet the subject matter requirement
4. Completion of 45 hours of TPSL preparation based on defined content areas of study as specified in regulations
5. Orientation, mentoring, and support provided by the local employing agency

Subject Matter Requirement

Staff recommends that the following standards should be required for meeting the TPSL subject matter requirement:

Single Subject Authorization

One of the following required for issuance:

- Passage of the CSET: Single Subject examination in the subject area requested (or subsumed subject), or
- A degree major in the requested single subject area (or subsumed subject), or
- At least 18 semester units, or 9 upper division semester units, of degree-applicable course work in the subject to be listed on the permit. Coursework in subsumed subjects can be used to meet this requirement.

Multiple Subject Authorization

One of the following required for issuance:

- Passage of the CSET: Multiple Subjects CSET examination, or
- A degree major in liberal studies, or

- 40 semester units including 10 semester units of course work in each of at least four of the following subject areas or at least 10 semester units of course work in each of three of the subject areas and an additional 10 semester units in a combination of two of the remaining subject areas. Subject areas include language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

Special Education Authorization

One of the following required for issuance:

- Meet the applicable subject matter requirements for the Multiple or Single Subject authorizations as outlined above, or
- 9 semester units of course work in special education or in a combination of special education and general education, or
- 1 year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students (experience as an aide is acceptable).

TPSL Initial Preparation

Stakeholders indicated that some type of relevant, targeted preparation to equip individuals for statutory leave assignments was preferred for the TPSL. Feedback suggested that the ideal structure for such preparation would be locally developed and designed based on specific content areas of study that are defined by the Commission and set forth in regulations.

Completion of 45 hours of initial TPSL preparation covering the necessary concepts for an extended assignment in special and/or general education could be required for initial issuance of the TPSL. Such preparation would extend beyond what is required of the substitute permit, PIP, or STSP. This focused TPSL preparation could be cohesive and applicable to every classroom, emphasizing educational practices across the continuum of learning abilities including teaching methods, learning styles, lesson planning, pedagogical concepts, equity and diversity in the classroom, mandated reporting, and legal and ethical issues. TPSL preparation could cover both special and general education settings to ensure that the TPSL holder is skilled in the fundamental areas for statutory leave assignments in either setting. The 45 hours could cover universal components for pedagogy, classroom management, and other areas that are applicable to both educational settings.

Orientation

In addition to the initial TPSL preparation hours, the LEA would be required to provide an early orientation before or during the first month of service. Such orientation should be specific to the statutory leave assignment and classroom type that the TPSL holder will be assigned to.

Mentoring and Support

In addition to early orientation, LEAs must develop a system of support for the TPSL holder, including an identified mentor teacher who holds a valid life or clear credential in the area of the TPSL holder's assignment. Having a mentor teacher who serves in the same setting and/or subject area as the statutory leave assignment could ensure that the TPSL holder receives directed

teaching experience. The mentor teacher could assist with curriculum and lesson planning in the event that the teacher of record on leave has not developed the curriculum prior to his or her leave.

Transparency and Accountability

The proposed TPSL would be a document that restricts the holder to service with the local employing agency requesting the permit. A local employing agency is defined as a California public school district, county office of education, nonpublic, nonsectarian school and agency as defined in Education Code sections 56365 and 56366, charter school, or statewide agency. The employing agency would be required to maintain documentation on TPSL permit holders and report data on the use of the TPSL to ensure the document is appropriately used for statutory leave assignments and not for teacher vacancies.

Education Code (EC) section 44258.9 gives the Commission the authority to collect teacher assignment data through the Assignment Monitoring Program. Under this statutory section, school districts are required to annually report specific assignment data (such as teacher vacancies) to their county office of education. This section of EC also identifies specific funding sources for counties to perform these monitoring activities and report misassignment and vacancy information to the Commission. EC section 44258.9(c)(5) specifies that, after consultation with representatives of county superintendents of schools, the Commission may collect other information as needed. In accordance with these statutes, the Commission could request and collect information on TPSL assignments as a part of the established Assignment Monitoring Program. Collecting this data could identify the nature and frequency of statutory teacher leaves and help to ensure that the TPSL is used only for its intended purpose.

For the purpose of assignment monitoring, the local employing agency would document specific information on each TPSL assignment, including but not limited to the teacher of record, the TPSL holder, assignment setting, subject, and grade level, and the specific statutory leave that justifies the use of the TPSL. The documentation would be kept on file by the school district and reported to the local county office of education (COE) annually along with the district's teacher vacancy data. The documentation for that data would be subject to review by the COE as part of the assignment monitoring conducted under Education Code section 44258.9.

