

**COMMISSION ON TEACHER CREDENTIALING**

1900 Capitol Avenue

Sacramento, California 95814-4213

Certification, Assignment and Waivers Division

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OFFICE OF THE EXECUTIVE DIRECTOR

(916) 445-0184

00-0020

DATE: July 21, 2000

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

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

SUBJECT: Proposed Addition of Section 80016 of Title 5, California Code of Regulations, Pertaining to Certificates of Completion of Staff Development (SB395)

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulation is attached. The added text is underlined. The public hearing is scheduled on:

September 7, 2000

11:00 a.m.

California Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95814

**Statement of Reasons**

Education Code §44253.10 was amended by Senate Bill 395 (Hughes), Chaptered October 10, 1999 (Chapter 685), which became effective on January 1, 2000. This requires the Commission to issue a certificate based on the completion of staff development that authorizes the holder to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students. The following discusses the proposed regulation, Title 5 §80016, which will clarify the requirements and the authorizations for the certificate and also will establish the application fee for this document at \$45.

§80016(a)

The proposed sub-section (a) establishes the requirements for the Certificate of Completion of Staff Development as follows:

1. Education Code §44253.10(a) mentions that this Education Code applies to "a teacher with a basic teaching credential." Proposed §80016(a)(1) requires the individual to hold a valid basic teaching credential as defined in Education Code Section 44253.10(a)(1). This definition gives two options for basic teaching credential. The first option is a teaching credential that requires a baccalaureate degree from a regionally accredited institution and completion of a teacher education program, including student teaching. The other option is a clear, full-time designated subjects teaching credential for individuals who also hold a baccalaureate degree from a regionally accredited institution and have passed the CBEST.
2. Education Code Section 44253.10(a)(1) requires that the teacher be a "permanent employee" by January 1, 1999, or meet one of two other employment status requirements. This proposed sub-section reiterates that requirement. It also allows the teacher to self-verify this information, under penalty of perjury, but the Commission maintains the right to authenticate it.
3. The individual must also complete a Commission-approved staff development program offered by a school district, county office of education, institution of higher education, or other agency. The program will cover the methods of specially designed content instruction delivered in English (SDAIE) or English language development (ELD), or a combination of both methodologies. To obtain Commission-approval, the program must meet the criteria established in Title 5 Sections 80680-80690.1. The complete program consists of two courses, and the authorization of the certificate is based on a combination of the individual's background and the course completed. If both courses are taken, they must be completed in a specific sequence.

As set forth in Education Code §44253.10(b), the initial 45 clock-hour course may cover either SDAIE or a combination of SDAIE and ELD methodology. Individuals who complete this course are authorized to teach using SDAIE methodology in the areas of their basic credential and to teach using ELD methodology in a departmentalized setting in the areas of their basic credential. The course must be completed by January 1, 2005. Individuals who complete this course and have 9 years of teaching experience plus experience or training in teaching English language learners are also authorized to teach using ELD methodology in a self-contained setting. This subsection also allows the teacher to self-verify the experience and possible training, under penalty of perjury, and gives the Commission the right to authenticate this information.

As set forth in Education Codes §44253.10(d)(4)(B), which references §44253.10(b), the second 45 clock-hour course may also cover either SDAIE or a combination of SDAIE and ELD methodology. This must be completed within three years after completing the initial course. This authorizes the individuals to teach using ELD methodology in a self-contained setting.

