



## **CODED CORRESPONDENCE**

<b>DATE:</b> January 19, 2012	<b>NUMBER:</b> 12-01
<b>TO:</b> All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	<b>FROM:</b> Mary Vixie Sandy Executive Director Commission on Teacher Credentialing
<b>SUBJECT: Proposed Amendments and Additions Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers</b>	

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

The Commission on Teacher Credentialing (Commission) proposes to take 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 actions will be held:

**March 8, 2012  
8:30 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 March 5, 2012. 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](mailto:tduggan@ctc.ca.gov).

Any written comments received 15 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 Section 44225 of the Education Code, and to implement, interpret or make specific Sections 44274.2 and 44275.4 of the Education Code, the Commission on Teacher Credentialing is proposing the amendments to §80048.3.1 and the addition of §80048.3.2 in Title 5 of the California Code of Regulations (CCR).

### **Informative Digest/Policy Statement Overview**

#### Summary of Existing Laws and Regulations

The proposed amendments and additions to Title 5 of the CCR will clarify and interpret the Education Code (EC) sections pertaining to the requirements for out-of-state and out-of-country credentialed teachers seeking Education Specialist Instruction Credentials in California.

Title 5 CCR §80048.3.1 for out-of-state credentialed special education teachers was last amended in January 2000. Section 80048.3.2 is a proposed new section for out-of-country credentialed special education teachers. Since January 2000, the Legislature has passed and the Governors have signed several major pieces of legislation affecting the issuance of California special education teaching credentials to out-of-state and out-of-country credentialed teachers and Commission staff has been relying on the language provided in statute when determining academic eligibility. However, it has become apparent that Title 5 regulations are required to clarify several requirements listed in EC §§44274.2 (out-of-state teachers) and 44275.4 (out-of-country teachers) for uniformity. Especially needed are the definitions for full-time teaching experience and performance evaluations, as well as clarification of the basic skills requirement and the additional requirements for individuals with generic special education programs.

The proposed regulations for out-of-state prepared teachers are organized to reflect the two routes available in EC §44274.2 (two years of out-of-state teaching experience or less than two years of out-of-state teaching experience). Although statute indicates that the experience verification and performance evaluations are required for issuance of the clear/Level II Education Specialist Instruction Credential, individuals who wish to apply via the experience route will be required to submit the experience verification and evaluation documentation with their applications for the Level I credential. This will allow Commission staff to fully evaluate an out-of-state prepared teacher's background in order to issue a Level I credential that accurately reflects the renewal requirements that must be completed for issuance of the clear/Level II credential. The proposed regulations also include the requirement that out-of-state prepared

teachers earn a California English learner authorization to qualify for the clear or Level II credential as specified in EC §44274.2.

The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for out-of-state or out-of-country credentialed teachers seeking Education Specialist Instruction Credentials. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

The proposed amendments to 5 CCR §80048.3.1 are consistent and compatible with the recently approved regulations for out-of-state credentialed general education teachers (reference 5 CCR §80413.3). The proposed addition of 5 CCR §80048.3.2 is consistent and compatible with the proposed amendments to 5 CCR §80048.3.1. Only slight differences exist between 5 CCR §80048.3.1 and 5 CCR §80048.3.2 due to the language provided in the associated EC sections (EC §44274.2 for out-of-state credentialed teachers and EC §44275.4 for out-of-country credentialed teachers).

### **Proposed Amendments to Regulations**

#### **§80048.3.1**

**Title:** Amendments to EC §44277 removed professional growth activities and successful service as renewal requirements for professional clear teaching credentials. As a result, the Commission discontinued issuance of “professional” clear credentials effective January 1, 2007.

Amendments to 5 CCR §§80048.3 and 80048.4 add sunset dates for Level I and Level II programs for California prepared special education teachers. The addition of 5 CCR §§80048.8 and 80048.8.1 created preliminary and clear programs and credentials for California prepared special education teachers. During the transition period for California programs from Level I/II to preliminary/clear, out-of-state credentialed teachers will initially be issued five-year Level I credentials. Individuals with two or more years of out-of-state teaching experience will be issued clear credentials upon completion of all renewal requirements. Individuals with less than two years of teaching experience may complete the requirements for the Level II credential or the clear credential.

The proposed amendments to the title of §80048.3.1 remove the words “preliminary” and “professional” from the credential title, as well as add “or” between “Clear” and “Level II” to indicate the two credential options. The proposed amendments to the title of this section also remove the word “experienced”, as there is a route for individuals with two or more years out-of-state teaching experience and a route for individuals with less than two years of out-of-state teaching experience available to out-of-state credentialed teachers in EC §44274.2.

**(a):** EC §44274.2 provides two credential routes for out-of-state prepared teachers: one for individuals with two or more years of teaching experience and one for individuals with less than two years of teaching experience. The proposed amendments to (a) preface the route for individuals with two or more years of out-of-state teaching experience.

