



## **CODED CORRESPONDENCE**

<b>DATE:</b> December 13, 2013	<b>NUMBER:</b> 13-16
<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 to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials</b>	

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

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described herein 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:

**February 14, 2014  
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 email relevant to the proposed action. The written comment period closes at 5:00 p.m. on January 27, 2014. 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**

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code section 44260.4 pertaining to Designated Subjects Special Subjects Teaching Credentials.

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

### Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to 5 California Code of Regulations (CCR) §80037 to establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill (BMD) and Reserve Officer Training Corps (ROTC). The proposed amendments also include general clean-up of outdated language in the existing regulation.

Education Code (EC) §33352 establishes the type and required instructional minutes of physical education instruction to be provided in the public schools. Specifically, subsection (b)(7) of EC §33352 requires a Local Education Agency (LEA) to provide a course of study for high school physical education that includes a developmentally appropriate sequence of instruction in the following eight areas:

- 1) the effects of physical activity upon dynamic health;
- 2) the mechanics of body movement;
- 3) aquatics;
- 4) gymnastics and tumbling;
- 5) individual and dual sports;
- 6) rhythms and dance;
- 7) team sports; and
- 8) combatives.

Current basic military drill and physical fitness training activities associated with BMD and ROTC courses may include instruction in some or all of the listed areas.

Although a special subjects teaching credential authorizes the holder to provide instruction in grades 12 and below, and in classes organized primarily for adults, the majority of individuals who hold special subjects teaching credentials in BMD and ROTC are employed at the high school level. One of the prescribed conditions for high school graduation in subsection (a)(1)(F) of EC §51225.3 is completion of two courses in physical education (unless the pupil has been exempted). Subsection (b) of EC §51225.3 allows governing boards, with the active involvement of parents, administrators, teachers, and pupils, to adopt alternative means for completion of the prescribed course of study.

Some LEAs grant high school graduation credit in physical education for BMD and ROTC courses under the provisions of EC §51225.3 while others do not. Although physical education is an integral component in all branches of the military, BMD and ROTC special subjects teaching credentials do not currently include a specific physical education teaching authorization. LEAs that are willing to allow BMD or ROTC courses to satisfy high school graduation requirements often require these classes to be taught by individuals who hold a Single Subject Teaching

Credential in Physical Education. Since many instructors in BMD and ROTC programs do not have a bachelor’s degree, they do not meet the basic requirements for earning the Single Subject teaching credential. Pupils attending schools that do not grant high school graduation credit in physical education for BMD and ROTC courses are required to enroll in traditional physical education courses in order to meet statutory graduation requirements, thereby creating the potential for enrollment declines in the BMD and ROTC programs.

A review of high school graduation requirements in the other 49 states revealed that there are currently nine states that allow ROTC courses to count toward satisfying the physical education graduation requirement. The nine states are identified in Table 1 along with information explaining the conditions (if any) under which high school graduation credit may be awarded in physical education for Junior ROTC (JROTC) or ROTC courses.

**Table 1: States that Award Physical Education High School Graduation Credit for ROTC**

State	Statute or Regulation	Graduation Requirement
Alabama	Alabama Administrative Code §290-3-1-.02(8)(c)	ROTC content standards approved as substitute for physical education credit in 2006. LEAs have flexibility to grant physical education credit for JROTC courses.
Arkansas	Arkansas Department of Education Rules Governing PE Course Credit §8.00	Two semesters of JROTC satisfies the ½ unit of physical education and the ½ unit of health and safety education requirements.
Florida	Florida Education Code §1003.428(2)(a)(6)	Two years of JROTC satisfies the one-credit requirement in physical education and the one-credit requirement in performing arts
Georgia	Georgia Education Code §160-4-2-.48(3)(b)5.(ii)(VI)	LEAs have flexibility to grant physical education credit for JROTC courses. Three credits in JROTC are required to satisfy the one-credit physical education requirement.
Illinois	Illinois Compiled Statute §27-6(b)	LEAs may excuse pupils enrolled in JROTC program from engaging in physical education courses.
Ohio	Ohio Administrative Code §3313.603(L)	LEAs may excuse pupils who complete two years of JROTC from the required physical education credit.
South Carolina	South Carolina Regulation No. R43-234	One credit of “PE or JROTC” is required for high school graduation.
Texas	Texas Administrative Code §74.11(d)(7)(A)	LEAs may substitute JROTC for the required one and one-half credits of physical education.
Washington	Revised Code of Washington §28A.230.050	Pupils who participate in military science and tactics may be excused from physical education requirement.

