



CODED CORRESPONDENCE

DATE: April 14, 2010	NUMBER: 10-09
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Dale A. Janssen Executive Director Commission on Teacher Credentialing
SUBJECT: Proposed Amendments to 5 California Code of Regulations §80001 Pertaining to Definitions and Terms Related to Application Forms	

Notice of Public Hearing is Hereby Given

The Commission on Teacher Credentialing (Commission) proposes to amend the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action. A copy of the proposed regulations is attached with the added text underlined and the deleted text lined out.

A public hearing on the proposed action will be held:

June 3, 2010
9:00 a.m.
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811

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 June 1, 2010. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission 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

Pursuant to the authority vested by §44225 of the Education Code, and to implement, interpret or make specific §44225(q) of the Education Code, the Commission on Teacher Credentialing is proposing amendments to §80001 of Title 5 California Code of Regulations.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

In an effort to provide consistency with respect to application forms required for credentials, certificates and permits, Commission staff is presenting amendments to §80001 pertaining to Definitions and Terms for review, including language related to electronic application processes.

Division 8, Chapters 1 and 4 of Title 5 of the California Code of Regulations include many sections that require submission of an application form for issuance or renewal of credentials, certificates and permits. However, due to the adoption dates of the regulations, the revision dates of the referenced application forms range from April 1994 to September 2008, whereas the current application forms in use by the Commission were revised in December 2009. In addition, the online application systems described below require submission of online applications, which are not referenced in the sections that discuss submission of application forms.

Phase II of the Teacher Credentialing Service Improvement Project was implemented in June 2002 and requires holders of clear teaching or services credentials to renew their documents via the Commission's online renewal system by submission of an electronic application. Holders of Emergency 30-Day Substitute Teaching Permits and Child Development Permits may also utilize the online renewal system for renewal of their permits.

Effective July 19, 2005, Education Code §§44227 (a) and (b) were amended to require institutions of higher education (IHEs) with Commission-approved teacher preparation programs to electronically submit credential applications to the Commission. In response, the Commission implemented a web-based portal for the purpose of accepting Commission-approved IHE recommended applications that was fully functional in December 2006.

The most recent technology efficiency was implemented in December 2009 to allow submission of electronic applications for documents that do not require recommendation from an approved program or submission by a California public school employer.

The proposed amendments to §80001 provide definitions for the current application forms for initial issuance and renewal of documents, as well as language related to the electronic submission of applications via the online recommendation, direct application, and renewal systems. Inclusion of the applications (paper and electronic versions) in the Definitions and Terms section of Title 5 will enable the Commission to update all sections that require submission of an application when revisions are made to the forms by amending only §80001.

Proposed Amendments to Title 5 Regulations

80001(b): Renumbered to (b)(1) and ‘reissuance’ added to the definition provided for “Application for a credential”.

80001(b)(2): Section added to list the various terms pertaining to applications used in Chapters 1 and 4 of Division 8 and indicate that the applications listed in subsections (A) and (B) are the current revisions, regardless of earlier revision dates cited in specific sections.

80001(b)(2)(A): Subsection added to define the current application forms and revision dates for issuance of a credential and to include language referencing the electronic versions of the forms available via the Commission’s online recommendation and online direct application systems.

80001(b)(2)(B): Subsection added to define the current application forms and revision dates for renewal or reissuance of a credential and to include language referencing the electronic versions of the forms available via the Commission’s online renewal system.

Documents Incorporated by Reference:

Application for Credential Authorizing Public School Service (form 41-4, rev. 12/09)

Instruction and Information Sheet (41-4 INSTRUCTIONS, rev. 12/09)

Personal and Professional Fitness Explanation Form (form OA-EF, 12/09)

Renewal and Reissuance Application (form 41-REN, rev. 12/09)

Instruction and Information Sheet (41-REN INSTRUCTIONS, rev. 12/09)

Documents Relied Upon in Preparing Regulations: None.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate 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 businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with §17500) of the Government Code.