Renewals

The TPSL would be renewable through a series of tiered renewal requirements that require additional hours of targeted preparation. Such targeted TPSL preparation would be based on modules that are broken out to cover all required content areas as outlined in the next section of this agenda item. Each reissuance would be counted until 135 hours have been completed. Once the individual completes all TPSL preparation modules following the third issuance, each subsequent renewal shall require the local employing agency to verify that the TPSL holder has completed the same professional learning activities that are offered to the local employing agency's regular teaching staff. For example:

- First Issuance = Initial 45 hours of initial TPSL preparation
- Second Issuance (first renewal) = 45 additional TPSL preparation hours

- Third Issuance (second renewal) = 45 additional TPSL preparation hours
- Fourth and all subsequent issuances = Local employing agency's professional learning activities

Content Areas Required for Locally-Designed Preparation

Local employing agencies may elect to design and offer a series of modules to fulfill the TPSL preparation requirement. Modules would be delivered in a series of tiered stages corresponding with the initial issuance, first renewal, and second renewal. TPSL preparation would include the following content areas:

- (1) "Curriculum and Instruction," including but not limited to the following: preparation in developing, implementing, adapting, modifying, and evaluating a variety of pedagogical approaches to instruction; using and developing instructional sequences and lesson plans that provide all students with equitable access to the content and experiences found in the state-approved core curriculum.
- (2) "Reading and Language Arts," including but not limited to the following: systematic instruction in reading, writing, listening, and speaking aligned to the state adopted English Language Arts Content Standards and the Reading/Language Arts Framework that meets the needs of the full range of learners including struggling readers, students with special needs, typologies of English language learners, speakers of non-standard English, students who have no communication/language system, and advanced learners who have varied reading levels and language backgrounds.
- (3) "Relationships Between Theory and Practice," including but not limited to the following: exposure to the relationships between foundational issues, theories, and professional practice in relation to the principles of human learning and development, pedagogical strategies, curriculum, instruction, assessment, student accomplishments, attitudes, and conduct.
- (4) "Pedagogy," including but not limited to the following: introductory coursework in planning and delivering content-specific instruction consistent with state-adopted academic content standards for students and curriculum frameworks; knowledge of the full range of the service delivery system, including special and general education, diversity of grades/ages, and federal disability categories.
- (5) "Human Development," including but not limited to the following: comprehensive knowledge of typical and atypical human development from the prenatal stage through adulthood; knowledge of developmental stages and development associated with various disabilities and risk conditions (e.g., visual impairment, autism spectrum disorders, cerebral palsy); resilience and protective factors (e.g. attachment, temperament) and their implications for learning.

- (6) "Teaching English Learners," including but not limited to the following: principles of language development; first and second language acquisition; assessment of language proficiency; academic delivery and building strategies for English language learners; knowledge of educational equity, diversity, cultural and linguistic responsiveness and their implementation in curriculum content and school practices for all students.
- (7) "Best Practices in General and Special Education Instruction and Individualized Education Programs," including but not limited to the following: federal disability category definitions and specific best practices; basic explanation of individualized education programs and other special education acronyms; how to interpret an individualized education program goal and collect data; how to interpret and implement a behavior plan; differentiated instruction and universal design for learning including visual supports, applied behavior analysis and positive behavioral interventions and supports; communication with parents; working with related service providers and paraeducators.
- (8) "Using Technology in the Classroom," including but not limited to the following: knowledge in the basic principles of operation of computer hardware and software; use of technology to facilitate the teaching and learning process; legal and ethical issues related to the use of technology; best practices and research on the use of technology to deliver lessons that enhance student learning; integration of technology-related tools into the educational experience.
- (9) "Local Context," including but not limited to the following: employer-specific software or programs used for attendance, grading, and individualized education program tracking; school expectations; local educational programs.
- (10) "Health, Safety and Hygiene," including but not limited to the following: emergency behavior interventions and de-escalation strategies; establishing a physically, socially, and emotionally safe classroom environment; specialized health care procedures; injury and illness prevention; lifting, carrying, and use of mechanical lifts and equipment; general and specialized ergonomics; blood-borne pathogens and universal precautions.
- (11) "Ethics," including but not limited to the following: confidentiality regarding student information; mandated reporting and child abuse prevention; Americans with Disabilities Act of 1990 (ADA); Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973; non-discrimination; universal access, designing and implementing equitable and inclusive learning environments for all students.