The reticence of some LEAs to recognize BMD and ROTC courses taught by holders of special subjects credentials as meeting some portion of the physical education graduation requirements

may be due to the fact that these individuals have not satisfied the subject-matter knowledge requirement in physical education and, therefore, are perceived as not adequately prepared to provide instruction in the content area. The proposed Special Teaching Authorization in Physical Education, that an individual will be able to add to a preliminary or clear special subjects credential in BMD or ROTC, will provide the holder with a distinct physical education authorization that will be based on satisfaction of California’s basic skills requirement and verification of subject-matter knowledge in physical education equivalent to the subject-matter knowledge requirement that must be met holders of Single Subject Teaching Credentials in Physical Education.

The Special Teaching Authorization in Physical Education will be limited to the areas of basic military drill and physical fitness training because: 1) a minimum of four years of military experience that emphasized training in these areas is required for issuance of a special subjects teaching credential in BMD or ROTC; and 2) an authorization equivalent to the authorization of a Single Subject credential in Physical Education is not warranted since individuals who hold special subjects credentials in BMD or ROTC may not have a bachelor’s or higher degree and the program required for issuance of a clear special subjects credential is not as extensive as the teacher preparation program required for a general education teaching credential.

The proposed minimum requirements for the Special Teaching Authorization in Physical Education are possession of a preliminary (which requires a minimum of four years of military experience) or clear (which requires, in addition to the requirements for the preliminary credential, completion of a Commission-approved program of personalized preparation) Designated Subjects Special Subjects Teaching Credential in BMD or ROTC; satisfaction of California’s basic skills requirement; and verification of subject-matter knowledge in Physical Education.

It is important to note that the Special Teaching Authorization in Physical Education will not compel LEAs to grant high school graduation credit in physical education. The Commission has determined the Special Teaching Authorization in Physical Education is necessary to strengthen the decisions of LEAs that choose to recognize the authorization in order to utilize the option provided in EC §51225.3(b) due to the basic skills and subject-matter knowledge in physical education requirements.

Table 2 displays the numbers of Designated Subjects Special Subjects Teaching Credentials with BMD and ROTC authorizations issued over the past five school years.

**Table 2: Basic Military Drill and Reserve Officer Training Corps Credential Numbers**

<b>Year</b>	<b>BMD</b>	<b>ROTC</b>	<b>Total</b>
2008	11	157	<b>168</b>
2009	9	147	<b>156</b>
2010	13	125	<b>138</b>
2011	11	135	<b>146</b>
2012	12	149	<b>161</b>
<b>Total</b>	<b>56</b>	<b>713</b>	<b>769</b>



The amendments to 5 CCR §80037 to establish a Special Teaching Credential in Physical Education for individuals who hold Preliminary or Clear Designated Subjects Special Subjects Teaching Credentials in BMD or ROTC are proposed under the authority granted to the Commission in the following subsections of EC §44225 (emphasis added):

- (b) ***Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:***
- (1) *Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.*
  - (2) *Credentials for teaching adult education classes and vocational education classes.*
  - (3) *Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.*
  - (4) *Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.*

*The commission may establish standards and requirements for preliminary and professional credentials of each type.*

- (e) ***Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credentialholders. The commission may grant an added or supplementary authorization to a credentialholder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission-approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.***
- (g) ***Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.***

In addition to establishing a Special Teaching Authorization in Physical Education, the proposed amendments include general clean-up of the current, outdated language in 5 CCR §80037 as follows:

- 1) Move the requirement for a driving transcript from the Department of Motor Vehicles for the Limited Driver Training subject area to the subsection that clarifies the experience and/or education required for a special subjects credential;
- 2) Align the basic skills requirement language with current statute;
- 3) Amend the application form and fingerprint clearance language to align with other 5 CCR sections;
- 4) Clarify that recommendation for preliminary and clear special subjects credentials must be made by Commission-approved programs of personalized preparation (not an employing school district) to align with the requirements associated with designated subjects adult education and career technical education (CTE) credentials;
- 5) Provide the definition for “two years of successful teaching” required for a clear special subjects credential;
- 6) Incorporate the CTE program standards by reference, which is the program that must be completed for issuance of a clear special subjects credential;
- 7) Amend the health education requirement language to align with current statute and program requirements; and
- 8) Clarify that a clear special subjects credential will be issued with the Specially Designed Academic Instruction in English (SDAIE) authorization due to completion of an approved CTE program, since SDAIE components are embedded in the CTE programs.

#### Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed amendments are to clarify and make specific the following as related to Designated Subjects Special Subjects Teaching Credentials:

- establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in BMD and ROTC; and
- amend the current, outdated language related to the basic skills, application, fingerprint, and health education requirements;
- specify the type of program that must be completed for the clear credential and incorporate those program standards by reference;
- clarify the recommendation process for the preliminary and clear credential;
- define the teaching experience requirement for the clear credential;
- amend the clear credential authorization to include a SDAIE authorization; and
- move the driving transcript requirement for the Limited Driver Training subject to the appropriate subsection.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students’ course options.

The proposed regulations will promote fairness and prevent discrimination by aligning 5 CCR §80037 pertaining to the requirements for Designated Subjects Special Subjects Teaching Credentials with other 5 CCR sections pertaining to Designated Subjects Adult Education and CTE Teaching Credentials. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, 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.

#### Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. There are no other 5 CCR sections that detail the requirements for or authorizations of Designated Subjects Special Subjects Teaching Credentials.

#### **Summary of Proposed Amendments to Regulations**

##### ***§80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential***

**(a)(1)(B) and (a)(1)(C):** Proposes deletion of “or” at the end of these subsections, as each subsection pertains to a specific special subjects credential area.

**(a)(1)(D):** Proposes changing the period (.) at the end of this subsection to a semicolon (;) due to the proposed addition of subsection (a)(1)(E).

**(a)(1)(E):** Subsection (a)(1) clarifies the experience and/or education required for issuance of a preliminary special subjects teaching credential, but it does not currently include language clarifying the experience and/or education requirement for the special subject of Limited Driver Training. The proposed amendments add subsection (a)(1)(E) to clarify that driving experience must be verified by submission of a current driving record from the Department of Motor Vehicles. This language was moved from subsection (a)(2)(E) that pertains to licenses, recommendations, and coursework requirements.

**(a)(2)(E):** Proposes deletion of the language requiring submission of a current driving transcript from this subsection and the addition of the language to subsection (a)(1)(E). Subsection (a)(2) specifies the license, recommendation, or coursework required for issuance of a Designated Subjects Teaching Credential. The current driving transcript requirement for the Limited Driver Training subject area should be listed in subsection (a)(1), since that subsection specifies the experience and/or education required for issuance of a preliminary special subjects teaching credential.

**(a)(5):** EC §44252 allows for additional options to passage of the California Basic Educational Skills Test (CBEST) to satisfy California’s basic skills requirement. Subsection (d) of EC §44252 specifically exempts applicants for a special subjects credential from the basic skills requirement unless a bachelor’s degree is required for the special subject area. Driver Education and Training is the only special subject area that requires a bachelor’s degree for initial issuance of a preliminary special subjects teaching credential. The proposed amendments to this

subsection update the basic skills requirement language to match and align with statute and add language clarifying that only applicants for the special subject area of Driver Education and Training must satisfy the requirement for initial issuance of a preliminary special subjects teaching credential. Also changes the period (.) at the end of the subsection to a semicolon (;) for consistency with other subsections.