**(a)(1):** Deletes the word “preliminary” to indicate that out-of-state credentialed teachers with two or more years of teaching experience will be issued Level I credentials and amends the references to subdivisions “(1) through (7)” to “(A) through (G)” due to the addition of the new language in (a).

**(a)(1)(A):** Statutes in effect from September 1998 to October 2000 allowed for the issuance of a five-year Level I credential to individuals with five or more years of appropriate out-of-state teaching experience in the disability area sought. The experience route in current statute available to out-of-state credentialed teachers [reference EC §44274.2(c)] requires only two years of out-of-state teaching experience. The proposed amendments to this subdivision change “five” to “two” in relation to the years of required teaching experience, adds the word “earned” to clarify the teaching experience requirement, and adds “U.S. territory” to allow individuals residing in U.S. territories who have acceptable teaching experience to apply via the experience route.

Due to the specialized training required for the instruction of special education students, the proposed regulations add language requiring that the out-of-state teaching experience be in a special education setting. However, since the proposed regulations allow for the issuance of a Level I credential to individuals who completed generic special education programs and received generic special education credentials in other states, the proposed amendments delete the requirement that the special education teaching experience be in the disability area of the credential sought in California. Restricting the teaching experience to the disability area sought would preclude fully trained out-of-state special education teachers whose program lacked a focus in a specific disability area from qualifying via the experience route since their out-of-state credentials authorize instruction in multiple disability areas.

Re-letters subdivision from (a)(1) to (a)(1)(A) due to the addition of the new language in (a).

**(a)(1)(B):** Statutes in effect from September 1998 to December 2006 required submission of two “rigorous” performance evaluations. Current statute requires submission of two “satisfactory” performance evaluations in a manner prescribed by the Commission. The proposed amendments delete the word “rigorous” and add the word “satisfactory” to align with the language of EC §44274.2(c). The definition for satisfactory performance evaluations is provided in subsection (c)(3).

Re-letters subdivision from (a)(2) to (a)(1)(B) due to the addition of the new language in (a).

**(a)(1)(C):** An out-of-state prepared teacher must provide verification that he/she earned a professional level teaching credential in another state to qualify for a California teaching credential under current statute, but the credential does not need to be valid at the time of application. The proposed amendments to this subdivision remove the word “valid” and add “professional level” to clarify the type of out-of-state certification necessary to qualify for the Level I credential. Adds “U.S. territory” to allow individuals residing in U.S. territories to apply via the experience route and deletes the reference to a comparable authorization. Proposed language in subdivision (c)(5) provides the definition of a “comparable” professional level credential.

EC §44274.2(a)(4) authorizes the Commission to determine the area of concentration for a Level I credential for out-of-state prepared teachers and the word “corresponding” is being interpreted to mean that the individual holds a special education teaching credential outside California. Many states offer “generic” special education programs that result in the issuance of out-of-state credentials with authorizations such as “Cross-Categorical Special Education,” “Generic Special Education,” or simply “Special Education.” Such programs include coursework covering a wide variety of special education specialty areas and are most closely related, but not equivalent, to the Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education specialty areas available in California.

The proposed amendments to this subdivision allow individuals with generic programs and credentials to apply for the Level I credential in one of the aforementioned specialty areas, but they shall be required to complete an equivalent Level I or preliminary program prior to the issuance of the clear credential. The proposed methods for verifying completion of an equivalent program are provided in subdivision (c)(2). The proposed amendments also delete the requirement that the out-of-state credential authorization be comparable to the specialty area sought. Requiring that the out-of-state credential be in the disability area of the credential sought would preclude fully prepared out-of-state special education teachers who completed generic programs from qualifying for the Level I credential.

Level I credentials in the low-incidence specialty areas of Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Language and Academic Development will not be issued to individuals with generic out-of-state programs. The low incidence specialty areas require specialized training that is not generally included in generic special education programs.

Re-letters subdivision from (a)(3) to (a)(1)(C) due to the addition of the new language in (a).

**(a)(1)(D):** With the prevalence of alternative teacher preparation programs, the proposed amendments delete the reference to the student teaching requirement for the out-of-state program and adds the completion of a state-approved program offered by a local educational agency option to align with the language provided in EC §44274.2(a)(2). Deletes the language requiring that the program be in the disability area of the California credential sought and approval by the state agency where the program was completed. Current statute does not require that the out-of-state credential be from the state where the program was completed and the Commission is interpreting the word “corresponding” in EC §44274.2(a)(4) to mean that the individual holds a special education teaching credential outside California. The proposed regulations allow for the issuance of a Level I credential to individuals who completed generic special education programs and received generic special education credentials in other states. Requiring that the out-of-state program be in the disability area of the credential sought would preclude fully prepared out-of-state special education teachers who completed generic programs from qualifying for the Level I credential.

Re-letters subdivision from (a)(4) to (a)(1)(D) due to the addition of the new language in (a).