The above content would be provided to the TPSL holder through three levels of delivery in the tiered manner as outlined in *Table 2* below and as specified in regulations. The local employing agency would have the flexibility to design the modules as they see fit as long as the design meets the content and delivery levels defined in regulations. The tiers would include:

- Foundational level content: the most basic or introductory level concepts

- Intermediate level content: concepts that are in advance of or build upon the foundational level
- Proficient level content: concepts that are in advance of or build upon the intermediate level

Table 2

| TPSL 45-Hour Preparation Modules Delivery of Broad Content Areas | | | |
|--|-----------------------|------------------------|-----------------------|
| Broad Content Area | First Issuance | Second Issuance | Third Issuance |
| Curriculum and Instruction | F | I | P |
| Reading and Language Arts | F | I | P |
| Relationships Between Theory and Practice | | F | I/P |
| Pedagogy | F | I | P |
| Human Development | F | | I/P |
| Teaching English Learners | F | I | P |
| Using Technology in the Classroom | | F/I | P |
| Best Practices in Instruction and Individualized Education Programs (IEPs) | F | I | P |
| Health, Safety and Hygiene | F/I/P | | |
| Ethics | F/I/P | | |
| Local Context | F/I/P | Ongoing | Ongoing |
| Key: F = Foundational Level I = Intermediate Level P = Proficient Level | | | |

Summary of TPSL Requirements

Staff recommends that the Commission approve the creation of the TPSL with the associated requirements as outlined in *Table 3* below.

Table 3

| TPSL Preparation and Requirements | |
|---|--|
| Requirements for Initial Issuance: | |
| General Requirements | <p>Bachelor's or higher degree.</p> <p>Satisfaction of the Basic Skills Requirement (BSR).</p> |
| Subject Specific Requirements | <p>For Single Subject authorizations:</p> <ul style="list-style-type: none"> - Passage of California subject matter exams in the subject area(s) requested (or subsumed subject), or - A degree major in the subject area(s) requested (or subsumed subject), or - At least 18 (or 9 upper division) semester units in the single subject area(s) requested. Coursework in subsumed subjects can be used to meet this requirement. <p>For Multiple Subject authorization:</p> <ul style="list-style-type: none"> - Passage of Multiple Subjects California subject matter exam, or - A degree major in liberal studies, or - 40 semester units including 10 semester units of course work in each of at least four specific subject areas¹, or 10 semester units in three subject areas and five units in each of two of the remaining subject areas. <p>For Special Education authorization:</p> <ul style="list-style-type: none"> - Complete the requirements for the Single Subject or Multiple Subject authorization as listed above, or - Nine semester units of course work in special education or in a combination of special and general education, or - One year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students (experience as an aide is acceptable). |
| Initial TPSL Preparation | 45 hours of initial preparation that is locally designed and aligned with specified content areas of study as defined in regulations. |

¹ Subject areas include language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science, and human development.

| | |
|------------------------------------|--|
| Local Orientation | Early orientation before or during the first month of service provided by local employing agency specific to the statutory leave assignment/classroom. |
| Mentoring and Support | Employer must assign fully credentialed mentor teacher in the subject area of the TPSL holder's assignment. - The mentor teacher should assist with curriculum and lesson planning in the event that the teacher of record on leave has not developed the curriculum and lesson plans prior to their leave. |
| Accountability | - Documentation summarizing the appropriate use of each permit holder's assignment shall be kept on file with the employing agency. - Such documentation shall be reported to the local county office of education annually as part of assignment monitoring specified under Education Code section 44258.9. - Employers must conduct recruitment efforts in accordance with the hiring hierarchy outlined in Education Code section 44225.7 for the statutory leave position and verify that no other appropriate candidate is available. |
| Requirements for Renewal: | |
| Additional TPSL Preparation | Additional hours of locally-designed preparation required with each renewal as follows: <ul style="list-style-type: none"> • First renewal = 45 additional hours. • Second renewal = 45 additional hours. • Third and all subsequent renewals = Local employing agency's professional learning activities. |
| Mentoring and Guidance | Continued mentoring and guidance as is required for initial issuance must be provided. |

Part III: Proposed Regulations for Teaching Permit for Statutory Leave (TPSL)

Development of the TPSL requires staff to create a new section of regulations outlining the permit's appropriate use, authorization, and requirements for issuance.

Summary of Proposed Additions and Amendments to Regulations

§80022 Proposes the option for local employing agencies to request a Teaching Permit for Statutory Leave to be used when a teacher of record is unable to provide services due to a statutory leave.

(a) Proposes the specific requirements for the initial issuance of the Teaching Permit for Statutory Leave as specified in subsections (1) through (6).

(a)(1) Proposes the requirements of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for initial issuance of the Teaching Permit for Statutory Leave.

