

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING
1900 Capitol Avenue
Sacramento, California 95814
(916) 445-0184



OFFICE OF THE EXECUTIVE DIRECTOR

02-0017

Date: August 7, 2002

To: All Individuals and Groups Interested in the Activities of the California
Commission on Teacher Credentialing

From: Sam W. Swofford, Ed.D., Executive Director

Subject: Proposed Amendment to Section 80043 of Title 5, California Code of Regulations,
Pertaining to the Eminence Credential Application Appeal and Denial Process

Notice of Public Hearing is Hereby Given

In accordance with Commission policy, the following Title 5 Regulation is being distributed prior to the public hearing. A copy of the proposed regulation is attached. The added text is underlined, while the deleted is ~~lined through~~.

October 3, 2002

10:00 am

California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Nancy Cajucom Troyer at (916) 445-6816 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will be given full consideration regardless of the number of copies submitted.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on October 2, 2002. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the

California Commission on Teacher Credentialing, attention Nancy Cajucom Troyer, 1900 Capitol Avenue, Sacramento, CA 95814-4213; or submit an e-mail at ncajucom@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code Section 44225 authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Section 44262.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Education Code Section 44262 provides that the Commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California.

80043(c)(2)(A) - The amendment adds language to require additional, relevant supporting information be submitted by a school district when requesting reconsideration of a staff denial.

80043(c)(2)(B) - The amendment adds language allowing staff to forward previously denied eminence applications to the Commission that now appear to meet the Commission's definition of eminence.

80043(c)(2)(C) - The amendment adds language that provides a Commission consent calendar process for final denial of a school district's eminence application.

Under the current process, an employing school district may appeal staff's denial of an eminence credential solely upon request and not based on the merits of the denial. The proposed language requires that school districts requesting reconsideration of a staff denial of an eminence application present new evidentiary material relevant to the reason(s) for denial that was not available at the time the application was initially submitted to the Commission. If upon evaluation of this additional material, staff finds no new evidence to support the applicant's eminence, staff will place the district's eminence application on a Commission consent calendar with a recommendation for final denial.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code §11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small businesses. The regulations are not mandatory but an option that effects public school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Nancy Cajucom Troyer by telephone at (916) 445-6816 or in writing at California Commission on Teacher Credentialing, 1900 Capitol Ave., Sacramento, CA 95814. General question inquiries may also be directed to Rhonda Stearns at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web-site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action(s)

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Nancy Cajucom Troyer at (916) 445-6816.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

Title 5 Section 80043. Statement of Employment and Verification of Qualifications.

- (a) When considering an application for an Eminence Credential, the Commission shall be guided by the following definition of an eminent individual: The eminent individual is recognized as such beyond the boundaries of his or her community, has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor. The employing school district shall demonstrate how the eminent individual will enrich the educational quality of the school district and not how he or she will fill an employment need.

- (b) Pursuant to Section 44262 of the Education Code, issuance of an Eminence Credential shall be based upon a recommendation from the governing board of the school district, a statement of employment, submission of the fee(s) established in Section 80487 and a verification of the applicant's eminence qualifications.
- (1) The Statement of Employment in the district shall include the proposed assignment of the credential applicant, and a certification of the intention of the district to employ the applicant if granted an Eminence Credential.
 - (2) The verification of eminence qualifications of an applicant for an Eminence Credential shall include:
 - (A) Recommendations, which may be from, but need not be limited to, the following: professional associations; former employers; professional colleagues; any other individuals or groups whose evaluations would support eminence; and
 - (B) Documentation of achievement, which may include, but need not be limited to, the following: advanced degrees earned; distinguished employment; evidence of related study or experience; publications; professional achievement; and recognition attained for contributions to his or her field of endeavor.
 - (3) The Commission shall provide notice to the public of those individuals for whom it is considering issuing Eminence Credentials. Any association, group, or individual may provide the Commission with a written statement regarding the qualifications of an individual under consideration for an Eminence Credential.
- (c) The Commission may assign certification staff the authority to review eminence applications to determine if an individual meets the definition of eminence pursuant to Section 44262 of the Education Code and (a) above.
- (1) If staff concludes an applicant meets the definition, staff shall forward the application to the Commission for review and action at the next available meeting.
 - (2) If staff concludes an applicant does not meet the definition, staff shall deny the application.
 - (A) If the staff denies an application for eminence, the employing school district requesting the Eminence Credential ~~may request the Commission to a review the staff decision.~~ may request that staff reconsider its determination upon submission of new evidentiary material relevant to the reason(s) for denial, that were not available at the time the application was initially submitted to the Commission.
 - (B) ~~If the Commission takes action to hear the school district's application, it will be scheduled for a subsequent meeting when the Commission votes to grant or deny the Eminence Credential.~~ If staff determines that, based on the new supporting information, the applicant now meets the definition of eminence, staff shall forward the application to the Commission for review and action at the next available Commission meeting.
 - (C) If upon review of the new supporting information, staff determines that there is no new evidence that provides additional support of the applicant's eminence, the district's eminence application will be placed on the Commission's consent calendar with a staff recommendation for denial.

NOTE: Authority Cited: Section 44225, Education Code. Reference: Section 44262, Education Code.

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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(916) 445-7254 Web Site: <http://www.ctc.ca.gov>



Attn: Nancy Cajucom Troyer, CAW Division

**Title: Eminence Credential Application
Appeal and Denial Process**

Section: Proposed Amendments to Title 5 Section
80043

Response to the Attached Title 5 Regulations

So that the California Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 Regulations, please return this response form to the Commission office, attention Nancy Cajucom Troyer, at the above address or fax to her attention at (916) 327-3166. Please respond by 5:00 pm October 2, 2002, in order that the material can be presented at the October 3, 2002 public hearing.

- 1. **Yes**, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
- 2. **No**, I do not agree with the proposed Title 5 Regulations for the following reasons:
(If additional space is needed, use the reverse of this sheet.)

- 3. Personal opinion of the undersigned and/or
- 4. Organizational opinion representing: (Circle One)
School District, County Schools, College, University, Professional Organization, Other
- 5. I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- 6. No, I will not make a presentation to the Commission at the public hearing.

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____

Route to NCT