**(a)(1)(E):** Re-letters subdivision from (a)(5) to (a)(1)(E) due to the addition of the new language in (a).

**(a)(1)(F):** Employment as a special education teacher in California is not required by statute for issuance of the Level I or clear credential (for individuals who qualify on initial application via the experience route). Therefore, the proposed amendments delete the language requiring an offer of employment as a special education teacher and the option of obtaining a Certificate of Eligibility. Adds language to this subdivision requiring submission of an application form, processing fee, and fingerprint clearance, including the relevant Title 5 and EC references.

Re-letters subdivision from (a)(6) to (a)(1)(F) due to the addition of the new language in (a).

**(a)(1)(G):** EC §44252 allows for additional options to passage of the California Basic Educational Skills Test (CBEST) to satisfy California’s basic skills requirement. The proposed amendments update the basic skills requirement language to match and align with statute, deletes reference to the one-year non-renewable credential available under previous statute, and explains that individuals who meet all requirements for the preliminary except the basic skills requirement may be issued the five-year Level I credential. As stated in EC §44274.2(b), individuals issued a preliminary prior to satisfying the basic skills requirement must satisfy the requirement within one year of the issue date for the five-year Level I or the document will become invalid.

Re-letters subdivision from (a)(7) to (a)(1)(G) due to the addition of the new language in (a).



**(a)(2):** Amendments to EC §44277 removed professional growth activities and successful service as renewal requirements for professional clear teaching credentials. As a result, the Commission has been issuing clear credentials since January 1, 2007. The proposed amendments to this subdivision remove the words “professional” and “Level II” to reflect that individuals who qualify with two or more years of out-of-state teaching experience will be issued clear credentials upon completion of all requirements. Adds reference to the subdivisions that list the requirements for the Level I credential for clarity and deletes “are both of the following” as there are more than two requirements for the clear credential.

Re-letters section (b) to subdivision (a)(2).

**(a)(2)(A):** The amendments to EC 44274.2 make it possible for an individual to qualify for a clear credential on initial application if all requirements are met. Therefore, the proposed amendments to this subdivision delete the requirement that an individual first be issued a Level I credential and add the requirement that an individual earn a California English learner authorization to qualify for the clear credential as specified in EC §44274.2(c)(2). The word “and” has been removed from the end of the subdivision because there are more than two requirements for the clear credential.

Re-letters subdivision (b)(1) to (a)(2)(A).

**(a)(2)(B):** The prior statute required completion of a Commission-approved Level II program to qualify for the Level II credential. The proposed amendments to this subdivision delete the Level II program requirement and preface the two options for the clear credential available under current statute [EC §44274.2(c)].

Re-letters subdivision (b)(2) to (a)(2)(B).

**(a)(2)(B)1:** Adds new subdivision to explain that a master’s degree or higher in a field related to the credential, or the equivalent number of graduate-level semester units, is one of the options available to qualify for the clear credential via the experience route as provided in EC §44274.2(c)(1).

**(a)(2)(B)2:** Adds new subdivision to explain that completion of 150 clock hours of professional activities is one of the options available to qualify for the clear credential via experience route as provided in EC §44274.2(c)(1).

**(a)(2)(C):** Adds new subdivision to clarify that an individual may apply for a clear credential with his/her initial application as long as all requirements listed in section (a) are met and the individual has not previously been issued a Level I credential. Further clarifies that an individual

who meets all requirements for the clear credential except the basic skills requirement will be issued a five-year Level I credential.

**(a)(2)(D):** Adds a new subdivision to require submission of an application form and processing fee for issuance of the clear credential, including the relevant Title 5 references.

**(b):** EC §44274.2 provides two credential routes for out-of-state prepared teachers: one for individuals with two or more years of teaching experience and one for individuals with less than two years of teaching experience. The proposed amendments to (b) preface the route for individuals with less than two years of out-of-state teaching experience.

**(b)(1):** Adds a new subdivision to preface and reference the requirements for the Level I credential for out-of-state credentialed teachers with less than two years of teaching experience.

**(b)(1)(A):** Requires possession of a professional level special education teaching credential issued by another state or U.S. territory and clarifies the requirements for individuals with generic programs.

EC §44274.2(a)(4) authorizes the Commission to determine the area of concentration for a Level I credential for out-of-state prepared teachers and the word “corresponding” is being interpreted to mean that the individual holds a special education teaching credential outside California. Many states offer “generic” special education programs that result in the issuance of out-of-state credentials with authorizations such as “Cross-Categorical Special Education,” “Generic Special Education,” or simply “Special Education.” Such programs include coursework covering a wide variety of special education specialty areas and are most closely related, but not equivalent, to the Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education specialty areas available in California. The proposed amendments to this subdivision allow individuals with generic programs/credentials to apply for the Level I credential in one of the aforementioned specialty areas, but they shall be required to complete an equivalent Level I or preliminary program prior to the issuance of the clear credential. The proposed methods for verifying completion of an equivalent program are provided in subdivision (c)(2).

