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# 1H

## Action

### *Public Hearing*

### **Proposed Regulations Regarding Options for Meeting the Subject Matter Competence Requirement**

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**Executive Summary:** This agenda item presents a public hearing requested by a member of the public on the proposed regulations approved by the Commission at its June 2022 Commission meeting to clarify and standardize implementation of options for meeting the subject matter competence requirement in Education Code sections 44259 and 44310 that were created by Assembly Bill 130 (Chap. 44, Stats. 2021).

**Recommended Action:** That the Commission consider comments made during the public hearing and determine whether additional changes are needed to the proposed regulations for meeting the subject matter competence requirement in Education Code sections 44259 and 44310 that were created by AB 130 (Chap. 44, Stats. 2021)

**Presenter:** David DeGuire, Director, Professional Services Division

### **Strategic Plan Goal**

#### ***II. Program Quality and Accountability***

- a) Develop and maintain rigorous, meaningful, and relevant standards that drive program quality and effectiveness for the preparation of the education workforce and are responsive to the needs of California's diverse student population.

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# Proposed Regulations Regarding Options for Meeting the Subject Matter Competence Requirement

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## Introduction

At the [June 2022 Commission meeting](#) the Commission adopted proposed regulations to clarify and standardize implementation of options to the Subject Matter Competence requirement in Education Code sections 44259 and 44310 that were created in Assembly Bill 130 (Chap. 44, Stats. 2021). Pursuant to the state process for promulgating regulations, the Commission opened the 45-day public comment period on October 21, 2022. This agenda item is in response to a request by a member of the public to hold a public hearing on these proposed regulations.

## Background

In July 2021, AB 130 (Chap. 44, Stats. 2021) created new options in the Education Code for candidates to demonstrate their subject matter competence through (a) degree majors in the area of the credential, (b) coursework that covers the domains of the applicable Subject Matter Requirements for the credential sought, and (c) a combination of coursework and examination subtests required for the credential sought by the candidate. [Appendix A](#) provides the revised sections of the Education Code.

In order to ensure clarity and operational specificity for the field with regard to these new statutory requirements for subject matter competence, Commission staff presented Agenda Item 3I at the [June 2022](#) meeting. This agenda item presented proposed regulations as well as information on the process that staff engaged in to determine the policy proposed in the draft regulations and describes particular rationale relied upon for the proposed regulatory language. At the June 2022 meeting, the Commission approved the proposed regulations for candidates to meet the subject matter requirement outlined in Education Code sections 44259 and 44310 that were created in AB 130 (Chap. 44, Stats. 2021). The full text of the proposed regulations adopted by the Commission is included as [Appendix B](#) in this item.

Following the meeting, staff prepared the public notice packet for submission to the Office of Administrative law and issued a notice for the required 45-day public comment period. The Commission also released a Coded Correspondence to publicize the 45-day comment period. ([Coded Correspondence 22-06 Proposed Title 5 Amendments Pertaining to Subject Matter Competence](#)). Under the Administrative Procedures Act, a rulemaking agency has the option whether or not to hold a public hearing on a proposed rulemaking action. If an agency does not schedule a public hearing, any interested person can submit a written request for a hearing to be held. The written request for a hearing must be submitted at least 15 days prior to the close of the written public comment period. If timely requested, the agency must hold a public hearing. On November 18, 2022, the Commission received a request for a public hearing to discuss these proposed regulations. This agenda item and the associated public comment

portion of the item shall serve to satisfy this request for a public hearing. A copy of the email requesting the public hearing is available in [Appendix D](#).

### **Tally of Responses**

As of November 21, 2022, the Commission had received two questions from members of the public clarifying the applicability of a particular degree major under the proposed regulations and, as the data below indicates, no written responses in support or opposition to the public announcement. The questions received to date and the Commission staff's responses is available in [Appendix C](#). Because the public comment period does not end until December 5, 2022, the Commission will provide an agenda insert at the Commission meeting should it receive any additional public comments on or prior to December 5.

#### ***Support***

0 organizational opinions  
0 personal opinion

#### ***Opposition***

0 organizational opinions  
0 personal opinions

**Total Responses: 0**

### **Staff Recommendation**

Staff recommends that the Commission consider all public comments made during the public comment portion of this item. If the Commission were to determine that, after the public comment period, no changes are needed to the proposed regulations adopted in June 2022, then no further action is needed, and staff will proceed with completing the regulatory process and submitting a final package to the Office of Administrative Law for its review. Should the Commission determine that changes are needed to the proposed regulations, action would be needed by the Commission to specify any changes to the proposed regulatory text, and staff would incorporate those changes into the final package for submission to the Office of Administrative Law.

