

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

DATE: July 12, 2001 01-0011

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

FROM: Sam Swofford, Ed.D.
Executive Director

SUBJECT: Proposed Amendment of Sections 80026 and 80027 of Title 5, California Code of Regulations, Pertaining to Declaration of Need for Fully Qualified Educators and Limited Assignment Emergency Multiple or Single Subject Teaching Permit

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 regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

September 6, 2001
11:00 am
California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

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 Dale Janssen at (916) 323-5065 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.

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 September 5, 2001. 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 Dale Janssen, 1900 Capitol Avenue, Sacramento, CA 95814; or submit an e-mail at djanssen@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(q) authorizes the Commission to adopt the proposed actions, which will implement, interpret or make specific sections 44300 of the Education Code and govern the procedures of the Commission.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code Section 44300 provides that the Commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the Commission.

Section 80026(a) – The amendment adds the Limited Assignment Permits to the estimated number of certificated staff that will be employed on emergency permits on the Declaration of Need for Fully Qualified Educators. This change eliminates the need for the governing board of an employing agency to approve each Limited Assignment Permit. This recommendation brings the Limited Assignment Permit into the same process as the emergency permit.

Section 80027 – The amendment drops “emergency” from the name of the Limited Assignment Emergency Permit because this permit is an assignment option for a credentialed teacher rather than an emergency with a non-fully prepared teacher.

80027(a)(1) – As mentioned above, the Declaration of Need for Fully Qualified Educators include an estimate of the number of Limited Assignment Permits an employing agency reasonably expects to employ during a school year. This process eliminates the need for the governing board to approve each Limited Assignment Permit as the regulation currently stands.

80027(a)(2) – The amendment eliminates the need for the applicant to have permanent status, since this has proved to be a barrier to employing agencies using the limited assignment permit.

80027(a)(3) – As mentioned above, the amendment eliminates the need for the governing board to approve each Limited Assignment Permit. The amended language in Subsection 3 is being added to clarify that there are alternative routes to earn a credential such as internships and individuals completing these alternative routes should not be disenfranchised from the limited assignment process.

80027(a)(4) – Under 80028(a)(2) the amendment eliminates the need for an applicant to hold permanent status, however, a new teacher who is assigned outside of his or her subject area needs additional subject matter support from an experienced subject matter teacher.

80027(a)(5) – Under current regulations there is no restriction on the subject that may be placed on the limited assignment document. In July 2000, Title 5 Section 80005(a) became effective and listed the types of subjects one could teach under the subject areas listed in Education Code

Section 44257. This list clarifies the subject areas that can be taught and, therefore, supports the need to use the list of statutory subject areas.

80027(a)(6) – Credentialed teachers are authorized to teach only the subjects listed on their credential. To teach outside of the credential area a teacher needs to consent to the assignment. This amendment requires a written statement be on file at the employing agency rather than at the Commission.

80027(b)(2) – The amended language is being added to clarify that there are alternative routes to earn a credential such as an internship and individuals completing these alternative routes should not be disenfranchised from the limited assignment process.

80027(b)(4) – As stated above, a Declaration of Need is to be on file at the Commission for both the initial issuance and the renewal of the Limited Assignment Permit.

80027(b)(7) - Credentialed teachers are authorized to teach only the subjects listed on their credential. To teach outside of the credential area a teacher needs to consent to the assignment. This amendment requires a written statement be on file at the employing agency rather than at the Commission.

80027(c)(1) & (2) – These changes are being proposed to clarify that the authorization of the Limited Assignment Permit is the same as the credential.

The Limited Assignment process was designed for fully credentialed teachers to teach outside of their authorized area. However, it is currently more difficult for an employing agency to assign a fully credentialed teacher on a limited assignment permit than it is to assign them on an emergency permit. Placing fully credentialed teachers on emergency permits inflates the number of emergency permit holders. By making it more difficult for an employing agency to assign a teacher on a limited assignment permit little value has been placed on the individual holding a credential.

The Federal Title II reporting law requires that each state report the number of individuals serving on emergency permits, under California’s current emergency permit structure. The numbers will include fully credentialed teachers. Title II reporting does not consider fully credentialed teachers teaching outside their credential subject area to be emergency permit teachers. The proposed changes to the Limited Assignment Permit will reduce the number emergency permits and waivers that are to be reported on the Title II report.

Staff believes that the Commission will derive three benefits from the proposed changes:

- The ability to track fully credentialed teachers who are teaching outside their authorized subject area who do not qualify under one of the Education Code assignment options;
- Eliminate fully credentialed teachers serving on emergency permits and credential waivers; and
- Reduce the number of emergency permits and waivers to be reported on the Title II Report Card.

Documents Incorporated by Reference

Application for Credential Authorizing Public School Service - Form 41-4, REV. 8/00

The following additions have been made to revised Form 41-4.