Level I credentials in the low-incidence specialty areas of Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Language and Academic Development will not be issued to individuals with generic out-of-state programs. The low incidence specialty areas require specialized training that is not generally included in generic special education programs.

**(b)(1)(B):** Clarifies the teacher preparation program requirement as specified in EC §44274.2(a)(2).



**(b)(1)(C):** Clarifies the degree requirement as specified in EC §44274.2(a)(1).

**(b)(1)(D):** Lists the application, fee, and fingerprint requirements, including the relevant Title 5 and EC references.

**(b)(1)(E):** Clarifies the basic skills requirement as specified in EC §44274.2(b).

**(b)(2):** Adds new subdivision to preface and reference the requirements for the clear or Level II credential for individuals with less than two years of out-of-state teaching experience. Amendments to 5 CCR §§80048.3 and 80048.4 add sunset dates for Level I and Level II programs for California prepared special education teachers. The addition of 5 CCR §§80048.8 and 80048.8.1 created preliminary and clear programs and credentials for California prepared special education teachers. During the transition period for California programs from Level I/II to preliminary/clear, out-of-state credentialed teachers with less than two years of teaching experience may complete the requirements for the Level II credential or the clear credential.

**(b)(2)(A):** Lists possession of a Level I credential as a requirement for the Level II or clear credential as specified in EC §44274.2(d)(1).

**(b)(2)(B):** Clarifies that an individual must earn a California English learner authorization to qualify for the Level II or clear credential as specified in EC §44274.2(c)(2).

**(b)(2)(C):** Prefaces the two program options required for the Level II or clear credential.

**(b)(2)(C)1:** Explains the program requirement for the Level II credential option, including the appropriate Title 5 reference.

**(b)(2)(C)2:** Explains the program requirement for the clear credential option, including the appropriate Title 5 reference.

**(b)(2)(D):** Requires recommendation from a Commission-approved program for the Level II or clear credential as specified in EC §§44274.2(d)(4) and 44227(b).

**(b)(2)(E):** Requires submission of an application form and processing fee for issuance of the Level II or clear credential, including the relevant Title 5 references.

**(c)(1):** Amends subdivision to include out-of-state regionally-accredited private schools as appropriate employers for the experience route, adds “U.S. territories” to clarify that individuals residing in U.S. territories may apply via the experience route, and deletes the reference to “state” as related to the teaching experience since U.S. territories are not considered states.

The Commission is interpreting the word “corresponding” in EC §44274.2(a)(4) to mean that the individual holds a special education teaching credential outside California; therefore, the proposed amendments delete the language requiring that the out-of-state credential be comparable to the authorization sought. The proposed regulations allow for the issuance of a Level I credential to individuals who completed generic special education programs and received generic special education credentials in other states. Requiring that the out-of-state credential be in the disability area of the credential sought would preclude fully prepared out-of-state special education teachers who completed generic programs from qualifying for the Level I credential.

Replaces the reference to “district or districts” as related to the required experience letter with “out-of-state employer or employers” because private schools are not considered districts.

**(c)(2):** Defines the generic special education authorizations term and specifies that individuals with generic authorizations may apply for Level I credentials in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education. Also prefaces the three options established by the Commission that an individual may utilize to verify completion of an equivalent program.

**(c)(2)(A):** Explains that verification of student teaching or field placement in the specialty area sought is a program equivalency option for individuals who completed out-of-state generic programs. Student teaching (or field placement for alternative programs) comprises the bulk of a teacher preparation program; therefore, individuals who can verify that their student teaching or field placement was completed in a Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education setting will have established equivalency for the corresponding specialty area in California.

**(c)(2)(B):** Explains that verification of two years of full-time teaching experience in the specialty area sought is a program equivalency option for individuals who completed out-of-state generic programs. Individuals who successfully teach outside California in a Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education setting full-time for two years will have established equivalency for the corresponding specialty area in California.

**(c)(2)(C):** Explains that individuals who completed out-of-state generic programs and cannot verify completion of student teaching/field placement or two years of teaching experience in a Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education setting have the option of completing a Commission-approved Level I or preliminary program for equivalency.

**(c)(3):** EC §44274.2(b) requires submission of two satisfactory performance evaluations from separate years of the verified out-of-state teaching experience in a manner prescribed by the

Commission, but the word “rigorous” was removed from statute. The proposed amendments delete the word “rigorous” and add the word “satisfactory” to align with the language of EC §44274.2(b).

Re-letters subdivision to (c)(3) due to the addition of the proposed language in (c)(2).

**(c)(3)(A):** Replaces the word “must” with “may” to indicate that the definition provided for the performance evaluations should be used as a guide. Also, deletes the language stating that an individual would not qualify under the section if all performance areas were not covered in the evaluations and requiring submission of an evaluation authenticity letter. Specific areas and an evaluation authenticity letter are not required in EC §44274.2(c).