## **Appendix A**

### **Education Code §44259 (b)(5)**

(5) (A) Verification of subject matter competence, demonstrated through one of the following methods:

(i) Completion of a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310).

(ii) Passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280).

(iii) Successful completion of coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282, as verified by a commission-approved program of professional preparation.

(iv) Successful completion of a baccalaureate or higher degree from a regionally accredited institution of higher education with the following, as applicable:

(I) For single subject credentials, a major in one of the subject areas in which the commission credentials candidates.

(II) For multiple subject credentials, a liberal studies major or other degree that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(III) For education specialist credentials, either a major in one of the subject areas in which the commission credentials candidates or a liberal studies or other major that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(v) Demonstration that the candidate, through a combination of the methods described in clauses (i), (ii), and (iii) in whole or in part, has met or exceeded each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282 for multiple and single subject credentials, or pursuant to Section 44265 for education specialist credentials.

### **Education Code §44310**

(a) The commission shall waive the subject matter examination requirement for graduates of a regionally accredited institution of higher education who successfully do any of the following:

(1) Complete a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to this article.

(2) (A) Complete coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282.

(B) A program of professional preparation may review transcripts supplied by a candidate and confirm that each domain has been addressed.

(3) Address each of the domains of the subject matter requirements adopted by the commission in the content area of the credential being sought through a combination of examination subtests and coursework described in paragraph (2).

(b) The commission may require that the approved examination be taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

#### **Education Code §44282**

(a) The commission shall adopt examinations and assessments to verify the subject matter knowledge and competence of candidates for the single subject teaching credentials described in Section 44257 and the concentrations described in Section 44257.2.

(b) A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: language studies, literature, mathematics, science, social studies, history, the arts, physical education, and human development.

## Appendix B

The Commission on Teacher Credentialing has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 5. EDUCATION**  
**DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**  
**CHAPTER 1. Credential Issued Under the Teacher Preparation and Licensing Law of 1970**  
**Article 3. Examinations and Subject Matter**

§80096. Determination of Subject Matter Competency

(a) When reviewing official transcripts for subject matter competency under sections 44259(b)(5)(A)(iii) and (v) of the Education Code, acceptable coursework shall be defined as:

(1) Coursework earned with a grade of "C" or higher. Courses earned with "Pass," "Credit," or another designation deemed by the institution of higher education to be equivalent to a grade "C" or higher is also acceptable.

(2) Coursework that is degree-applicable to an Associate or higher degree and credit bearing. Remedial coursework is not acceptable.

(3) Coursework that was completed at a regionally accredited institution of higher education.

(4) Upper division or graduate coursework that exceeds one or more subject matter domain, if the course content requires existing knowledge of the subject matter domain.

(b) When reviewing official transcripts for subject matter competency for a Single Subject Credential under section 44259(b)(5)(A)(iv)(I) of the Education Code, a major in one of the subject areas in which the commission credentials candidates shall mean that the name of the credential is in the name of the major or degree and the following:

(1) For the single subject area World Language: English Language Development, a major in English Language Development (ELD), Teaching English to Speakers of Another Language (TESOL), Teaching English as a Foreign Language (TEFL), or a similar major.

(2) For the single subject area of Home Economics, a major in family and consumer science.

(3) For the single subject area of Math, a major in statistics.

(4) For the Biological Science credential, a major in biology, biological engineering, or biochemistry.

(5) For the Chemistry credential, a major in chemical engineering or biochemistry.

(6) For the Geoscience credential, a major in geology or earth science.

(7) For the Physics credential, a major in mechanical or structural engineering.

(8) For the Foundational-Level Science credential, a major in any type of engineering or any degree major offered by a college or university science department.

(9) For the single subject area of Social Sciences, a major in history, ethnic studies, or any other major with a focus on the study of one or more related ethnicities.