(a)(2) Proposes the requirement to hold a baccalaureate or higher degree from a regionally accredited college or university for initial issuance of the Teaching Permit for Statutory Leave.

(a)(3) Proposes the requirement of satisfying the basic skills requirement for initial issuance of the Teaching Permit for Statutory Leave.

(a)(4) Proposes the subject matter requirement for each of the three available authorization areas as outlined in subsections (A) through (C) for initial issuance of the Teaching Permit for Statutory Leave.

(a)(4)(A) Proposes the options to meet the subject matter requirement for a single subject authorization as outlined in subsections (1) through (3).

(a)(4)(A)(1) Proposes the option to meet the subject matter requirement for a single subject authorization by completion of 18 semester units (or 9 upper division units), or equivalent quarter units, of appropriate non-remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" as found in a single subject or subsumed subject area as defined in §80005.

(a)(4)(A)(2) Proposes the option to meet the subject matter requirement for a single subject authorization by completion of a degree major in a statutory single subject or subsumed subject area as defined in §80005.

(a)(4)(A)(3) Proposes the option to meet the subject matter requirement for a single subject authorization by passage of the appropriate subject matter examination(s) in the single subject area requested.

(a)(4)(B) Proposes the options to meet the subject matter requirement for a multiple subject authorization as outlined in subsections (1) through (3).

(a)(4)(B)(1) Proposes the option to meet the subject matter requirement for a multiple subject authorization by completion of at least 10 semester units of non-remedial course work taken at a regionally accredited college or university with a grade of “C” or higher, “Pass”, or “Credit” in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units of course work in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science and human development.

(a)(4)(B)(2) Proposes the option to meet the subject matter requirement for a multiple subject authorization by completion of a degree major in liberal studies.

(a)(4)(B)(3) Proposes the option to meet the subject matter requirement for a multiple subject authorization by passage of the appropriate multiple subject subject-matter examination(s) adopted by the Commission.

(a)(4)(C) Proposes the options to meet the subject matter requirement for a special education authorization by meeting one of the options outlined for the single subject authorization, multiple subject authorization, or in subsections (1) or (2).

(a)(4)(C)(1) Proposes the option to meet the subject matter requirement for a special education authorization by completion of a minimum of one year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students.

(a)(4)(C)(2) Proposes the option to meet the subject matter requirement for a special education authorization by completion of a minimum of 9 semester units of course work in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

(a)(5) Proposes the 45 hour initial preparation requirement as outlined in subsections (A) through (I) for initial issuance of the Teaching Permit for Statutory Leave.

(a)(5)(A) Proposes that the 45 hour initial preparation requirement must include foundational level content in Curriculum and Instruction.

(a)(5)(B) Proposes that the 45 hour initial preparation requirement must include foundational level content in Reading and Language Arts.

(a)(5)(C) Proposes that the 45 hour initial preparation requirement must include foundational level content in Pedagogy.

(a)(5)(D) Proposes that the 45 hour initial preparation requirement must include foundational level content in Human Development.

(a)(5)(E) Proposes that the 45 hour initial preparation requirement must include foundational level content in Teaching English Learners.

(a)(5)(F) Proposes that the 45 hour initial preparation requirement must include foundational level content in Best Practices in Instruction and Individualized Education Programs.

(a)(5)(G) Proposes that the 45 hour initial preparation requirement must include foundational, intermediate, and proficient level content in Health, Safety, and Hygiene.

(a)(5)(H) Proposes that the 45 hour initial preparation requirement must include foundational, intermediate, and proficient level content in Ethics.

(a)(5)(I) Proposes that the 45 hour initial preparation requirement must include foundational, intermediate, and proficient level content in Local Context.

(a)(6) Proposes the orientation, mentoring, and accountability requirements for initial issuance of the Teaching Permit for Statutory Leave.

(b) Proposes that the Teaching Permit for Statutory Leave be valid for one year and shall expire the first day of the month following the date of issuance in accordance with other Commission-issued permits.

(c) Proposes that the Teaching Permit for Statutory Leave be restricted to the local employing agency(s) requesting the permit.

(d) Proposes the requirements for renewal of the Teaching Permit for Statutory Leave as outlined in subsections (1) through (3).

(d)(1) Proposes the requirements for the first renewal of the Teaching Permit for Statutory Leave as outlined in subsections (A) through (C).

(d)(1)(A) Proposes the requirements of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for the first renewal of the Teaching Permit for Statutory Leave.

(d)(1)(B) Proposes the continued mentoring and accountability requirements for the first renewal of the Teaching Permit for Statutory Leave.