**(c)(3)(B):** Adds “U.S. territory” to allow individuals residing in U.S. territories who have acceptable teaching experience to apply via the experience route. Deletes the language requiring that one of the performance evaluations be from the last two years of an individual’s verified experience because only two years of experience are required under the current experience route and the evaluation recency language is not included in EC §44274.2(c). Adds language explaining that an individual who cannot provide two performance evaluations or a supplemental letter from separate years of the verified out-of-state teaching experience will not qualify via the experience route.

**(c)(4) through (c)(4)(F):** Clarifies the 150 clock hours of activities option referenced in (a)(2)(B)2. by listing the six California Standards for the Teaching Profession, explaining how to record the activities, and stating who must approve the activities.

**(c)(5):** Adds subdivision to define the “professional level special education teaching credential” term used throughout the proposed amendments to §80048.3.1.

**(d):** Deletes section due to the repeal of EC §44274 with the passage of Senate Bill (SB) 1209 (Chap. 517, Stats. 2006).

**(e):** Deletes section due to amendments to EC §44274.2 with the passage of Senate Bill (SB) 299 (Chap. 342, Stats. 2001).

**Note:** Adds EC §44253.3 pertaining to the English learner authorization and §§44339, 44340, and 44341 pertaining to fingerprint clearance to the reference section. Deletes §44274 due to the section’s repeal with the passage of SB 1209.

**§80048.3.2**

The proposed addition of this section outlines the requirements for Education Specialist Instruction Credentials issued to individuals who complete special education programs outside the United States.

**(a):** Prefaces the subdivisions listing the requirements for the five-year Level I Education Specialist Instruction Credential for individuals who complete special education programs outside the United States.

**(a)(1):** Clarifies the degree requirement for the Level I credential for individuals who complete special education programs outside the United States as specified in EC §44275.4(b)(1).

**(a)(2):** Clarifies the program requirement for individuals who complete special education teacher preparation programs outside California as specified in EC §44275.4(b)(1) and prefaces the two possible program levels (comparable or generic).

**(a)(2)(A):** Provides the definition for a comparable out-of-country special education program.

**(a)(2)(B):** EC §44275.4(b)(1) authorizes the commission to determine the area of concentration for a Level I credential based on the special education program completed outside the United States. However, most special education teachers prepared outside the United States complete “generic” special education programs. Such programs include coursework covering a wide variety of special education specialty areas and are most closely related, but not equivalent, to the Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education specialty areas available in California. This subdivision provides the definition for a generic out-of-country special education program and that individuals with such programs may apply for a Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education.

The proposed subdivision further requires completion of an equivalent Level I or preliminary program prior to issuance of the Level II or clear credential. Out-of-country teaching experience is not acceptable for certification purposed in California. Therefore, the student teaching and experience options to verify program equivalency available to out-of-state credentialed teachers in Title 5 §§80048.3.1(c)(2)(A) and (B) will not be available to out-of-country credentialed teachers.

Level I credentials in the low-incidence specialty areas of Deaf and Hard-of-Hearing, Physical and Health Impairments, Visual Impairments, and Language and Academic Development will not be issued to individuals with generic out-of-state programs. The low incidence specialty

areas require specialized training that is not generally included in generic special education programs.

**(a)(3):** Requires submission of an application, processing fee, and fingerprint clearance for issuance of the Level I credential, including the relevant Title 5 and EC references.

**(a)(4):** Clarifies the basic skills requirement as specified in EC §44275.4(c).

**(b):** Prefaces the subdivisions listing the requirements for the five-year Level II or Clear Education Specialist Instruction Credential for individuals who complete special education programs outside the United States. Amendments to 5 CCR §§80048.3 and 80048.4 add sunset dates for Level I and Level II programs for California prepared special education teachers. Addition of 5 CCR §§80048.8 and 80048.8.1 created preliminary and clear programs and credentials for California prepared special education teachers. During the transition period for California programs from Level I/II to preliminary/clear, out-of-country credentialed teachers may complete the requirements for the Level II credential or the clear credential.

**(b)(1):** Clarifies the subject-matter competence requirement specified in EC §44275.4(d)(1) and exempts candidates for the specialty area of Early Childhood Special Education [reference 5 CCR §80048.3(a)(4)(B)].

**(b)(2):** Clarifies the reading methodology requirement and that individuals have the option of completing a course or of passing the Reading Instruction Competence Assessment (RICA) to satisfy the requirement as specified in EC §44275.4(d)(2).

**(b)(3):** Clarifies the U.S. Constitution requirement as specified in EC §44275.4(d)(3).

**(b)(4):** Clarifies the health education requirement as specified in EC §44275.4(d)(4).

**(b)(5):** Clarifies the computer-based technology requirement as specified in EC §44275.4(d)(6).

**(b)(6):** Clarifies the non-special education pedagogy course requirement as specified in EC §44275.4(d)(8).

**(b)(7):** Clarifies the supervised field experience in general education requirement as specified in EC §44275.4(d)(8).

