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# 5A

## Information/Action

### *Legislative Committee*

### Status of Legislation

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## AGENDA INSERT

**Executive Summary:** Staff will present the status of those legislative measures of interest to the Commission and address questions regarding any other legislation identified by Commissioners.

**Recommended Action:** For information only

**Presenter:** Sasha Horwitz, Government Relations & Public Affairs Manager,  
Administrative Services Division

### Strategic Plan Goal

#### ***III. Communication and Engagement***

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

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## Bill Analysis

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### Introduction

The below provides further information regarding AB 312 (Seyarto) for the Commission's background and consideration on whether to take a formal position on the bill. The original item, as posted, lists AB 312 under *2021-22 Legislation of Interest*. Staff will present this analysis for Commission discussion and direction.

### [AB 312 \(Seyarto\) - Teacher Credentialing: Basic Skills Proficiency Test: Exemption](#)

**Recommend Position:** Support

**Sponsor:** Author sponsored

**Last Amended:** January 25, 2021

**Status:** Assembly Rules Committee, awaiting referral

**Summary:** AB 312 increases flexibility for teacher candidates to demonstrate the Basic Skills Requirement (BSR) by creating a new alternative to the California Basic Educational Skills Test (CBEST). Credential preparation programs—or the Commission if the candidate is not enrolled in a program—may accept letter grades of B or higher in place of the CBEST. Qualifying coursework used for this purpose must be in specified subjects and taken at a regionally accredited institution of higher education (IHE) for academic credit that applies toward the requirements for a degree and must satisfy proficiency in basic reading, writing, and mathematics skills in the English language.

The measure further allows candidates to meet the BSR by mixing-and-matching relevant components from all options permitted under current law.

### Background:

The California Education Code and Title 5 Regulations specify, in most cases, that applicants for a credential, certificate, or permit to serve in the public schools of California must verify basic skills proficiency before the credential, certificate, or permit will be issued. For preliminary teaching credential candidates, the basic skills requirement must be met prior to serving as an intern.

Candidates must pass the CBEST once, and passing scores remain valid indefinitely for all credential and employment purposes. To pass the CBEST, one must obtain a minimum scaled score of 41 in each of the three sections—reading, writing, and mathematics. However, a score as low as 37 on an individual section is acceptable if the total scaled score is at least 123. Any or all sections of the CBEST can be repeated as many times as necessary to obtain a passing score, but the full registration fee is charged for each test administration.

Current law, allows candidates to use the following CBEST alternatives to satisfy the BSR, however there is, generally, no mixing and matching of these options:

- Pass the CSET: Multiple Subjects Plus Writing Skills Examination;
- Pass the CSU Early Assessment Program or the CSU Placement Examinations;
- Achieve Qualifying Score on the SAT or ACT;
- College Board Advanced Placement (AP) Examinations; or
- Pass a Basic Skills Examination from Another State

**Analysis:** Nearly all candidates satisfy the BSR via the CBEST, despite the availability of test alternatives. Data from 2013-18, indicates that 67.8 percent of examinees pass the CBEST on the first attempt and 83.8 percent pass cumulatively. Candidates must pay a \$102 test fee (\$41 for the paper-based test) and may be required to pay late registration, or emergency registration fees. Many candidates report retaking sections that they did not pass multiple times and must pay the administration fee for each attempt.

The CBEST is designed to assess basic reading, mathematics, and writing skills, but is not designed to measure the ability to teach those skills. Credential candidates are required to complete a bachelor's degree from a regionally accredited institution of higher education before earning a credential, leading some to label the test's assessment of basic skills duplicative and unnecessary.

The bill specifies which courses may be used as alternative indicators of proficiency in basic reading, writing, and mathematics skills. A course that is not included among the enumerated subjects may be used as an alternative indicator of proficiency if the IHE's registrar or relevant department chair of the provides supportive documentation in writing to that effect.

The bill clarifies that qualifying coursework must be completed in a credit-bearing, semester-length course of at least three units, or the equivalent number of quarter units.

The number of candidates who would use the coursework option in place of the CBEST is unknown, but staff estimates that between 75 percent and 90 percent of candidates would do so. With fewer overall test administrations, this would, on the one hand, result in a decline in revenue to the Teacher Development and Assessment Account (TDAA), but would, on the other hand, reduce the cost to candidates for completing their credential requirements.

