
3B

Information/Action

Certification Committee

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the Period of Validity of Examinations for Certification

Executive Summary: This agenda item presents proposed amendments to Title 5 section 80071 of the California Code of Regulations pertaining to the period of validity of examinations.

Recommended Action: Staff recommends that the Commission approve the proposed regulations for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law and to schedule 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 Amendments to Title 5 of the California Code of Regulations Pertaining to the Period of Validity of Examinations for Certification

Introduction

This agenda item presents proposed amendments to California Code of Regulations Title 5 pertaining to the period of validity of examinations approved by the Commission and used for credentialing purposes. The proposed amendments extend the period of exam validity from five years to ten years.

Background

The primary purpose of each of the Commission's examinations is to ensure that educators have the required knowledge, skills and abilities to provide effective instruction for K-12 students in accordance with California's student academic content standards.

Education Code §44225(a)(1) allows the Commission to grant preliminary credentials to individuals who meet the credentialing requirements, including either passage of a subject matter examination or completion of a subject matter program:

"The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college-level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test..."

Title 5 CCR §80071(b) sets the validity period of all examinations used for credentialing at five years, unless otherwise set by statute or another regulation:

"For each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, there can be no more than five years between (1) the date the score was earned and (2) the issuance date of the credential, certificate, permit, or waiver for which the examination score is used."

An amendment to Title 5 regulations effective May 17, 1981 raised the limit on exam validity from two years to five years. [Coded Correspondence 80-8126](#) explains the purpose of raising the limit to five years was to align with "recommended practice of major test companies."

The five-year period for exam score validity is somewhat arbitrary and does at times lead to inconvenient situations for individuals and could keep prospective educators from earning a credential. These are scenarios both prospective and previously credentialed educators encounter that cause inquiries regarding the term of exam validity:

Example 1: A candidate passes two of three subtests of a subject matter exam but fails subtest number three repeatedly. The individual manages to pass the third subtest after six years, but the first two subtest scores are now expired and have to be taken again.

Example 2: A candidate passes all required subject matter exams but has difficulty passing the Reading Instruction Competence Assessment (RICA) in spite of repeated attempts. After an additional two or three years, the candidate finally passes RICA but finds the subject matter exam scores are now more than five years old and have expired because they were never used to issue a document.

Example 3: A credentialed teacher passes all the required examinations to obtain an English learner (EL) authorization. The teacher thinks that after passing the examinations the new authorization is just added automatically, does not look into application requirements or submit an application and fee, and fails to follow up to verify the authorization has been added to his or her credential. The teacher never notices that the new authorization was not added to the credential, even when renewing. Seven years go by from when the exams were taken before the teacher is questioned by an employer about the lack of an EL authorization, or the teacher plans to apply for a new position and finally looks at the credential only then realizing the authorization was not added (the same scenario has occurred with other types of credentialing exams).

At the April 2016 Commission meeting, three possible alternatives were brought forward for consideration regarding action the Commission could take in connection with the period of exam validity as potential remedies to such issues. One potential alternative was to allow an individual to appeal to the Commission for an extended period of test score validity. This option raised a number of difficult questions that could lead to subjective judgments, including 1) what would constitute a valid basis for appeal, 2) what type of documentation would be acceptable, 3) how this policy would impact Commission agendas regarding the number of cases that would have to be heard, and 4) whether a standard length of time for an appeal could be determined, considering the widely differing reasons and scenarios an examination might not be used, which could also vary based on the type of examination itself. Subjective judgments can be hard to quantify for legal purposes, so such an option presents difficulty providing a supporting rationale that would be acceptable to the Office of Administrative Law (OAL).

Similarly, the option to “freeze” an examination score for later use also encounters a number of problematic questions: 1) Since exam scores are not confirmed until they are used to earn a document, what would be the process used to flag these exams as still valid for credentialing use? 2) Where would the record of an exam being “frozen” be housed and who would be responsible for keeping track of it? 3) What would an applicant have to do to put this into force? 4) Would this require a fee? 5) Would the applicant need a program sponsor’s support to freeze an exam? 6) How long would the freeze be valid? 7) Would there be some time limitation on such a freeze, considering that some persons withdraw and do not complete programs at all or never qualify for the document (e.g., they never pass RICA or never complete some other program requirement)? 8) Would the exam freeze be voided if the person withdraws from the program?