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 amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendments to the regulations do not affect small businesses. The proposed regulation amendments apply only to the application forms required when individuals apply for credentials, certificates, and permits that authorize service in California's public schools and have no impact on private business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed actions.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission

on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. 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. This information is also available on the Commission's website at 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

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantive 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 website at www.ctc.ca.gov or you may obtain a copy by contacting Tammy A. Duggan at (916) 323-5354.

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 may be accessed through the Commission's website at www.ctc.ca.gov.

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80001. Definitions and Terms.

For purposes of Division 8:

(a) "Applicant" means any applicant for a credential issued by the Commission.

(b)(1) "Application for a credential" includes an application for a credential, an application for a renewal or reissuance of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.

(2) "Application", "application form", and "application packet" includes the following forms, regardless of earlier revision dates cited throughout Division 8, Chapters 1 and 4:

(A) Application for issuance of a credential, extension of a credential, and added authorizations to an existing credential: Application for Credential Authorizing Public School Service (form 41-4, rev. 12/09), available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 12/09) and Personal and Professional Fitness Explanation Form (form OA-EF, 12/09) or the electronic versions available via the Commission's online recommendation and online direct application systems;

(B) Application for renewal or reissuance of a credential: Renewal and Reissuance Application (form 41-REN, rev. 12/09), available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 12/09) and Personal and Professional Fitness Explanation Form (form OA-EF, 12/09) or the electronic versions available via the Commission's online renewal system.

(c) "Chair" means the Chair of the Commission pursuant to Education Code Section 44218.

(d) "Commission" means the Commission on Teacher Credentialing as established pursuant to Education Code Section 44210.

(e) "Credential" means any credential, life diploma, permit, certificate, waiver, or document issued by, or under the jurisdiction of, the Commission which entitles the holder to perform services for which certification qualifications are required. The official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from the Commission's official website.

(f) "Degree" means a baccalaureate or higher degree as specified in Education Code Section 44259(b)(1) earned through an approved college or university, regardless of its title, when the degree program contains no less subject matter preparation than a similar degree in a subject field other than professional education in the same institution.

(g) "Denial" includes the denial of any portion of an application for a credential, even though the requested credential is issued or renewed.

(h) "Executive Director" means the Executive Director to the Commission pursuant to Education Code Section 44220.

(i) "Issuance" means the granting of a credential based upon the application for or renewal of that credential.

(j) "Vice-Chair" means the Vice-Chair of the Commission.

(k) "Professional" credential means a credential for which all statutory and regulatory requirements have been met, excluding credentials issued on partial, preliminary, or emergency bases. A "clear" credential means a professional credential as herein defined.

(l) "Signature" or "signed" as used in this Chapter may include an electronic signature, as defined in Government Code section 16.5 and the California Code of Regulations, Title 2, Sections 22002 and 22005 or under any applicable state or federal law.

(m) "Submitted" as used in this Chapter includes any documentation required by the Commission that is delivered in-person, via a delivery service or electronically.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44267.5, 44330 and 44332.5, Education Code.



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (888) 921-2682 Fax (916) 327-3166 www.ctc.ca.gov

Attn: Tammy A. Duggan, CAW Division

Title: Definitions and Terms Related to Application Forms

Section: Proposed Amendments to § 80001

Response to the Attached Title 5 Regulations

To allow the Commission on Teacher Credentialing to more clearly estimate the general field response to the attached regulations, please return this response form to the Commission office, attention Tammy A. Duggan, at the above address or fax to her attention at (916) 322-0048. The response must arrive at the Commission by 5:00 pm June 1, 2010 for the material to be presented at the June 3, 2010 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 regulations for the following reasons:
PLEASE LIST THE SPECIFIC SUBSECTION [80001(b)(1) or 80001(b)(2)]. If additional space is needed, use the reverse of this sheet or additional page.

3. Personal opinion of the undersigned and/or
 Organizational opinion representing: (Circle One) School District, County Schools, College/University, Professional Organization, Other _____
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.

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____

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