(c) When reviewing official transcripts for subject matter competency for a Multiple Subject Credential under section 44259(b)(5)(A)(iv)(II) of the Education Code, a liberal studies major shall mean any of the following:

(1) Liberal Studies

(2) Liberal Arts

(3) Elementary Education

(d) When reviewing official transcripts for subject matter competency for a Multiple Subject Credential under section 44259(b)(5)(A)(iv)(II) of the Education Code for any other degree that includes coursework in the content areas pursuant to subdivision (b) of section 44282 of the Education Code, such coursework must meet the criteria set forth in subsections (a)(1), (a)(2), and (a)(3) above.

(e) When reviewing official transcripts for an Early Childhood Education Specialist Credential under section 44265(a) of the Education Code, subject matter competency may be demonstrated by a major in Child Development, Child and Adolescent Development, Human Development, Early Childhood Education, or a similar major.

## Appendix C

### Questions Received Prior to November 21, 2022

As of November 21, 2022, there were no comments in support of or in opposition to the proposed regulations. There were clarifying questions from two public parties. The questions and responses are as follows:

**October 24, 2022**

**Question:**

I have read the Coded Correspondence 22-06: [Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency](#) and I would like to ask a few questions.

If this proposal passed, would it mean the degree BA in Elementary Education would also be accepted for Subject Matter Requirements? Thank you so much for your time.

**Response:**

Thank you for your question regarding Coded Correspondence 22-06. The answer to your question is “yes.” This is specifically addressed in the regulation text that is attached to the Coded document. Please see page 8 of the Coded Correspondence, section 80096(c). It reads as follows:

(c)When reviewing official transcripts for subject matter competency for a Multiple Subject Credential under section 44259(b)(5)(A)(iv)(II) of the Education Code, a liberal studies major shall mean any of the following:

- (1) Liberal Studies
- (2) Liberal Arts
- (3) Elementary Education

**October 21, 2022**

**Question:**

I just received the Coded Correspondence 22-06 and I wanted to ask you about the changes to the code of regulations that are listed at the end of the coded. On part b) of determination of Subject Matter Competency, it lists majors for the Single Subject credential. I notice that PE isn't there. Is it just a mistake? I know we've had students asking if a major in Kinesiology would fulfill the SMC for a credential in Physical Education. I hope it was just an oversight, because I did see that the different majors for a Social Science credential are addressed.

**Response:**

At this time, the Commission has not approved Kinesiology as an acceptable major for Physical Education. While originally that was part of the proposal, feedback from the field was varied and the Commission heard from numerous individuals who were not supportive of the Commission accepting that particular major for Physical Education. For this initial regulatory package, the Commission determined at its June 2022 Commission meeting that it would not

include Kinesiology but that the Commission would study this major moving forward for future consideration and action. I hope this information is helpful to you.

**Follow up Question:**

I knew it wasn't there for a reason. And this will help when the issue comes up.

One other quick question... Since this coded is "proposed", should we wait if a Multiple Subject candidate has a degree in "Liberal Arts" or "Elementary Education"? Right now I've only accepted candidates who have a major in "Liberal Studies" to count for the SMC for a Multiple Subject credential.

Thank you again for everything you guys do at the CTC.

**Response:**

Until the regulations are approved by the Office of Administrative Law, candidates cannot demonstrate subject matter competence just by the fact of having a major in Liberal Arts or Elementary Education. However, state statute allows programs to review for Multiple Subject credential candidates "other degrees that include coursework in the content areas pursuant to subdivision (b) of Section 44282."

This means that you can review transcripts and look for courses in the following areas of EC 44282(b): language studies, literature, mathematics, science, social studies, history, the arts, physical education, and human development. You only need to find courses in these areas; you do not need to look at the domains.

## Appendix D

### Request for Public Hearing

**From:** Letitia Kim

**Sent:** Friday, November 18, 2022 3:07 PM

**To:** Sandy, Mary

**Cc:** Roby, Lynette

**Subject:** Request for Public Hearing on Proposed Addition of Sec. 80096 to Title 5 of Cal. Code of Regs.

Dear Ms. Sandy,

I am a resident of the State of California and an interested person regarding California's adopted and proposed regulations. In accordance with your October 21, 2022 Coded Correspondence No. 22-06, I am requesting a public hearing on the proposed addition of Section 80096 to Title 5 of the California Code of Regulations regarding subject matter competency. This request is timely submitted more than 15 days before the December 5, 2022 comment closure date.

Please confirm your receipt of this request, together with the date, time, and location (including a Zoom or other virtual link) of the public hearing.

Thank you.

Letitia Kim

**Letitia Kim**

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