**Prior Legislation:** [AB 1982 \(Cunningham, 2020\) – Teacher Credentialing: Basic Skills Proficiency Test: Exemption](#)

**Fiscal Impact:** Testing fees are one of three primary revenue sources for the Commission. On average for the last five years, the Commission received \$840,261 from CBEST testing fees, or about 16.2 percent of total annual testing fee revenue. It is unknown how many candidates would use this option.

**Reason for Suggested Position**

AB 312 complements current efforts to provide credential candidates with performance-based alternatives to exams for demonstrating adequate preparation, as well as enabling them to mix-and-match components from available alternatives. The flexibility represents an understanding that the CBEST should not be a barrier to entry for those who can demonstrate the same skills through other means. For these reasons, staff is recommending a “Support” position on AB 312.

**Organization Positions**

*Support*

None

*Opposition*

None

## Appendix

This is the January 25, 2021 version of AB 312.

The people of the State of California do enact as follows:

### SECTION 1.

Section 44252 of the Education Code is amended to read:

#### 44252.

(a) (1) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(2) (A) The commission shall require an initial or renewal applicant who submits an initial or renewal application for ~~his or her~~ *the applicant's* credential online, as part of the application process, to read and attest by electronic signature a statement that the applicant for the credential understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever ~~he or she, the credentialholder, in his or her~~ *the credentialholder's* professional capacity or within the scope of ~~his or her~~ *the credentialholder's* employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(B) The commission shall require an initial applicant who submits an application in paper form, as part of the application process, to read and attest by signature a statement that the applicant understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever ~~he or she, the credentialholder, in his or her~~ *the credentialholder's* professional capacity or within the scope of ~~his or her~~ *the credentialholder's* employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(C) The statement described in subparagraphs (A) and (B) shall be substantially in the following form:

“As a documentholder authorized to work with children, it is part of my professional and ethical duty to report every instance of child abuse or neglect known or suspected to have occurred to a child with whom I have professional contact.

I understand that I must report immediately, or as soon as practicably possible, by telephone to a law enforcement agency or a child protective agency, and will send a written report and any evidence relating to the incident within 36 hours of becoming aware of the abuse or neglect of the child.

I understand that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for making a mandated report to a law enforcement agency or a child protective agency.

I understand that the reporting duties are individual and no supervisor or administrator may impede or inhibit my reporting duties.

I understand that once I submit a report, I am not required to disclose my identity to my employer.

I understand that my failure to report an instance of suspected child abuse or neglect as required by the Child Abuse and Neglect Reporting Act under Section 11166 of the Penal Code is a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

I acknowledge and certify that as a documentholder, I will fulfill all the duties required of a mandated reporter.”

(b) The commission shall not issue initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5 or 44252.7. The commission shall exempt the following persons from the basic skills proficiency test requirement:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination administered by the state where the person is credentialed.

(4) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination that has been

developed and administered by the school district offering that person employment, by cooperating school districts, or by the appropriate county office of education. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. The applicant shall be granted a nonrenewable credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44252.5.

(5) An applicant for a ~~child care~~ *childcare* center permit or a permit authorizing service in a development center for the handicapped if the holder of the permit is not required to have a baccalaureate degree.

(6) The holder of a credential, permit, or certificate to teach, other than an emergency permit, who seeks an additional authorization to teach.

(7) An applicant for a credential to provide service in the health profession.

(8) An applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University.

(9) An applicant for an eminence credential to be issued pursuant to Section 44262.