(d)(1)(C) Proposes the additional 45 hour preparation requirement as outlined in subsections (1) through (8) for the first renewal of the Teaching Permit for Statutory Leave.

(d)(1)(C)(1) Proposes that the additional 45 hour preparation requirement must include intermediate level content in Curriculum and Instruction.

(d)(1)(C)(2) Proposes that the additional 45 hour preparation requirement must include intermediate level content in Reading and Language Arts.

(d)(1)(C)(3) Proposes that the additional 45 hour preparation requirement must include foundational level content in Relationships Between Theory and Practice.

(d)(1)(C)(4) Proposes that the additional 45 hour preparation requirement must include intermediate level content in Pedagogy.

(d)(1)(C)(5) Proposes that the additional 45 hour preparation requirement must include intermediate level content in Teaching English Learners.

(d)(1)(C)(6) Proposes that the additional 45 hour preparation requirement must include foundational and intermediate level content in Using Technology in the Classroom.

(d)(1)(C)(7) Proposes that the additional 45 hour preparation requirement must include intermediate level content in Best Practices in Instruction and Individualized Education Programs.

(d)(1)(C)(8) Proposes that the additional 45 hour preparation requirement must include foundational, intermediate, and level content in Local Context.

(d)(2) Proposes the requirements for the second renewal of the Teaching Permit for Statutory Leave as outlined in subsections (A) through (C).

(d)(2)(A) Proposes the requirements of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for the second renewal of the Teaching Permit for Statutory Leave.

(d)(2)(B) Proposes the continued mentoring and accountability requirements for the second renewal of the Teaching Permit for Statutory Leave.

(d)(2)(C) Proposes the additional 45 hour preparation requirement as outlined in subsections (1) through (8) for the second renewal of the Teaching Permit for Statutory Leave.

(d)(2)(C)(1) Proposes that the additional 45 hour preparation requirement must include proficient level content in Curriculum and Instruction.

(d)(2)(C)(2) Proposes that the additional 45 hour preparation requirement must include proficient level content in Reading and Language Arts.

(d)(2)(C)(3) Proposes that the additional 45 hour preparation requirement must include intermediate and proficient level content in Relationships Between Theory and Practice.

(d)(2)(C)(4) Proposes that the additional 45 hour preparation requirement must include proficient level content in Pedagogy.

(d)(2)(C)(5) Proposes that the additional 45 hour preparation requirement must include intermediate and proficient level content in Human Development.

(d)(2)(C)(6) Proposes that the additional 45 hour preparation requirement must include proficient level content in Teaching English Learners.

(d)(2)(C)(7) Proposes that the additional 45 hour preparation requirement must include proficient level content in Using Technology in the Classroom.

(d)(2)(C)(8) Proposes that the additional 45 hour preparation requirement must include proficient level content in Best Practices in Instruction and Individualized Education Programs.

(d)(2)(C)(9) Proposes that the additional 45 hour preparation requirement must include foundational, intermediate, and level content in Local Context.

(d)(3) Proposes the requirements for the third and all subsequent renewals of the Teaching Permit for Statutory Leave as outlined in subsections (A) through (C).

(d)(3)(A) Proposes the requirements of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for the third and all subsequent renewal of the Teaching Permit for Statutory Leave.

(d)(3)(B) Proposes the continued mentoring and accountability requirements for the third and all subsequent renewal of the Teaching Permit for Statutory Leave.

(d)(3)(C) Proposes the requirement for professional learning activities that are made available to the local educational agency's regular teaching staff for the third and all subsequent renewal of the Teaching Permit for Statutory Leave.

(e) Proposes the specific authorizations that the Teaching Permit for Statutory Leave may be issued in as outlined in subsections (1) through (3).

(e)(1) Proposes that the multiple subject authorization shall authorize instructional service as the interim teacher of record to students in a self-contained setting as defined for the Multiple Subject Teaching Credential in §80003.

(e)(2) Proposes that the single subject authorization shall authorize instructional service as the interim teacher of record to students in a departmentalized setting as defined for the Single Subject Teaching Credential in §80004.

(e)(3) Proposes that special education authorization that shall authorize instructional service as the interim teacher of record to students with any disability area as is authorized by an Education Specialist Instruction Credential in §80048.6.

(f) Proposes the definitions for terms used in this regulatory section as outlined in subsections (1) through (20).

(f)(1) Proposes the definition for the term “employing agency”.

(f)(2) Proposes the definition for the term “statutory leave”.

(f)(3) Proposes the definition for the term “foundational”.

(f)(4) Proposes the definition for the term “intermediate”.