**(a)(6):** Proposed amendments delete reference to “Employing School District (ESD)” and “Commission-approved Local Education Agency (LEA)”. Prior amendments to the Title 5 sections pertaining to Designated Subjects Adult and CTE (reference 5 CCR §§80034.2, 80035, 80035.1, 80036, 80036.1, and 80036.4) deleted the authority of ESDs to advise individuals regarding designated subjects teaching credential programs. Only Commission-approved programs of personalized preparation now have the authority to recommend individuals for preliminary and clear designated subjects credentials and the advisement will be provided by the program sponsor prior to submission of the preliminary credential application. The term ‘LEA’ pertains to a ‘Local Education Agency,’ which does not accurately reflect all the types of agencies that are allowed to develop and implement designated subjects teaching credential programs. The program sponsor recommendation requirement is a proposed addition in subsection (a)(8).

**(a)(7):** Proposed amendments clarify the application name and add the reference to §80001, which provides definitions for applications used for certification purposes. In addition, proposes addition of the subsection that specifies the application fee; deletion of the LEA or ESD recommendation language that will be clarified in subsection (a)(8); deletion of the redundant language requiring “verification of the requirements listed in (a)(1) through (a)(6)” [subsection (a) states the minimum requirements for the preliminary credential “...shall include all of the following:”]; and changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsection (a)(8) .

Additional proposed amendments clarify that the requirement in EC §44340 to include fingerprints when filing an application is met with the submission of fingerprints via Livescan (electronic process) as required by the Department of Justice. Penal Code §11077.1 as amended by Senate Bill 970 (Chap. 470, Stats. 2003) now requires submission of fingerprints via Livescan and no longer accepts fingerprint cards. Specifically, the proposed amendments delete the language pertaining to fingerprint cards and replace it with language requiring completion of Livescan and clearance by the Commission if fingerprint clearance is not already on file at the Commission (reference 5 CCR §80442).

**(a)(8):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials [reference EC §44227(a)]. The proposed addition of this subsection is to require recommendation for a preliminary special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards for the clear credential are appropriate



to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1(a) that provides the definition for “Commission-approved program of personalized preparation” as related to CTE programs.

**(b)(2):** Proposes the deletion of the language requiring the ESD to verify the two years of teaching experience required for issuance of a clear special subjects teaching credential. The Commission-approved program sponsor will verify the teaching experience prior to recommending the individual for the clear credential.

Due to prior amendments, §80034 now provides the definitions and terms related to designated subjects adult education teaching credentials, only. Therefore, additional proposed amendments to this subsection delete the reference to subsection §80034(f); delete “or the equivalent;” and add the definition for “two years of successful teaching” as related to special subjects teaching credentials, which is consistent with the teaching experience requirement for adult education teaching credentials [reference 5 CCR §80034(e)] and CTE teaching credentials [reference 5 CCR §80034.1(c)].

**(b)(3):** Designated subjects programs were previously approved by the Commission but not accredited by the Committee on Accreditation. Since October 2008, designated subjects programs require approval by the Commission and accreditation by the Committee on Accreditation. The proposed amendments to this subsection delete the outdated language describing the requirements for the previous programs.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards are appropriate to both clear credential types. Therefore, the proposed amendments add language requiring completion of a program of personalized preparation based on the CTE program standards to qualify for the clear special subjects teaching credential and incorporates the program standards by reference.

**(b)(4):** Proposes clarification of the language pertaining to the health education requirement and includes the appropriate EC citation. EC §44261 that is currently included in this subsection refers to the minimum requirements for multiple subject and single subject teaching credentials and is not an appropriate reference for special subjects credentials. Also proposes deletion of the reference to §80421, as this regulation section includes an EC reference that is no longer related to the health education requirement.