These issues are not easily resolved and would be even more difficult to translate into definitive language that could be approved by the OAL. In addition, this option appears somewhat exclusive, targeting persons enrolled in credential programs. There would be additional difficulties in creating a mechanism that could also be applied to credentialed educators seeking another type of certification independently, so this option could be seen as not being an equitable solution for all.

The third option for consideration is taking action to extend the validity period of examination scores from five years to a larger number of years. Following this course will provide educators added flexibility that will assist many to avoid the negative consequences encountered with the five-year validity term and does not encounter any of the problematic scenarios identified with the either of the other proposed options.

It is necessary that subject matter examinations be revised periodically to assure that they remain aligned with the current standards and frameworks adopted by the California State Board of Education. Changes in law and education policy, such as have occurred recently under Common Core State Standards and the Next Generation Science Standards, have made it necessary to revise the subject matter requirements in the affected content areas, and, in turn, to revise the related subject matter examinations. It is most often the case that prior versions/subtests of a revised exam cannot be combined with updated versions/subtests, and it is not possible to administer two versions of the same examination simultaneously. Therefore, to assure credential candidates are demonstrating subject matter competence in line with the most current requirements, examinations should have a set period of validity so that to the extent possible educators are held to the most up to date standards to assure effective instruction to help all of California's PK-12 students meet state standards.

Staff Recommendation

On this basis, staff recommends that the Commission pursue the option of extending the validity period of Commission examinations to a set number of years, and that this extension would apply to all types of credentialing examinations. The proposed amendments provide for an examination validity period of ten years to meet the added flexibility educators need.

Summary of Proposed Amendments

§80071

(b) Proposes changing the period an exam is valid for certification from five years to ten years. Considering how credential program requirements have changed since the five-year period was set in 1981, and that it often takes credential candidates longer to complete all their program requirements, a ten-year period of validity for examinations would provide educators sufficient time to use examinations to earn a credential. The ten-year timeframe also maintains a reasonable cycle of review for the recency of the content of examinations used for credentialing.

(d) Proposes changing the period an exam is valid for certification from five years to ten years to harmonize with the proposed change in subsection (b).

(e) Proposes changing the period an exam is valid for certification from five years to ten years to harmonize with the proposed change in subsection (b).

Next Steps

Staff recommends that the Commission approve the proposed amendments to Title 5 of the California Code of Regulations pertaining to the period of validity of examinations approved by the Commission and used for credentialing purposes in order to schedule a public hearing following the required 45-day response period.

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

§80071. Qualification by Examination for Issuance of Credential.

(a) Every applicant who seeks to satisfy a credential, certificate, permit, or waiver requirement by examination must meet the passing score requirement(s) established by the Commission that were in effect at the time the examination was taken. A list of the adopted examinations and passing score requirements will be made available upon request to the Commission.

(b) For each examination score used to satisfy a requirement for the issuance of a credential, certificate, permit, or waiver, there can be no more than ~~five~~ten years between (1) the date the score was earned and (2) the issuance date of the credential, certificate, permit, or waiver for which the examination score is used.

(c) For purposes of this section, the Video Performance Assessment of the Reading Instruction Competence Assessment, described in Education Code s44283, is considered an examination.

(d) Once an examination score has been used to satisfy a California certification requirement, it may be used to satisfy a requirement of another certification document regardless of the ~~five~~ten-year limit described in subsection (b) if the score satisfies the passing score requirement for the new document.

(e) The ~~five~~ten-year limit described in subsection (b) shall not apply to scores on examinations used to 1) verify knowledge of the Constitution of the United States, as specified in Education Code s44335; 2) grant credit by an institution of higher education; or 3) verify experience learning a second language required for the Crosscultural, Language and Academic Development Certificate, as specified in Section 80015 of the Title 5 Regulations. The ~~five~~ten-year limit on scores described in subsection (b) shall not apply to any examination that is exempt from this requirement by statute or regulation.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44225(d), 44252, 44253.3, 44280, 44283, 44289 and 44335, Education Code.