Section One of the Instructions

The words “religious or moral reasons” were added to the last sentence in paragraph three because some applicants did not want to provide the Commission with social security numbers for religious or moral reasons and the Commission wanted those to be acceptable reasons. These are acceptable reasons based on expert opinion of the Commission.

Section Two on the Application

A check box to identify individuals who have completed an out-of-state credential program was added to assist Commission staff in identifying out-of-state applicants who require special processing.

Section Four on the Application

The language in question “a” was changed to conform to Title 5 ”§80303. The statement “Note: You must disclose your conviction even if the case was dismissed pursuant to Penal Code Section 1203.4” was added to question “b” to provide clarification to the question. The Commission’s Division of Professional Practices found that applicants were failing to disclose convictions. The term “have you ever been” was added to question “c” because applicants were answering no when previous misconduct needed to be investigated. In question “f” the term “within the last three years” was eliminated because applicants were interpreting the term to apply to all of the situations listed in the question rather than privately admonished.

The revised form 41-4 no longer requests the following:

All references to renewals have been eliminated because applications for renewal are now processed on a unique renewal form. The references that have been eliminated are in Section 2 in the instructions, paragraph three under additional information in the instructions, the checklist for renewals on page iv of the instructions and a reference to renewals in Section 3 on the application form.

References to “term” have been eliminated in Section 2 of the instructions and Section 2 on the application. The term “term of the credential” was difficult for applicants to understand so it was eliminated for the sake of clarity.

Reference to Designated Subjects Credentials was eliminated from the revised form because this information is now included on a leaflet that is specific to Designated Subjects Credentials.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandated costs 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

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 business. 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

Inquiries concerning the proposed action may be directed to Dale Janssen at (916) 323-5065 or Dale Janssen, Commission on Teacher Credentialing, 1900 Capitol Ave. Sacramento, CA 95814. 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 documents incorporated by reference. This information is also available on the Commission's web-site at <<http://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 <<http://www.ctc.ca.gov>> or you may obtain a copy by contacting Dale Janssen at (916) 323-5065.

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 <http://www.ctc.ca.gov>.

**Proposed Regulations for Section 80026, Division VIII
of Title 5 California Code of Regulations**

§80026 Declaration of Need for Fully Qualified Educators

Submission of a Declaration of Need for Fully Qualified Educators by the employing agency shall be a prerequisite to the issuance of any emergency permit and/or limited assignment permit for that agency. Charter schools as defined in Education Code Section 47600 shall be exempt from submitting a Declaration of Need for Fully Qualified Educators. The Declaration of Need for Fully Qualified Educators by an employing agency shall be valid for no more than twelve months, and shall expire on the June 30 following its submission to the Commission, unless the employing agency has an approved Plan to Develop Fully Qualified Educators which specifies a period of validity longer than twelve months. The Declaration of Need for Fully Qualified Educators shall be submitted to the Commission on a form to be provided by the Commission, and shall include all of the following information:

(a) Estimated Need: This shall include the title(s) and number of each type of emergency permit and limited assignment permit which the employing agency estimates, based on previous year actual needs and projections of enrollment, it will need during the year covered by the Declaration. In addition, it shall include each subject to be listed on Emergency Single Subject and Limited Assignment Single Subject Teaching Permits and the target language on Emergency Multiple Subject or Single Subject Teaching Permits with a Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis or on Emergency BCLAD Permits. The Declaration of Need for Fully Qualified Educators shall be revised, when the number of emergency permits and limited assignment permits needed exceeds the estimate by ten percent, by the governing board or superintendent/administrator of the employing agency, as specified in subsection (e) below.

(b) Efforts to Recruit Certified Personnel. This shall include a brief description of efforts that the employing agency has undertaken to locate and recruit individuals who hold the needed credentials, such as dated copies of written announcements of its vacancy or vacancies which were mailed to college or university placement centers.

(c) Efforts to Establish Alternative Training Options. The Declaration shall:

(1) identify the names of institutions of higher education co-sponsoring internships or other certification programs with the employing agency or, if no such programs exist, briefly explain why;

(2) if the employing agency participates in pre-internship or internship programs, estimate the number which the employing agency reasonably expects to employ during the year covered by the Declaration; and

(3) indicate whether the employing agency has considered developing a "Plan to Develop Fully Qualified Educators" in cooperation with other education agencies in the region pursuant to Section 80026.4, or if not, briefly explain why.

(d) Stipulation of Insufficiency of Suitable Applicants. The employing agency shall certify that there is an insufficient number of certificated persons who meet the employing agency's specified employment criteria to fill necessary positions.

(e) Adoption of the Declaration. The Declaration of Need for Fully Qualified Educators shall be adopted by the governing board of a school district, or by the superintendent of a county office of education or by the administrator of a state school or nonpublic, nonsectarian school or agency.