**(b)(5):** Proposed amendments clarify the application name and add the reference to §80001, which now provides definitions for applications used for certification purposes. In addition, proposes addition of the subsection that specifies the application fee; deletion of the LEA or ESD recommendation language that will be clarified in subsection (b)(6); deletion of the redundant language requiring “verifications as specified for requirements (b)(2), (b)(3) and (b)(4)” [subsection (b) states the minimum requirements for the clear credential “...shall include all of the following:”]. Lastly, the proposed amendments delete the semicolon (;) after the application

form and add the word “and” between the application form and fee since there will be only two requirements listed in this subsection.

**(b)(6):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials [reference EC §44227(a)]. The proposed addition of this subsection is to require recommendation for a clear special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards for the clear credential are appropriate to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1(a) that provides the definition for “Commission-approved program of personalized preparation” as related to CTE programs.

**(c):** Proposed new subsection to establish the minimum requirements for the Special Teaching Authorization in Physical Education.

**(c)(1):** Proposed new subsection to clarify that possession of a preliminary or clear special subjects teaching credential in BMD or ROTC is required for the Special Teaching Authorization in Physical Education because:

- qualifying for a preliminary credential in BMD or ROTC requires experience in the areas covered by the proposed Special Teaching Authorization; and
- BMD and ROTC courses are the special subjects credential areas most likely to include instruction in the physical education areas of basic military drill and physical fitness training

**(c)(2):** Proposed new subsection to require satisfaction of California’s basic skills requirement for consistency with other similar authorizations [reference 5 CCR §80050(c)(3) pertaining to the Special Teaching Authorization in Health and 5 CCR §80048.9.4(a)(3) pertaining to the Special Class Authorization].

**(c)(3):** Proposed new subsection to require verification of subject-matter knowledge in Physical Education by passage of an examination(s) or completion of a subject-matter program. The proposed language includes references to the relevant EC sections pertaining to subject-matter examinations and programs. This subject-matter knowledge requirement is the same subject-matter knowledge requirement that must be satisfied by individuals seeking a Single Subject Teaching Credential in Physical Education [reference 5 CCR 80413(a)(5)(B)].

**(c)(4):** An application form (reference 5 CCR §80433) and processing fee (reference EC §44235) are required for each credential issued by the Commission. The language proposed in this new subsection specifies the aforementioned requirements for issuance of the Special Teaching Authorization in Physical Education and references the relevant 5 CCR sections that define each requirement.

**(d):** Proposes re-lettering to subsection (d) due to the proposed addition of subsection (c). Also proposes moving the authorization language pertaining to special subjects teaching credentials to subsection (d)(1) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(1):** Proposed new subsection to clarify the authorization of a preliminary special subjects teaching credential. Deletes “clear” from the language previously provided in subsection (c) [re-lettered to subsection (d)]. The authorization for the clear credential will be provided in the proposed subsection (d)(2). Changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(2):** The CTE program standards, upon which the program individuals must complete to qualify for a clear special subjects credential as proposed in (b)(3) is based, include training that results in a Specially Designed Academic Instruction in English (SDAIE) authorization to serve English learners. The SDAIE authorization is earned upon program completion and issuance of a clear special subjects teaching credential (the SDAIE authorization is not listed on the preliminary credential). This proposed new subsection for the clear credential includes the same authorization language as for the preliminary credential and language specifying the SDAIE authorization.

**(d)(3):** Proposed new subsection to clarify the authorization of the Special Teaching Authorization in Physical Education. Individuals who hold designated subjects special subjects teaching credentials in BMD and ROTC may have a bachelor’s or higher degree, but verification of a degree is not a requirement for the subject areas. In addition, the program required for issuance of a clear special subjects credential is not as extensive as the teacher preparation program required for a preliminary or clear general education teaching credential. For these reasons, the Special Teaching Authorization in Physical Education will be limited to the instruction of Physical Education courses in basic military drill and physical fitness training as determined by the Commission.