(f)(5) Proposes the definition for the term “proficient”.

(f)(6) Proposes the definition for the term “orientation”.

(f)(7) Proposes the definition for the term “mentoring”.

(f)(8) Proposes the definition for the term “professional learning”.

(f)(9) Proposes the definition for the term “accountability” as outlined in subsections (A) and (B).

(f)(9)(A) Proposes that the term “accountability” shall include that documentation summarizing the appropriate use of each permit holder’s assignment shall be kept on file with the local employing agency. Outlines what information such documentation must include and how such documentation will be used.

(f)(9)(B) Proposes that the term “accountability” shall include the local employing agency’s obligation to conduct recruitment efforts in accordance with the hiring hierarchy outlined in Education Code section 44225.7 for the statutory leave position.

(f)(10) Proposes the definition for the term “Curriculum and Instruction”.

(f)(11) Proposes the definition for the term “Reading and Language Arts”.

(f)(12) Proposes the definition for the term “Relationships Between Theory and Practice”.

(f)(13) Proposes the definition for the term “Pedagogy”.

(f)(14) Proposes the definition for the term “Human Development”.

(f)(15) Proposes the definition for the term “Teaching English Learners”.

(f)(16) Proposes the definition for the term “Using Technology in the Classroom”.

(f)(17) Proposes the definition for the term “Best Practices in Instruction and Individualized Education Programs”.

(f)(18) Proposes the definition for the term “Health, Safety and Hygiene”.

(f)(19) Proposes the definition for the term “Ethics”.

(f)(20) Proposes the definition for the term “Local Context”.

Note: Proposes the section of Education code that gives the Commission the authority to create new permits. Proposes the sections of Education code, Government code, and United States code that were relied upon as references for this section.

§80025.3

(a) Proposes a non-substantive change to correct a typographical error.

(b) Proposes the addition of sections of Title 5 regulations that cite additional permit types which meet the same standards of a Bachelor’s degree and Basic Skills Requirement. These sections include the new Teaching Permit for Statutory Leave, Provisional Internship Permit, and Short-Term Staff Permit. Proposes the specific limitation of 20 days for special education settings in substitute assignments as referenced in education code.

(c) Proposes a clean-up of this section to remove a reference to Education code that no longer exists.

Note: Proposes a new reference to education code for the referenced 20-day substitute limitation for special education that was added to subsection (b).

**CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

§ 80022. Teaching Permit for Statutory Leave.

Local employing agencies may request the Teaching Permit for Statutory Leave to be used when a teacher of record is unable to provide services due to a statutory leave.

(a) If a local employing agency elects to request a Teaching Permit for Statutory Leave, the following shall be required for the initial issuance:

(1) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(2) Possession of a baccalaureate or higher degree from a regionally accredited college or university.

(3) Meet the basic skills requirement as described in Education Code section 44252, unless exempt by statutes or regulations.

(4) Successful completion of the subject matter requirement for the authorization(s) requested as found in (A), (B) or (C):

(A) For any single subject authorization, completion of one of the following:

1. 18 semester units (or 9 upper division units), or equivalent quarter units, of appropriate non-remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" in a single subject or subsumed subject area as defined in §80005.

2. A degree major in a statutory single subject or subsumed subject area as defined in §80005.

3. Passage of the appropriate subject-matter examination(s) in the single subject area requested adopted by the Commission.

(B) For the multiple subject authorization, completion of one of the following:

1. At least 10 semester units of non-remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units of course work in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities,

mathematics, the arts, science, physical education, social science and human development.

2. A degree major in liberal studies.

3. Passage of the appropriate multiple subject subject-matter examination(s) adopted by the Commission.

(C) For the special education authorization, completion of one of the requirements in either (A) or (B), or one of the following:

1. Verify a minimum of one year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students.

2. Verify a minimum of 9 semester units of course work in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

(5) The local employing agency shall submit to the Commission verification of completion of 45 hours of pre-service preparation that shall include, but is not limited to, the following:

(A) Foundational level content covering Curriculum and Instruction.

(B) Foundational level content covering Reading and Language Arts.

(C) Foundational level content covering Pedagogy.

(D) Foundational level content covering Human Development.

(E) Foundational level content covering Teaching English Learners.

(F) Foundational level content covering Best Practices in Instruction and Individualized Education Programs.

(G) Foundational, intermediate, and proficient level content for Health, Safety and Hygiene.

(H) Foundational, intermediate, and proficient level content for Ethics.

(I) Foundational, intermediate, and proficient level content for Local Context.

(6) The local employing agency shall submit to the Commission verification of orientation, mentoring, and accountability.

