

## COMMISSION FOR TEACHER PREPARATION AND LICENSING

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81-8235

TO: All Individuals and Groups Interested in the Activities of  
the Commission for Teacher Preparation and Licensing

FROM: John F. Brown, Executive Secretary

SUBJECT: Basic Skills Proficiency Test: AB 283

The Governor signed AB 283 on May 18, 1982. The bill was chaptered with an emergency clause and therefore, it will go into effect immediately. Those sections of AB 283 that relate to the basic skills proficiency test are attached for your information.

The major points of interest in AB 283, from our perspective, are as follows:

1. Section 44252(b): the date for the implementation of the basic skills proficiency test has been changed from March 1, 1982 to February 1, 1983. The Commission and Institutions of Higher Education will immediately process all applications that have been held, pending this change of date.
2. Section 44252(b): commencing on February 1, 1983, the Commission shall not issue initially any credential, permit, certificate, or renewal of an emergency credential unless the applicant has passed the basic skills proficiency test (see section 44252(b), (1) and (2) below for exemptions).
3. Section 44252(b)(1)&(2): the Commission may exempt two populations from the basic skills proficiency test:
  - o a person credentialed solely for the purpose of teaching adults in an apprenticeship program; and
  - o an applicant for an Adult Education Designated Subjects credential for other than an academic subject.
4. Section 45252(d): the Commission is mandated to compile data on the rate of passing the basic skills proficiency test by persons who have been trained in various colleges and make such data available to the public and particularly to persons who intend to enroll in teacher education programs.

commission shall establish the amount of this fee. However, the fee shall not exceed thirty dollars (\$30) in the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84 fiscal year, and forty dollars (\$40) in subsequent fiscal years. The commission shall receive the fee from the individuals being assessed, and reimburse the State Department of Education for any costs the department incurs in the process of adopting the assessment instrument and overseeing the implementation of these provisions.

(b) Any individual who passes the state assessment instrument to measure proficiency in basic reading, writing, and mathematics skills, as adopted by the Superintendent of Public Instruction shall be considered proficient in these skills, and shall not be required to be reassessed by this instrument for purposes of meeting the proficiency requirements of Sections 44252 and 44830.

SEC. 3. Section 44253 of the Education Code is repealed.

SEC. 4. Section 44253 is added to the Education Code, to read:

44253. The commission may issue a preliminary or internship credential, for a period not to exceed one year, to any applicant who is: (1) seeking a vocational designated subject credential or (2) pending the completion of any examination required by the commission other than the state basic skills proficiency test required under Section 44252.5.

SEC. 5. Section 44332 of the Education Code is amended to read:

44332. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 44332.5, each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. However, the individual must have demonstrated proficiency in basic reading, writing, and mathematic skills pursuant to the requirements of Section 44252.5. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission.

SEC. 6. Section 44830 of the Education Code is amended to read:

44830. (a) Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending such 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 such employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), and (f).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Preparation and Licensing, may administer the basic skills proficiency test required under the provisions of Sections 44252 and 44252.5.

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

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards 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. District governing boards 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 any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in another school district within 39 months prior to employment with the district.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(f) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

SEC. 7. Section 45344.5 of the Education Code is amended to read:

45344.5. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction as an instructional aide unless the person has demonstrated proficiency in basic reading, writing and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary district.

A school district may charge aides, including prospective aides, taking the district's proficiency test, a fee to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual-crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual-crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual-crosscultural aide. A bilingual-crosscultural aide may only be granted

one exemption from this requirement. The authority of district governing boards to grant these exemptions shall cease on June 30, 1985.

An instructional aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.

SEC. 8. Section 45361.5 of the Education Code is amended to read:

45361.5. Commencing on March 1, 1982, no person shall be initially assigned to assist in instruction for work as an aide for instructional purposes unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors under Section 51216 if the employing district educates high school students. If the employing district is an elementary school district, the aide shall demonstrate proficiency in basic reading, writing, and mathematics skills up to or exceeding that required of high school seniors under Section 51216 in the high school district which includes all or the largest portion of the elementary school district.

A school district may charge a fee to aides, including prospective aides, taking the district proficiency test pursuant to the requirements of this section to fund the costs incurred by the district in giving the test. This fee may be subject to negotiation between the district and the exclusive representative of instructional aides, but in no event shall the fee exceed seven dollars (\$7).

The school district governing board, at a public meeting, may grant an exemption from this requirement to any person, for a period of one year, if the person is to be assigned as a bilingual-crosscultural aide and the governing board determines that there is no other person available to serve in the same capacity. Upon or prior to the expiration of the one-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills test required by this section. A bilingual-crosscultural aide who has not demonstrated his or her basic skills proficiency through these means may not be compensated for work as a bilingual-crosscultural aide. A bilingual-crosscultural aide may only be granted one exemption from this requirement. The authority of district governing boards to grant these exemptions shall cease on June 30, 1985.

An aide who passes a district proficiency test as required by this section who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency standards for purposes of this section unless the district to which he or she has transferred determines that the test taken by the aide is not comparable to the standards required by the employing district.

NOTE: The remainder of AB 283, Sections 51215, 51225.5, 54425, do not relate to the basic skills proficiency test and have, therefore, been excluded in this communication.