

COMMISSION ON TEACHER CREDENTIALING

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**OFFICE OF THE EXECUTIVE DIRECTOR**

DATE: November 3, 2005 05-0018

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

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

SUBJECT: Stipulated Judgment Pertaining to Individualized Internship Certificates (CFJ v CCTC, SF Sup Ct. Case No. 05-505517)

On August 2, 2005, Californians for Justice Education Fund filed suit against the California Commission on Teacher Credentialing regarding the Commission's authority to issue Individualized Internship Certificates (IIC). On November 2, 2005, the Court determined that the Commission did not have the authority to issue Individualized Internship Certificates without first promulgating regulations and that IICs are therefore void and need to be replaced as set forth below. The court ordered the Commission to do the following.

Withdraw Coded Correspondence

Effective immediately Coded Correspondence 03-0006 - *Announcement of the Availability of Individualized Internship Certificate* is withdrawn. This Coded Correspondence has been removed from the Commission's web site.

Cease Issuing IICs

Effective immediately the Commission will no longer issue IICs unless and until a regulation covering the IIC is adopted pursuant to the Administrative Procedure Act.

Effective November 15, 2005, the Commission will no longer accept applications regardless of the issuance date for the Individualized Internship Certificate and county offices of education should no longer issue Temporary County Certificates for Individualized Internship Certificates. Once the Office of Administrative Law has approved additions to Title 5, California Code of Regulations pertaining to Individualized Internship Certificates, the Commission will notify stakeholders that it has the authority to issue IICs. However, the Commission will only be able to issue IICs after the date the regulations have been approved by OAL.

Applications for IICs that have been submitted to the Commission prior to November 15, 2005, but have not yet been processed will be issued as Special Temporary Certificates.

Regulations

Commission staff will present an emergency regulation to the Commission at its December 1, 2005 meeting to establish a Special Temporary Certificate (STC) that will be used to replace the IIC until regulations can be approved granting the Commission authority to issue IICs. The STC will have the same requirements and authorizations as the IIC and when approved by the Office of Administrative Law (OAL) will become effective no later than December 12, 2005. A new paper STC document will not be issued. Rather, each current IIC will be deemed to be an STC. The Commission will also replace all references to IICs in its official records with references to STCs

At the December 1, 2005 meeting the Commission will also hold a public hearing to establish the Individualized Internship Certificate. The Commission is currently accepting public comment for that public hearing. The public hearing Coded Correspondence 05-0017 can be viewed at <http://www.ctc.ca.gov/notices/coded/050017/050017.html>. The Commission cannot begin to issue IICs again until the Office of Administrative Law has approved these regulations.

Current Holders of Individualized Internship Certificates

Once the emergency regulations are approved by the Office of Administrative Law, which will be no later than December 12, 2005, employing agencies, as a condition of receiving the STC replacement authorization for its IIC holders, must replace references in their official records to individuals who formerly held IICs as now holding STCs. As a further condition of receiving the STC replacement authorization, districts must notify the current affected IIC holders that the IIC is void and must notify them of their new STC authorization.

Holders of the STC, school districts, and institutions of higher education shall be subject to the same requirements as those of the former IIC. In order to minimize disruptions in classrooms, to employing agencies and holders of IICs, the stipulated judgment provides that holders of the STC should be entitled to the same employment classification, pay and benefits that were previously available to the holder under the IIC.

The employing agency will not need to notify IIC holders who have earned a preliminary or professional clear credential or whose IIC expired on or before December 1, 2005.

The employing agency's notification to IIC holders should not be distributed until the emergency regulations for the STC are approved and the Commission notifies districts through Coded Correspondence that the emergency regulations have been approved.

The STC shall be a one-time, non-renewable certificate that will be available only to current IIC holders and shall expire upon the issuance to the individual of another valid teaching document from the CTC or on the date of expiration for the original IIC document, whichever occurs first.

No Child Left Behind – Highly Qualified Teacher

Former IIC and current STC holders are no longer considered to be in an approved intern program and thus do not meet the definition of highly qualified teacher as defined in Title

5, California Code of Regulations, sections 6101 and 6110. The CTC will correct its annual report of the teacher supply in California to reflect the fact that IIC holders are not in an approved intern program and do not meet the highly qualified definition. Employing agencies should not report STC holders or former IIC holders in reports to the state or federal government as meeting the definition of highly qualified teacher as that term is defined in NCLB or any state or federal regulations.