4. To apply for the certificate, an individual must submit all of the following:
  - a. A completed Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00). This is a revision of the May 1998 version found in Title 5 §80027(b)(3)(A) regarding Limited Assignment Emergency Multiple or Single Subject Teaching Permits. The following changes were made to this application form.
    - A. Page i of the instructions: The Commission's office moved in December of 1998. Our new address is now listed at the top of the application and in the second paragraph of Section 1: Personal Information.
    - B. Page ii of the instructions: Certificate of Completion of Staff Development has been added to the last column of the list of credential titles. Two changes were made under Section 4: Personal and Professional Fitness. In the second paragraph, the individual is now asked to disclose all criminal convictions, rather than just those that occurred within the last 5 years, because none of the Education Code sections 44420 through 44440 establish a five-year statute of limitation. The type of conviction was also clarified with the addition of "(misdemeanors and felonies)." Additionally, the Warning at the end of Section 4 has been revised and no longer limits the Commission's actions to "revocation" of credentials currently held when false or deceitful answers are give to the Personal and Professional Fitness questions. It has been expanded to a more general "adverse action" that also includes suspension, public removal, private admonishment, and denial as provided in Education Code §44421.
    - C. Page iii of the instructions: "Under penalty of perjury" in Section 5: Oath and Affidavit has been clarified to indicate that it is governed by the laws of California.
    - D. Page 1 of the application: Our new address is noted at the top, and, as indicated in the instructions, the social security number is noted as optional.
    - E. Page 2 of the application:
      - In question 4(a) of the Personal and Professional Fitness section, retired, non-re-elected, and suspended for more that 10 days have been added to the reasons for leaving school employment to comply with the California Code of Regulations, Title 5 §80303, which sets out this language.
      - Question 4(c) has been modified to include not only current inquires or investigations by any licensing or law enforcement agencies but also any in the past. This change provides a broader background check on the applicant's fitness to hold a credential. "In California or any other state" has also been added to alleviate any confusion regarding the location of the investigation.
      - With regard to question 4(f), the "denied" language is removed because denials do not apply to holders, only to applicants. Denial is appropriately found in question 4(g). The "within the past three years" language was removed because it resulted in confusion. Applicants applied the three-year limit to all actions in the sentence rather than just the private admonition. This caused disciplinary review for failure to disclose pursuant to Education Code §44345(g). The "self-revoked" language was added because individuals under disciplinary review would attempt to bypass review with a request to self-revoke the document. Although self-revocation is permissible, the Commission retains jurisdiction to conduct a disciplinary review and take adverse action in appropriate cases. Disclosure of a self-revocation maintains the broad review required for background fitness checks of applicants. The phrase "for cause" was added so individuals will respond only in cases regarding professional fitness and not academic qualifications. The addition

- of "for cause" also made it consistent with question 4(g).
- The last change on page 2 is in the Section 5: Oath and Affidavit. "Under penalty of perjury" was added to indicate that the laws of California govern this.
- b. A completed Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00). This form, also noted in the proposed subsection 80016(a)(3), was newly established to aid approved entities in verifying completion of the specific course. The approved agency must identify themselves, including the unique identifying "county-district-school" (CDS) code established by the State Department of Education. The name of the individual who completed the course must be listed, and, for identifying purposes, the social security number is requested. This additional information is needed because many times we have individuals with the same name. As an example, the Commission has over 95 Maria Garcia's in their computer files. In the next section, the entity only needs to check the appropriate course that the individual has completed. Following this, is a list of enclosures that will assist the individual in assembling their application packet. Last, is a place for the entity's authorized staff member to sign, verifying that the individual completed the course previously noted. A copy of this form follows the text of the proposed regulations.
  - c. Self-verification of employment-status and, if appropriate, experience. Self-verification by the individual applicant is noted in the proposed sections 80016(a)(2) and (3)(C)(1).
  - d. A fee of forty-five dollars. Education Code §44253.10(f)(2) allows the Commission to charge a fee not to exceed \$45. Because this is a relatively small project, it is projected that this amount will cover the costs involved to review the existing standards, determine if the staff-development programs meet the standards, create computer programs to issue and report on the documents, and address the additional workload. Because of the uniqueness of this certificate, the fee is \$10 less than the regular application.

#### S80016(b)

The proposed sub-section (b) establishes that the Certificate of Completion of Staff Development is valid as long as the individual's basic teaching credential remains valid.

#### **Documents Relied Upon in Preparing Regulations**

- Commission Fiscal Analysis

**Documents Incorporated by Reference**

The following two forms are incorporated by reference:

- Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00)
- Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00)

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on September 6, 2000.

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.

**Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission, attention Executive Office, at 1900 Capitol Avenue, Sacramento, California 95814, so it is received at least one day prior to the date of the public hearing.

**Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Yvonne Novelli at (916) 445-5865 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, however, be given full consideration regardless of the number of copies submitted.

**Modification of Proposed Actions**

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.

**Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Yvonne Novelli, at (916) 445-5865. 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. Also available upon request is a copy of the Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00), which is incorporated by reference. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

**Division VIII of Title 5 of the California Code of Regulations**  
**Proposed Addition of Section 80016,**  
**Pertaining to Certificates of Completion of Staff Development**

**INITIAL PROPOSED REGULATIONS**

Section 80016. Certificates of Completion of Staff Development to Teach English Language Development and/or Specially Designed Academic Instruction Delivered in English to Limited-English-Proficient Students

