

COMMISSION ON TEACHER CREDENTIALING

1020 O STREET
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OFFICE OF THE EXECUTIVE SECRETARY



July 26, 1985

85-8603

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

FROM: *Richard K. Mastain*
Richard K. Mastain, Acting Executive Secretary

SUBJECT: Proposed Amendments to California Administrative
Code, Title 5 Regulations, Section 80430.2 -
Grant and Deny Appeal Codes

In accordance with Commission policy and administrative regulations, the above-cited Title 5 Regulation is distributed prior to public hearing. The public hearing to adopt this regulation is scheduled as follows:

September 12, 1985
2:00 p.m.
Clarion Hotel
700 16th Street
Sacramento, California

BACKGROUND

Since 1975 the Commission has had a policy of initiating and using grant and deny appeal codes authorizing staff to process certain kinds of applications for credentials where the circumstances of the case warrant special consideration. The grant appeal codes developed because the Commission found they granted a large number of appeals on particular kinds of cases. To ease the load of processing these appeal cases, the Commission has given staff the prerogative of granting the cases without placing the application on the appeal agenda.

Many appeal cases were granted because circumstances beyond control of the applicant, and without fault on the part of the applicant, made it impossible for the applicant to complete requirements within the allotted time. In the interest of justice, extensions of these applicants credentials were granted.

The Supreme Court decision in the case of Armstead vs. the State Personnel Board established that a policy that was not enacted into regulations could not be enforced. The result of that decision was the enactment of the Government Code Section 11347.5 which requires that every enactment of an agency which affects its licenses must be adopted under the Administrative Procedures Act involving a notice of a public hearing, etc. Commission staff has used the Grant and Deny Appeal Codes for a number of years when determining the rights of applicants to receive credentials, but those codes have not been enacted in accordance with the Administrative Procedures Act (i.e., put into Title 5). The purpose of proposed Title 5 Regulations Section 80430.2 is to rectify this situation.

The proposed Title 5 Regulations are designed to implement the grant and deny codes as well as include the two largest categories of Commission appeals. Some of the grant and deny codes put into practice over the past years can be deleted as they are no longer relevant. The codes to be retained can be grouped into the following categories:

- Equivalency accepted in lieu of a requirement. This includes refusal or failure of a Commission-approved IHE to recommend an applicant for a credential when the applicant has met state requirements. Title 5 Regulation Section 80430 provides for direct application. The proposed addition to Title 5 will provide more detailed criteria for what the Commission will accept;
- Extension of time to complete requirements. These applicants are unable to obtain institutional recommendation because they have not completed renewal requirements but have extenuating reasons and are requesting additional time so they can be employed while completing their requirements;
- Special cases which meet employment needs;
- Denial of applicants who do not meet minimum requirements.

These proposed regulations follow the concept of Education Code Section 2:

2. The code establishes the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.

The Purposes of Each Section of the Proposed Regulations are as Follows:

Subsection 80430.2(a) specifies the experience requirement for an applicant who has completed a professional preparation program except for student teaching.

Subsection 80430.2(b) specifies what is to be included in the experience verification.

Subsection 80430.2(c) specifies the circumstances under which an applicant may obtain a credential on direct application when the institution fails to recommend for the credential.

Subsection 80430.2(d) provides for extension of time for applicants to complete requirements for renewal when, through no fault of the applicant, the college refuses to recommend for the credential.

Subsection 80430.2(e) allows for the issuance of the Emergency Clinical Rehabilitative Services Credential with the Special Class Authorization. This emergency credential had been in Title 5 but the Commission took action to end it on initial issuance effective June 30, 1984. However, immediately after it was discontinued, there was a demand from the districts for the Emergency Clinical Rehabilitative Services Credential with the Special Class Authorization. Grant Appeal Code 18, approved to meet this need, narrowed the number of candidates who could qualify as these candidates needed to already hold the Clear Clinical Rehabilitative Services Credential in Language, Speech and Hearing which requires a five-year program. The former emergency credential was issued to the holder of a bachelor's degree and 60 semester hours in a clinical rehabilitative services program. The candidate for this emergency credential holds a degree and has completed a program for the Clinical Rehabilitative Services Credential, but lacks the six to nine semester hours of methods of teaching subject matter and course work in aphasia, needed to qualify for the clear credential.

Subsection 80430.2(f) states that applicants lacking minimum requirements who do not meet the requirements in Section 80430.2(a) through (e) will be denied the credential. This section will be helpful to staff in denying credentials and will make it clear that the applicant is denied the credential because he or she has not met minimum requirements for issuance of a credential.

Please feel free to duplicate and distribute these proposed Title 5 Regulations to anyone you believe might be interested in responding. If you wish to make a presentation regarding the above to the Commission, please bring 30 copies of your material for distribution to the Commissioners and staff. If you can provide your statement to the Commission office 15 days before the public hearing, sufficient copies of the material will be duplicated and distributed for Commission and staff use. We would also appreciate a call to the Commission office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission. If you do not want to make a presentation or submit a statement regarding the proposed Title 5 Regulations, you can reply on the Response Form found on the last page.