**(b)(8):** Prefaces the two program options required for issuance of the Level II or clear credential.

**(b)(8)(A):** Explains the program and experience requirements for the Level II credential option, including the appropriate Title 5 reference.

**(b)(8)(B):** Explains the program for the clear credential option, including the appropriate Title 5 reference.

**(b)(9):** Requires recommendation from a Commission-approved program for the Level II or clear credential as specified in EC §§44274.2(d)(4) and 44227(b).

**(b)(10):** Requires submission of an application form and processing fee for issuance of the Level II or clear credential, including the relevant Title 5 references.

**Note:** Cites the Education Code authority and references sections.

**Documents Incorporated by Reference:** None.

**Documents Relied Upon in Preparing Regulations:** *Economic Impact Assessment - Proposed Amendments and Additions Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers.*

**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 section 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.



*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission has made an assessment that the proposed amendments to the regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulations will not benefit nor adversely affect the health and welfare of California residents, worker safety, or the State's environment.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to out-of-state and out-of-country credentialed teachers seeking Education Specialist Instruction Credentials that authorize service in California's public schools.

### **Consideration of Alternatives**

The Commission must determine in the Final Statement of Reasons that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No reasonable alternatives have yet been proposed to or considered by the Commission, as the regulations do not affect small businesses. In addition, no alternatives have yet been proposed that will be less burdensome and equally effective.

### **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](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 of 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 nonsubstantial 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](http://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 can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

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

**§ 80048.3.1. Specific Requirements for ~~Preliminary~~ Level I and ~~Professional Clear~~ or Level II Education Specialist Instruction Credential for ~~Experienced~~ Out-of-State Credentialed Teachers.**

(a) The following pertains to individuals who have two years of appropriate teaching experience earned in a state or U.S. territory other than California.

(1) The minimum requirements for the five-year ~~preliminary~~ Level I Education Specialist Instruction Credential are all of the following, ~~(1A)~~ through ~~(7G)~~.

~~(1A)~~ Five ~~Two~~ years of full-time special education teaching experience ~~in the disability area of the credential sought and~~ earned in a state or U.S. territory other than California.

~~(2B)~~ Rigorous~~Satisfactory~~ performance evaluations.

~~(3C)~~ A valid professional level special education teaching credential from another state or U.S. territory, with a comparable authorization to the credential sought. Individuals with generic special education authorizations as defined in subdivision (c) may apply for the five-year Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education and shall be required to verify completion of an equivalent Level I or preliminary

program as specified in subdivision (c)(2) prior to issuance of the Level II credential.

- (4D) ~~Completion of a teacher preparation program, including student teaching, taken at a regionally accredited institution of higher education or a state-approved teacher preparation program offered by a local educational agency and appropriate to the disability area of the credential sought. The program must be approved by the appropriate state agency in the state where the program was completed.~~
- (5E) A baccalaureate or higher degree from a regionally accredited institution of higher education.
- (6F) ~~An offer of employment as specified in 80048.3(a)(8). An individual who has completed all other requirements (1) through (7) but does not have an offer of employment may apply for a Certificate of Eligibility as specified in 80048.3(a)(9). Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.~~
- (7G) ~~Passage of the California Basic Educational Skills Test (CBEST) administered pursuant to Meet the basic skills requirement as described in Education Code §44252. A one-year nonrenewable Level I Education Specialist Instruction Credential may be issued to an applicant who has not passed the CBEST and has satisfied Individuals who meet the requirements in subdivisions subsections (a)(1)(A) through (a)(61)(F) above and Title 5 s80071.4(e) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.~~
- (b2) The following are the minimum requirements for the professional clear Level II Education Specialist Instruction Credential for an individual who meets the requirements specified in (a)(1)(A) through (a)(1)(G) are both of the following:
- (1A) ~~A five-year preliminary Level I Education Specialist Instruction Credential issued pursuant to subdivision (a)(1) Possession of a California English learner authorization issued pursuant to the requirements specified in Education Code §44253.3, and~~
- (2B) ~~Completion of all requirements for the professional clear Level II Education Specialist Instruction Credential, as specified in Title 5 s80048.4. Completion of either of the following:~~

1. A master's degree or higher in a field related to the credential, or the equivalent number of graduate-level semester units, earned at a regionally accredited institution of higher education and verified by official transcript; or
2. Completion of 150 clock hours of activities addressing one or more of the six California Standards for the Teaching Profession (CSTP).

(C) An individual applying for the clear credential on initial application for California certification who has not previously been issued a Level I credential must satisfy the basic skills requirement as described in Education Code §44252. If all requirements specified in subdivisions (a)(1) and (a)(2) are met, other than the basic skills requirement, the individual will be issued a five-year Level I credential as described in (a)(1)(G).