Although special subjects teaching credentials in BMD and ROTC already authorize instruction in basic military drill and physical fitness training, possession of the Special Teaching Authorization verifies that the holder has satisfied the basic skills requirement and verified his/her subject-matter knowledge in Physical Education. The basic skills requirement, verification subject-matter knowledge equivalent to the subject-matter knowledge requirement met by holders of Single Subject Teaching Credentials in Physical Education, and a minimum of four years of military service (required to qualify for the special subjects credential in BMD or ROTC) that included extensive training in the areas of basic military drill and physical fitness training are the justification for issuance of the Special Teaching Authorization in Physical Education.

**(e):** Proposes re-lettering to subsection (e) from (d) due to the proposed addition of subsection (c).

**Note:** Proposes amendments to add additional relevant EC references.

### **Documents Incorporated by Reference:**

*Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09):  
<http://www.ctc.ca.gov/educator-prep/standards/CTE-Handbook.pdf>

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

### **Preconditions**

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program's standards document.

### **Common Standards**

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

### **Educator Preparation Program Standards**

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

**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 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 concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

*Benefits of the Proposed Action:* The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that employers may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness activity courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals who hold or seek Designated Subjects Special Subjects Teaching Credentials that authorize service in California's public schools.

### **Consideration of Alternatives**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine 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 action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect

to alternatives to the proposed regulations during the written comment period or at the public hearing.

**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 Martha Zavala at (916) 323-5080 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 Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

**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. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

**Availability of Documents on the Internet**

Copies of the Notice of Proposed Rulemaking, 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**

**§ 80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential.**

- (a) The minimum requirements for the preliminary special subjects teaching credential shall include all of the following:
- (1) Experience, or experience and education, or education in each special subject to be named on the credential, which totals four years. One year of the required experience shall be within the three-year period immediately preceding the issuance of the credential. This requirement shall be verified in one of the following ways:
    - (A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, experience is to be verified by the Federal Aviation Agency;
    - (B) for the special subject: Basic Military Drill, experience is to be verified by the adjutant general of the State of California; ~~or~~
    - (C) for the special subject: Reserve Officers Training Corp (R.O.T.C.), experience is to be verified by the branch of military service sponsoring the program in the employing school district; ~~or~~
    - (D) for the special subject: Driver Education and Training, a baccalaureate degree from a regionally accredited college or university and a valid California Driver's License; ~~or~~
    - (E) for the special subject: Limited Driver Training, submission of a current transcript of driving record from the Department of Motor Vehicles.
  - (2) License, or recommendation, or course work shall meet one of the following criteria:
    - (A) for the special subject: Aviation Flight and/or Aviation Ground Instruction, possession of a properly rated valid certificate, issued by the Federal Aviation Agency;
    - (B) for the special subject: Basic Military Drill, a recommendation from the adjutant general of the State of California;
    - (C) for the special subject: R.O.T.C., a recommendation from the branch of military service sponsoring the program in the employing school districts;
    - (D) for the special subject: Driver Education and Training, twelve semester hours of subject-matter course work in driver education;

- (E) for the special subject: Limited Driver Training, a valid California driver's license; ~~submission of a current transcript of driving record from the Department of Motor Vehicles;~~ possession of a written statement from the prospective employing school district attesting to the applicant's ability to actually perform behind-the-wheel driver instruction; and possession of written assurance, from the prospective employing school district, that adequate supervision and appropriate staff development will be provided for the individual receiving the limited driver training authorization.
- (3) Verification of a high school diploma or the equivalent;
- (4) Verification of knowledge of the Constitution of the United States, as specified in Education Code Section 44335, by one of the means described in Section 80415;
- (5) ~~Verification of passage of~~ Satisfy the California Basic Education Skills Test basic skills requirement for the special subjects credential in Driver Education and Training, as specified in Education Code Section 44252;
- (6) ~~Verification by the Employing School District (ESD) or a Commission-approved Local Education Agency (LEA) that the applicant is aware of the requirements for the clear credential, including the program of personalized preparation;~~
- (7) Submission of a completed a~~Application for Credential Authorizing Public School Service form as specified in Section 80001;~~ ~~a recommendation signed by a Commission-approved LEA or the ESD on a form approved by the Commission;~~ the fee as specified in Section 80487(a)(1); ~~verification as specified for requirements (a)(1) through (a)(6); and personal identification on duplicate fingerprint cards~~ verification of completion of livescan and clearance by the Commission, unless clearance is already on file with the Commission;
- (8) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1(a).
- (b) The minimum requirements for the clear special subjects teaching credential shall include all of the following:
- (1) A valid preliminary special subjects teaching credential;
- (2) ~~Verification by the ESD of~~ Two years, or the equivalent, of successful teaching as defined in subsection 80034(f) and as authorized by the preliminary special subjects teaching credential. "Two years of successful teaching" means teaching for a minimum of one course in each of four terms;
- (3) ~~Verification by a Commission-approved LEA of completion of nine semester units, or 135 clock hours, in a Commission-approved program(s) of personalized preparation~~ Completion of a Commission-approved program of personalized preparation