(1) A Declaration of Need for Fully Qualified Educators by a school district shall be adopted by the governing board in a regularly-scheduled, public meeting of the board. The entire

Declaration of Need for Fully Qualified Educators shall be included in the board agenda, and shall not be adopted by the board as part of a consent calendar.

(2) A superintendent of a county office or the administrator of a state school or nonpublic, nonsectarian school or agency shall publicly announce his or her intent to adopt a Declaration of Need for Fully Qualified Educators at least 72 hours prior to adopting the Statement. The adopted Statement shall be signed by the superintendent or administrator.

NOTE

Authority cited: Section 44225(q), Education Code. Reference: Sections 44225, subdivisions (d) and (g), and 44300, Education Code.

**Proposed Regulations for Section 80027, Division VIII
of Title 5 California Code of Regulations**

§80027. Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit.

(a) Requirements for the initial issuance of a Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit include all of the following:

(1) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

~~(1)~~ (2) Applicant is currently employed by the local governing board requesting such assignment ~~and has obtained permanent status as defined in Education Code Section 44929.21 or 44929.22 or 44929.23 in a school district in California within the previous ten years.~~

(2) (3) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

~~(3) The application is accompanied by the appropriate Commission approved Employment Statement (form CL 542, rev. 5/98) signed by the applicant and an appropriate employing agency official verifying consent of both parties; describing briefly the whole assignment which the emergency permit holder would teach; explaining the situation or circumstances that necessitate the use of an emergency permit holder; stating that either a credentialed person is not available, or that one or more credentialed persons are available, but do not meet the specified employment criteria established for that position by the employing agency; and verifying prior approval of the assignment by the local governing board.~~

(4) Applicants who have not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or 44929.23 shall be assigned an experienced educator by the employing agency in the subject area of the Limited Assignment Multiple or Single Subject Teaching Permit who has completed 3 years of full-time classroom teaching experience in that subject area.

(5) The Limited Assignment Single Subject Teaching Permit may be issued in the subject areas listed in Education Code Section 44257.

(6) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

~~(4)~~ (7) The applicant submits a completed Application for Credential Authorizing Public School Service (form 41-4, ~~rev. 5/98~~ rev. 8/00), and the fee(s) as specified in Section 80487.

b) Requirements for the renewal of a Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit.

(1) Applicant is currently employed by the local governing board requesting such assignment.

(2) Applicant holds a valid California teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent.

(3) An application for the renewal of a Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit shall be submitted to the Commission by the employing agency, and shall include all of the following.

(A) A completed Application for Credential Authorizing Public School Service (form 41-4, ~~rev. 5/98~~ rev. 8/00).

(B) Payment of the fee(s) required by Section 80487.

(C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.

~~(D)~~ (4) Completed Employment Statement (form CL 542, rev. 5/98) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

~~(4)~~(5) Validation of Professional Development Statement. The holder of a Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit who has previously taught three or more years on a credential other than an emergency credential or permit may submit the following in lieu of the required 6 semester units:

(A) Verification that he or she has completed ninety hours of professional development activities that are directly related to the subject or class authorized by the Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit; and

(B) Submission of a Validation of Professional Development Statement, signed by the employing agency and the permit holder, that includes a brief description of the content of the teacher's professional development program, a brief description of the means by which the employing agency validated the quality and appropriateness of the teacher's professional development program, and a brief description of the manner in which the results of the teacher's professional development program were evaluated.

~~(5)~~ (6) An individual may renew a Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching Permit in any one specific subject only twice during his or her lifetime.

(7) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Limited Assignment Multiple or Single Subject Teaching Permit.

(c) Authorization: ~~The Limited Assignment Emergency Multiple or Single Subject Teaching Permit authorizes the holder to teach in the assignment described in the statement signed by the teacher and the appropriate employing agency official, and approved by the local governing board as required by Section 80027(a)(3).~~

(1) A Limited Assignment Multiple Subject Teaching Permit authorizes the same service as a Multiple Subject Teaching Credential.

(2) A Limited Assignment Single Subject Teaching Permit authorizes the same service as a Single Subject Teaching Credential in the authorized field(s) listed on the permit.

(d) The Limited Assignment ~~Emergency~~ Multiple or Single Subject Teaching--Permit shall be valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

Authority cited: Sections 44225(d), (g) and (q) and 44300, Education Code. Reference: Section 44300, Education Code.

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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Attn.: Dale Janssen
CAW Division

Title: Declaration of Need for Fully Qualified Educators and Limited Assignment Emergency Multiple or Single Subject Teaching Permit

Section Nos.: 80026 & 80027

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 Dale Janssen, at the above addressor fax to his attention at (916) 327-3166. Respond by 5:00 pm on September 5, 2001 in order that the material can be presented at the September 6, 2001 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: _____

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