(D) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.

(b) The following pertains to individuals who have less than two years of appropriate teaching experience earned in a state or U.S. territory other than California.

(1) The minimum requirements for the five-year Level I Education Specialist Instruction Credential are all of the following, (A) through (E).

(A) A professional level special education teaching credential from another state or U.S. territory, with a comparable authorization to the credential sought. Individuals with generic special education authorizations as defined in subdivision (c) may apply for the five-year Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education and shall be required to verify completion of an equivalent Level I or preliminary program prior to issuance of the Level II or clear credential.

(B) Completion of a teacher preparation program taken at a regionally accredited institution of higher education or a state-approved teacher preparation program offered by a local educational agency.

(C) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(D) Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.

(E) Meet the basic skills requirement as described in Education Code §44252. Individuals who meet the requirements in subdivisions (b)(1)(A) through (b)(1)(D) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.

(2) The following are the minimum requirements for the Level II or Clear Education Specialist Instruction Credential for an individual who meets the requirements specified in (b)(1)(A) through (b)(1)(E):

(A) A five-year Level I Education Specialist Instruction Credential issued pursuant to subdivision (b)(1).

(B) Possession of a California English learner authorization issued pursuant to the requirements specified in Education Code §44235.3.

(C) One of the following:

1. For the Level II credential, completion of the requirements specified in §§80048.4(a)(4) and (a)(5); or

2. For the clear credential, completion of the requirements specified in §80048.8.1.

(D) Recommendation from a Commission-approved Level II or clear Education Specialist Instruction Credential program as specified in Education Code §44227(b).

(E) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.

(c) The following definitions apply to terms used in this section.

(1) Full-Time Teaching Experience: This is defined as teaching a minimum of 4 hours a day, unless the minimum statutory attendance requirement for the students served is less. Experience must be on a daily basis and for at least 75% of the school year.

Experience may be accrued in increments of a minimum of one semester. No part-time or combination of teaching with other school employment will be accepted. All experience must be gained in public or regionally-accredited private schools in states or U.S. territories other than California while serving on ~~that state's~~ a valid teaching credential ~~that is comparable to the authorization sought~~. Experience may be gained in more than one state or U.S. territory other than California. This experience must be verified on the official letterhead of the ~~district or districts~~ out-of-state employer or employers by the superintendent, assistant superintendent, director of personnel, or director of human resources in which the teacher was employed. Experience from outside of the United States will not be considered.

(2) Generic Special Education Authorizations: This is defined as a teaching credential issued by another state or U.S. territory in a specialty area that is not comparable to an available California special education specialty area. An individual with a generic special education authorization may verify completion of an equivalent program for Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education by one of the following:

(A) Provide a letter from the out-of-state program sponsor verifying completion of student teaching in the specialty area sought; or

(B) Provide a letter verifying two or more years of full-time teaching experience in the specialty area sought earned at a public or regionally-accredited private school located in another state or U.S. territory; or

(C) Complete the equivalent of a Commission-approved Level I program as specified in §80048.3(a)(2) or a Commission-approved preliminary program as specified in §80048.8(a)(2) in the specialty area sought.

(23) ~~Rigorous~~Satisfactory Performance Evaluations:

(A) The teaching effectiveness areas on the performance evaluations ~~must~~ may include, but are not limited to, all of the areas, 1. through 4., below. If these areas are not included in the evaluations, the individual may submit a supplemental letter, on district letterhead, signed by the individual's principal or personnel officer in the district in which the evaluations took place. ~~If an evaluation or supplemental letter cannot be obtained that includes all of the four areas, then the individual would not qualify under this section. Verification of the authenticity of the evaluation letters must be given in writing by a personnel officer in the district in which the evaluations took place.~~



1. The use of teaching strategies that motivates all students to engage in the learning process.
  2. The ability to establish and maintain high standards for student behavior.
  3. A demonstration of deep knowledge of the subject being taught and the use of appropriate instructional strategies that promote student understanding.
  4. An ability to plan and implement a sequence of appropriate instructional activities.
- (B) Evaluations of the teacher's performance for at least two of the years of teaching experience from a state or U.S. territory other than California must be submitted with at least one evaluation within the last two years of the experience. If evaluations or a supplemental letter cannot be obtained, the individual will not qualify under section (a).
- (C) Evaluation ratings must be satisfactory or better.
- (4) California Standards for the Teaching Profession (CSTP): The 150 clock hours of CSTP activities may be satisfied by staff development, college course work or other activities related to the CSTP. When applying for the Level II credential, a written list of the activities including a justification stating how each of the activities relates to the CSTP must be attached. An individual at the central office of a public school district or county office of education, or at a public school site or a regionally accredited private school who is responsible for curriculum and instruction in the specialty area of the teacher's credential must sign the written justification agreeing that the activities relate to the CSTP as stated. The following are the six CSTP areas:
- (A) Engaging and supporting all students in learning.
- (B) Creating and maintaining effective environments for student learning.
- (C) Understanding and organizing subject matter for student learning.
- (D) Planning instruction and designing learning experiences for all students.
- (E) Assessing students for learning.
- (F) Developing as a professional educator.