based on the *Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09), available on the Commission's website and hereby incorporated by reference, accredited by the Committee on Accreditation as specified in Education Code Section 44373(c);

- (4) ~~Verification of completion of~~ The study of health-unit requirement education as specified in Education Code Section 4426144259(c)(4)(A), by one of the means specified in Section 80421;
  - (5) ~~Submission of a completed a~~ Application Authorizing Public School Service form as specified in Section 80001; a recommendation signed by a Commission-approved LEA and/or the ESD on a form approved by the Commission; and the fee as specified in Section 80487(a)(1); and verifications as specified for requirements (b)(2), (b)(3) and (b)(4).
  - (6) Recommendation from a Commission-approved program of personalized preparation as defined in §80034.1.
- (c) The minimum requirements for the Special Teaching Authorization in Physical Education shall include all of the following:
- (1) Possession of a valid preliminary or clear special subjects teaching credential in Basic Military Drill or R.O.T.C.;
  - (2) Satisfy the basic skills requirement as specified in Education Code Section 44252;
  - (3) Verification of Physical Education subject-matter knowledge by passage of an examination(s) as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject-matter program as provided in Education Code Section 44310;
  - (4) Submission of a completed Application Authorizing Public School Service as specified in Section 80001 and the fee as specified in Section 80487(a)(1).
- (ed) Authorization.
- (1) ~~The preliminary or clear~~ Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults;
  - (2) The clear Special Subjects teaching credential authorizes the holder to teach the subject, named on the credential, in grades 12 and below, and classes organized primarily for adults, including services to English learners in specially designed content instruction delivered in English;

(3) The Special Teaching Authorization in Physical Education authorizes the holder to teach physical education courses in basic military drill and physical fitness training in grades 12 and below, and classes organized primarily for adults.

(de) Period of Validity. The period of validity of the preliminary and clear special subjects teaching credentials shall be as follows:

- (1) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements excepting (a)(4) shall be valid for one year. The one-year preliminary special subjects teaching credential shall be extended to the full five-year preliminary period upon verification of satisfaction of requirement (a)(4) and submission of a completed application form and the fee, as specified in Section 80487;
- (2) A preliminary special subjects teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (a) shall be valid for five years;
- (3) A clear special subjects education teaching credential issued on the basis of the applicant's satisfaction of all requirements specified in subsection (b) shall be valid for five years and is renewable on the basis of an application and payment of a fee.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44259(c)(4)(A), 44260.4, ~~44261~~44280, 44281, 44282, 44310, ~~and 44335~~, and 44373(c), Education Code.



# Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 323-5454 Fax (916) 322-0048 www.ctc.ca.gov

**Attn:** Tammy A. Duggan, Consultant  
Certification Division

**Title:** Proposed Amendments to 5 California Code of Regulations §80037 Pertaining to  
Designated Subjects Special Subjects Teaching Credentials

**Section:** §80037

### 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 January 27, 2014 for the material to be presented at the February 14, 2014 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.** 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*