- (a) Applicants for a Certificate of Completion of Staff Development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students must meet the following requirements:
- (1) hold a valid basic teaching credential as defined in Education Code Section 44203(e);
  - (2) by January 1, 1999, meet the employment status criteria described in Education Code Section 44253.10(a)(1) as verified by the teacher under penalty of perjury and subject to audit by the Commission;
  - (3) complete one of the following staff development programs in methods of specially designed content instruction delivered in English or English language development, or both, as specified, that has been determined by the Commission to meet the guidelines and standards established in Sections 80680-80690.1, prior to January 1, 2005, and submit verification by the school district, county office of education, college or university, or other approved agency, whose program has been approved by the Commission, on the Recommendation for Certificate of Completion of Staff Development form (41-395 rev. 5/00) provided by the Commission:
    - (A) To provide specially designed content instruction delivered in English as defined in Education Code Section 44253.2(b) to students in a class or subject authorized by the applicant's basic teaching credential: 45 clock hours in either specially designed content instruction delivered in English or in a combination of specially designed content instruction delivered in English and English language development.
    - (B) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a departmentalized class in the subject and grade authorized by the applicant's basic teaching credential: the same 45 clock hours in specially designed content instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above.
    - (C) To provide instruction for English language development as defined in Education Code Section 44253.2(a) to students in a self-contained classroom, either 1. or 2. below:
      1. nine years of experience in California public schools verified by the teacher under penalty of perjury and subject to audit by the Commission, experience or training in teaching limited-English-proficient students as described in Title 5 Section 80689.2(a)(2) verified by the teacher under penalty of perjury and subject to audit by the Commission, and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language

- development, completed for subsection (A) above.
2. fewer than nine years of experience in California public schools or insufficient experience or training in teaching limited-English-proficient students to meet the requirements of subsection (a)(3)(C)1. above and the same 45 clock hours in specially designed academic instruction delivered in English, or combination of specially designed content instruction delivered in English and English language development, completed for subsection (A) above, plus, within three years of completing the staff development in subsection (A) and before January 1, 2008, an additional 45 clock hours in English language development, or combination of specially designed content instruction delivered in English and English language development.
- (4) Submit a completed Application for Credential Authorizing Public School Service (form 41-4 rev. 7/00), verification of completion of the above requirements, including the Recommendation for Certificate of Completion of Staff Development (form 41-395 rev. 5/00) and employment-status and experience self-verifications, and a fee of forty-five dollars.
- (b) Period of validity: The Certificate of Completion of Staff Development shall remain valid as long as the basic teaching credential, defined in (a)(1), remains valid.

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NOTE: Authority cited: Sections 44225(q) and 44253.10, Education Code. Reference: Sections 44203(e), 44253.2, and 44253.10, Education Code.

State of California  
California Commission on Teacher Credentialing  
Box 944270  
Sacramento, CA 94244-2700

**Recommendation for a  
Certificate of Completion of Staff Development**

***NAME OF RECOMMENDING DISTRICT, COUNTY, IHE OR AGENCY:***

\_\_\_\_\_ CDS Code if Applicable\_\_\_\_\_

*This is to certify that the individual identified below has completed Commission-approved staff development or coursework through this agency as indicated below.*

***APPLICANT:***

Name			
	First	Middle	Last

Social Security Number  -  -   
(FOR FILE IDENTIFICATION PURPOSES ONLY-OPTIONAL)

***STAFF DEVELOPMENT:***

- 1. The applicant has completed 45 clock hours of approved staff development or 3 semester/4 quarter units of approved course work in methods of providing specially designed academic instruction delivered in English or a combination of specially designed academic instruction delivered in English and English language development.
- 2. Within three years after completing the requirements in 1 above, the applicant has completed an additional 45 clock hours of approved staff development or an additional 3 semester/4 quarter units of approved course work in methods of providing specially designed academic instruction delivered in English and English language development.

***ENCLOSURES:***

- Verification of the applicant's employment status as described in Education Code Section 44253.10(a)(1) as of January 1, 1999, provided by the applicant under penalty of perjury and subject to audit by the Commission.
- When applicable, verification of nine years of teaching experience, including experience or training in teaching limited-English-proficient students, provided by the applicant under penalty of perjury and subject to audit by the Commission.

***AUTHORIZED SIGNATURE:***

Signature\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_



STATE OF CALIFORNIA

GRAY DAVIS, Governor

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

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Attn.: Sam Swofford, Ed.D.  
Executive Director

Title: Certificates of Completion of Staff  
Development (SB395)  
Section Nos.: 80016

**Response to the 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, please return this response form to the Commission, attention Executive Office, at the above address by 5:00 pm on September 6, 2000, in order that the material can be presented at the September 7, 2000 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 side 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 yn