The following Title 5 Regulations are herewith presented for consideration to comply with the Administrative Procedures Act and to promote justice.

80430.2 Direct Applications for Individuals Who Are Unable to Obtain an Institutional Recommendation for a Credential

- (a) An applicant holding a baccalaureate degree who has completed all professional program requirements for a teaching credential except student teaching may substitute subsequent actual teaching experience which meets all of the following conditions:
- (1) The experience was of three or more years duration, on a full-time basis measured in increments of at least a semester and consisting of at least four instructional hours on at least 75 percent of the school days in the semester;
 - (2) The teaching included one or more subjects commonly taught in the public schools in California;
 - (3) The teaching was performed in public schools or in private schools which exempted students from public school attendance. Credit for teaching in United States military schools or in adult schools is limited to a maximum of one and one-half years;
 - (4) The level of the experience was substantially the same as that of other credentialed teachers serving pupils of the same age group under similar circumstances. The level and scope of the offered experience must be above and beyond that normally required of an aide, reader, assistant, paraprofessional, tutor, day-to-day substitute, permit holder, or student practitioner;
- (b) The applicant shall offer proof of the facts constituting the experience which shall include, but not necessarily be limited to:
- (1) Names of schools where services were performed;
 - (2) Subjects taught;
 - (3) Inclusive dates of service performed;
 - (4) Names of responsible school officers who verify that the services were performed.
 - (5) Performance evaluations or other documentary evidence of satisfactory service.
- (c) Notwithstanding the refusal of an approved institution to recommend granting a credential, the applicant may be granted the credential if he or she presents facts which show eligibility for the credential under the applicable laws, rules and regulations. The applicant is eligible for the credential requested if he or she has completed any of the following:
- (1) The Adapted Physical Education program but the institution cannot recommend because it had elected to submit its program based on only the Single Subject Credential in Physical Education as the acceptable prerequisite. The applicant holds another prerequisite credential that meets state requirements;

- (2) The fifth year requirement consisting of at least 30 or more post baccalaureate semester units in a program leading to a specialist instruction credential or one of the services credentials;
 - (3) The fifth year requirement as specified in Education Code Section 44259(b) by one of the means described in Section 80424 of this article, and satisfactory verification showing the completion.
- (d) Extension of time to complete preparation for a credential may be granted if the following facts are presented:
- (1) An illness or injury to the applicant or immediate family prevented the applicant from completing the requirement;
 - (2) Physician's verification of the facts, obituary clipping, or verification that a death in the family imposed responsibility which prevented timely completion of the program or course work;
 - (3) The applicant had to travel over 100 miles to take the required course work;
 - (4) The applicant was unable to enroll in a program.
 - (5) The applicant moved his or her residence to a new location and had to enroll in a new program, thus losing time;
 - (6) The applicant did not receive the evaluation letter in time to enroll in and complete classes or register for and pass the appropriate examination(s). This statement must show that the applicant made every effort to complete part of the requirements and was prevented from completing all of the requirements because of lack of time.
- (e) An applicant may be issued an emergency services credential with specialization in Clinical or Rehabilitative Services under the following conditions:
- (1) He/she must hold a clear or life Clinical Rehabilitative Services Credential authorizing service in language, speech and hearing;
 - (2) The districts/counties document the places they have sought fully credentialed people and have been unable to find them. The employers explain the contacts made including the dates and what they will do in the future to find fully credentialed people;
 - (3) The applicant must show evidence of enrollment in a program for the special class authorization;
 - (4) The emergency credential will be issued for one year and renewed once on completion of six semester hours of course work in a special class authorization program. The six semester hours must have been completed during the one-year issuance of the emergency credential.

- (f) An applicant for a credential will be denied that credential if
- (1) Applicant lacks minimum requirements for initial issuances;
 - (2) Applicant lacks minimum requirements for renewal;
 - (3) Applicant has failed the required examination;
 - (4) Applicant offers experience in lieu of directed teaching that does not meet the quantity and quality factors in Title 5 Regulation 80430.2(a) or the experience was completed before receipt of the baccalaureate degree and/or the professional program.

NOTE: Authority Cited: Section 44225(b), Education Code.
Reference: Sections 44203(d), 44227, 44254, 44259(c), and 44268,
Education Code.

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Section(s) 80430.2

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by September 9, 1985 in order that the material can be presented at the September 12, 1985 Commission meeting.

- 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 side of this sheet.)
- 3. Personal opinion of the undersigned only.
 Organizational opinion. (Please specify) _____
- 4. I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
 No, I will not make a presentation to the Commission at the Public Hearing.

(Print or type name) Date _____

Title _____

Representing: _____
(Circle One: School District, College, University, Professional Organization, Private Citizen, Other)