(b) The Teaching Permit for Statutory Leave shall be valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

(c) Use of the Teaching Permit for Statutory Leave for statutory leave assignments shall be restricted to the local employing agency(s) requesting the permit.

(d) If a local employing agency elects to request the renewal of the Teaching Permit for Statutory Leave, the following shall be required:

(1) For the first renewal:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of an additional 45 hours of preparation that shall include, but is not limited to, the following:

1. Intermediate level content covering Curriculum and Instruction.

2. Intermediate level content covering Reading and Language Arts.

3. Foundational level content covering Relationships Between Theory and Practice.

4. Intermediate level content covering Pedagogy.

5. Intermediate level content covering Teaching English Learners.

6. Foundational and intermediate level content covering Using Technology in the Classroom.

7. Intermediate level content covering Best Practices in Instruction and Individualized Education Programs.

8. Foundational, intermediate, and proficient level content for Local Context.

(2) For the second renewal:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of an additional 45 hours of preparation that shall include, but is not limited to, the following:

1. Proficient level content covering Curriculum and Instruction.

2. Proficient level content covering Reading and Language Arts.

3. Intermediate and proficient level content covering Relationships Between Theory and Practice

4. Proficient level content covering Pedagogy.

5. Intermediate and proficient level content covering Human Development.

6. Proficient level content covering Teaching English Learners.

7. Proficient level content covering Using Technology in the Classroom.

8. Proficient level content covering Best Practices in Instruction and Individualized Education Programs.

9. Foundational, intermediate, and proficient level content for Local Context.

(3) For the third and all subsequent renewals:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of professional learning activities that are offered to the local employing agency's regular teaching staff.

(e) The Teaching Permit for Statutory Leave may be issued with one or more of the following authorizations:

- (1) A multiple subject authorization that shall authorize instructional service as the interim teacher of record to students in a self-contained setting as defined for the Multiple Subject Teaching Credential in §80003.
- (2) A specific single subject authorization that shall authorize instructional service as the interim teacher of record to students in a departmentalized setting as defined for the Single Subject Teaching Credential in §80004.
- (3) A special education authorization that shall authorize instructional service as the interim teacher of record to students with any disability area as is authorized by an Education Specialist Instruction Credential in §80048.6.

(f) Definitions:

- (1) The term “employing agency” as used in this section shall mean any of the following: public school districts in California; county offices of education or county superintendents of schools in California; schools that operate under the direction of a California state agency; nonpublic, nonsectarian schools and agencies as defined in Education Code sections 56365 and 56366; charter Schools as established in Education Code section 47605.
- (2) The term “statutory leave” as used in this section shall mean when an employing agency must temporarily fill a position belonging to a teacher of record whose absence is authorized by any leave as defined in Education Code section 44977, Education Code section 44978, Education Code section 44984, Government Code section 12945, Government Code section 12945.2 and 29 U.S.C. Chapter 28.
- (3) The term “foundational” as used in this section shall mean the most basic or introductory level.
- (4) The term “intermediate” as used in this section shall mean that which is in advance of or builds upon the foundational level.
- (5) The term “proficient” as used in this section shall mean the complete or skilled level.
- (6) The term “orientation” as used in this section shall mean that the local employing agency shall provide early orientation before or during the first month of service.
- (7) The term “mentoring” as used in this section shall mean that for each statutory leave assignment the local employing agency shall assign to the permit holder a mentor teacher who possesses a valid life or clear credential in the same content area as the statutory leave assignment and that the mentor teacher shall assist, when necessary, with the development of curriculum and lesson planning.