(5) Professional Level Special Education Teaching Credential. This is defined as a special education teaching credential issued by another state or U.S. territory that is, at a minimum, comparable to a California five-year Level I or preliminary Education Specialist Instruction Credential.

~~(d) An individual who has previously been issued a preliminary Level I Education Specialist Instruction Credential based on Education Code s44274 is not eligible for a credential issued under this section.~~

~~(e) An individual who has previously been issued a California preliminary Specialist Instruction Credential in Special Education is eligible for a credential issued under this section provided the following (1) and (2) are met.~~

~~(1) Verification of all provisions of (a), and~~

~~(2) If the individual has California public school teaching experience in the authorization of the credential sought, submission of the most recent rigorous performance evaluation.~~

~~(3) The credential will be valid five years from the date of application.~~

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44252, 44253.3, 44265, 44274 and 44274.2, 44339, 44340, and 44341, Education Code.

### **§ 80048.3.2 Specific Requirements for Level I and Clear or Level II Education Specialist Instruction Credential for Out-of-Country Credentialed Teachers.**

(a) The minimum requirements for the five-year Level I Education Specialist Instruction Credential for individuals who complete special education programs outside the United States are:

(1) A baccalaureate or higher degree from a regionally accredited institution of higher education or the equivalent as specified in §80457(c) if completed outside the United States.

(2) Completion of a special education teacher preparation program, including student teaching, determined to be equivalent to a program completed at a regionally accredited institution of higher education in the United States as specified in §80457(c) and approved by the appropriate agency in the country where the program was completed at one of the following two levels:

- (A) Comparable program: This is defined as 24 semester units of special education course work with at least 12 of the 24 semester units, including student teaching, in the specialty area sought; or
- (B) Generic program: This is defined as 24 semester units of special education course work, including student teaching, that lacks focus in a specific specialty area. An individual with a generic program may apply for the Level I credential in Mild/Moderate Disabilities, Moderate/Severe Disabilities, or Early Childhood Special Education, but shall be required to verify completion of an equivalent Level I program as specified in §80048.3(a)(2) or preliminary program as specified in §80048.8(a)(2) prior to issuance of the Level II or clear credential.
- (3) Submission of an application form as defined in §80001; the processing fee as specified in §80487; and fingerprint clearance pursuant to Education Code §44340.
- (4) Meet the basic skills requirement as described in Education Code §44252. Individuals who meet the requirements in subdivisions (a)(1) through (a)(3) may be issued a five-year Level I credential, but must satisfy the basic skills requirement within one year of the date the credential is issued or the credential shall become invalid.
- (b) The minimum requirements for the five-year Clear or Level II Education Specialist Instruction Credential for an individual who meets the requirements specified in (a)(1) through (a)(4) are:
- (1) Subject-matter competence as specified in Education Code §§44280, 44281, 44282, and 44310. Candidates for the specialty area of Early Childhood Special Education are exempt from this subject-matter competence requirement.
- (2) Methods of teaching reading course as specified in Education Code §44259(b)(4) or examination as specified in Education Code §44283.
- (3) Verification of knowledge of the Constitution of the United States, as specified in Education Code §44335, by one of the means described in §80415.
- (4) The study of health education as specified in Education Code §44259(c)(4)(A).
- (5) The study of computer-based technology that includes the uses of technology in educational settings as specified in Education Code §44275.4(d)(6).
- (6) Two semester or three quarter unit non-special education pedagogy course.

- (7) Supervised field experience in general education. This requirement may be satisfied by official transcript verifying one semester unit of general education student teaching or a letter verifying 45 clock hours of supervised field experience in a general education classroom.
- (8) One of the following:
- (A) For the Level II credential, completion of the requirements specified in §§80048.4(a)(4), (a)(5), and (a)(6); or
- (B) For the clear credential, completion of the requirements specified in §80048.8.1.
- (9) Recommendation from a Commission-approved Level II or clear Education Specialist Instruction Credential program as specified in Education Code §44227(b).
- (10) Submission of an application form as defined in §80001 and the processing fee as specified in §80487.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44227(b), 44252, 44259, 44265, 44275.4, 44280, 44281, 44282, 44283, 44310, 44335, 44339, 44340, and 44341, 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:** Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers  
**Section:** Proposed Amendments to § 80048.3.1 and Addition of § 80048.3.2

### 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 March 5, 2012 for the material to be presented at the March 8, 2012 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 SECTION (80048.3.1 and/or 80048.3.2).** 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: \_\_\_\_\_

*Route to tad*