*(10) (A) An applicant who earns at least a letter grade of B in qualifying coursework, as described in subparagraph (B), that is determined by a credential preparation program, or determined by the commission for an applicant not enrolled in a California credential preparation program, to sufficiently serve as an alternative indicator of proficiency in basic reading, writing, and mathematics skills in the English language. As used in this section, "qualifying coursework" means a course or courses of a semester length of at least three units, or the equivalent number of quarter units, taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree.*

*(B) (i) For purposes of subparagraph (A), the following courses are sufficient to serve as alternative indicators of proficiency in basic reading, writing, and mathematics skills:*

*(I) For reading proficiency, a course in the subjects of critical thinking, literature, logic, philosophy, reading, rhetoric, or textual analysis.*

*(II) For writing proficiency, a course in the subjects of composition, English, rhetoric, written communications, or writing.*

*(III) For mathematics proficiency, a course in the subjects of geometry, mathematics, quantitative reasoning, or statistics.*

*(ii) A course that does not fall within a subject described in clause (i) may also serve as an alternative indicator of proficiency if the applicant provides documentation in writing from the registrar or relevant department chair of the regionally accredited institution of higher education where the course was taken. The documentation shall state that the course is an indicator of proficiency in the applicable skill or skills.*

*(11) An applicant who has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language through a combination of qualifying coursework described in paragraph (10), passage of a component or components of the state basic skills proficiency test described in subdivision (d) of Section 44252.5, and scores described in paragraph (8).*

(c) (1) The Superintendent shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the Superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The advisory board also shall include representatives of school boards, school administrators, parents, and postsecondary educational institutions.

(2) The Superintendent shall adopt a normed test that the Superintendent determines will sufficiently test basic skills for purposes of this section.

(3) The Superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to ensure the effective implementation of this section.

(d) This section does not require the holders of, or applicants for, a designated subjects special subjects credential to pass the state basic skills proficiency test unless the requirements for the specific credential required the possession of a baccalaureate degree. The governing board of a school district, or the governing board of a consortium of school districts, or ~~the~~ a governing board involved in a joint powers agreement, which employs a holder of a designated subjects special subjects credential, shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.



(f) (1) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with information regarding the proficiency level of the applicant. Test results shall be forwarded to each California postsecondary educational institution to which the applicant has applied. The program shall use test results to ensure that, upon admission, each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

(2) It is the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.

## SEC. 2.

Section 44830 of the Education Code is amended to read:

### 44830.

(a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law. It is contrary to the public policy of this state for a person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) (1) The governing board of a school district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in ~~his or her~~ *the certificated person's* credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or is ~~exempted~~ *exempt* from the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), (k), or ~~(k)~~ *(l)*.

~~(1)~~

(A) The governing board of a school district, with the authorization of the ~~Commission on Teacher Credentialing,~~ *commission*, may administer the state basic skills proficiency test required under Sections 44252 and 44252.5.

~~(2)~~

(B) The Superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

(2) It is the intent of the Legislature that in effectively implementing this subdivision, the governing boards of school districts shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. The governing board of a school district shall make special efforts

to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by a person pursuant to Section 44252 satisfies the requirements of this subdivision.

(c) A certificated person is not required to take the state basic skills proficiency examination if ~~he or she~~ *the certificated person* has taken and passed it at least once, achieved a passing score on any of the tests specified in subdivision (b) of Section 44252, or possessed a credential before the enactment of the statute that made the test a requirement.

(d) This section does not require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the *Division of Apprenticeship Standards* ~~Division~~ of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) This section does not require the holder of a ~~child care~~ *childcare* permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) This section does not require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) This section does not require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test if that person does not teach in the public schools.

(h) This section does not require the holder of a designated subjects special subjects credential to pass the state basic skills proficiency test as a condition of employment unless the requirements for the specific credential require the possession of a baccalaureate degree. The governing board of ~~each~~ *a* school district, or ~~each~~ *the* governing board of a consortium of school districts, or ~~each~~ *a* governing board involved in a joint powers agreement, which employs the holder of a designated subjects special subjects ~~credential~~ *credential*, shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(i) This section does not require the holder of a preliminary or clear designated subjects career technical education teaching credential to pass the state basic skills proficiency test.

(j) This section does not require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

*(k) This section does not require a credential applicant who qualifies for an exemption described in paragraph (10) or (11) of subdivision (b) of Section 44252 to take the state basic skills proficiency test.*

~~(k)~~

(l) Notwithstanding any other law, a school district or county office of education may hire certificated personnel who have not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall take the test at the earliest opportunity and may remain employed by the school district pending the receipt of ~~his~~ ~~or her~~ the person's test results.

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# LEGISLATIVE GUIDELINES OF THE CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Adopted February 3, 1995

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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.

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## Possible Bill Positions for Commission Consideration

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*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.