- (8) The term “professional learning activities” as used in this section shall mean activities that are offered to the local employing agency’s regular teaching staff.
- (9) The term “accountability” as used in this section shall mean the following:
- (A) That documentation summarizing the appropriate use of each permit holder’s assignment shall be kept on file with the local employing agency and that data on the assignments of the permit holder shall be reported to the local county office of education annually as part of the assignment monitoring specified under Education Code section 44258.9, and
 - (B) That the local employing agency has conducted recruitment efforts in accordance with the hiring hierarchy outlined in Education Code section 44225.7 for the statutory leave position and that no other appropriate candidate is available.
- (10) The term “Curriculum and Instruction” as used in this section shall mean the following: preparation in developing, implementing, adapting, modifying, and evaluating a variety of pedagogical approaches to instruction; using and developing instructional sequences and lesson plans that provide all students with equitable access to the content and experiences found in the state-approved core curriculum.
- (11) The term “Reading and Language Arts” as used in this section shall mean the following: systematic instruction in reading, writing, listening, and speaking aligned to the state adopted English Language Arts Content Standards and the Reading/Language Arts Framework that meets the needs of the full range of learners including struggling readers, students with special needs, typologies of English language learners, speakers of non-standard English, students who have no communication/language system, and advanced learners who have varied reading levels and language backgrounds.
- (12) The term “Relationships Between Theory and Practice” as used in this section shall mean the following: exposure to the relationships between foundational issues, theories, and professional practice in relation to the principles of human learning and development, pedagogical strategies, curriculum, instruction, assessment, student accomplishments, attitudes, and conduct.
- (13) The term “Pedagogy” as used in this section shall mean the following: introductory coursework in planning and delivering content-specific instruction consistent with state-adopted academic content standards for students and curriculum frameworks; knowledge of the full range of the service delivery system, including special and general education, diversity of grades/ages, and federal disability categories.
- (14) The term “Human Development” as used in this section shall mean the following: comprehensive knowledge of typical and atypical human development from the prenatal stage through adulthood; knowledge of developmental stages and development

associated with various disabilities and risk conditions (e.g. visual impairment, autism spectrum disorders, cerebral palsy); resilience and protective factors (e.g. attachment, temperament) and their implications for learning.

(15) The term “Teaching English Learners” as used in this section shall mean the following: principles of linguistic development; language acquisition; assessment of language proficiency; academic delivery and building strategies for English language learners; knowledge of educational equity, diversity, cultural and linguistic responsiveness and their implementation in curriculum content and school practices for all students.

(16) The term “Using Technology in the Classroom” as used in this section shall mean the following: knowledge in the basic principles of operation of computer hardware and software; use of technology to facilitate the teaching and learning process; legal and ethical issues related to the use of technology; best practices and research on the use of technology to deliver lessons that enhance student learning; integration of technology-related tools into the educational experience.

(17) The term “Best Practices in Instruction and Individualized Education Programs” as used in this section shall mean the following: federal disability category definitions and specific best practices; basic explanation of individualized education programs and other special education acronyms; how to interpret an individualized education program goal and collect data; how to interpret and implement a behavior plan; differentiated instruction and universal design for learning including visual supports, applied behavior analysis and positive behavioral interventions and supports; communication with parents; working with related service providers and paraeducators.

(18) The term “Health, Safety and Hygiene” as used in this section shall mean the following: emergency behavior interventions and de-escalation strategies; establishing a physically, socially, and emotionally safe classroom environment; specialized health care procedures; injury and illness prevention; lifting, carrying, and use of mechanical lifts and equipment; general and specialized ergonomics; blood-borne pathogens and universal precautions.

(19) The term “Ethics” as used in this section shall mean the following: confidentiality regarding student information; mandated reporting and child abuse prevention; Americans with Disabilities Act of 1990 (ADA); Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973; non-discrimination; universal access, designing and implementing equitable and inclusive learning environments for all students.

(20) The term “Local Context” as used in this section shall mean the following: employer specific software or programs used for attendance, grading, and individualized education program tracking; school expectations; local educational programs.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(b), 44225(e), 44225(l), 44225.7, 44252, 44258.9, 44977, 44978, 44984, 47605, 56365 and 56366 Education Code; Section 12945 and 12945.2, Government Code; and 29 U.S.C. 28.

§ 80025.3. Day to Day Substitute Teaching.

- (a) The holder of a valid California teaching or services credential for which the requirements are equal to or greater than those listed in Title 5 Section 80025(a)(1) and (2) for an Emergency 30-Day Substitute Teaching Permit is authorized to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year. Holders of teaching or services credentials issued prior to February 1, 1983 will not be held to the requirement in Education Code ~~§~~44252(b) if the requirements for the credential included a bachelor's degree and a professional preparation program.
- (b) The holder of a permit or credential issued according to the provisions of Title 5 Section 80021, 80021.2, 80022, 80023.2, 80025.1 or 80071.4(c) may, in addition to the authorization of the permit, serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults during the valid period of the permit in any district within the county listed on the document. However, the holder shall not serve as a substitute for more than 30 days for any one general education teacher or classroom, or more than 20 days for any one special education teacher or classroom during the school year.
- (c) The provisions of this section do not apply to teachers who hold documents issued under the provisions of Education Code Sections ~~44305~~, 44321 or 44325.

Note: Authority cited: Section 44225(q) and 56061(a), Education Code. Reference: Section 44225(e), Education Code.

Next Steps

Staff recommends approval of the TPSL and the proposed regulations for submittal to the Office of Administrative Law in order to schedule a public hearing following the required 45-day response period.