



## **CODED CORRESPONDENCE**

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**DATE:**

September 20, 2021

**NUMBER:**

21-06

**TO:**

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

**FROM:**

Mary Vixie Sandy  
Executive Director  
Commission on Teacher Credentialing

**SUBJECT: Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence**

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**Notice is hereby given** that the Commission on Teacher Credentialing (Commission) is proposing to adopt emergency regulations adding section 80096 to Title 5 of the California Code of Regulations. The Commission is proposing regulations to implement the recent statutory changes to subject matter competence requirements for credential candidates enacted by AB 130 (Chap. 44, Stats. of 2021). These regulations would authorize programs to verify a candidate's subject matter competence by confirming successful completion of specified coursework at a regionally accredited institution of higher education with a grade of C or better. The regulations would also authorize the use of a baccalaureate degree from a regionally accredited institution of higher education with an applicable major, as specified, for Single Subject candidates; a baccalaureate degree from a regionally accredited institution of higher education with a major of Liberal Studies, Liberal Arts, Interdisciplinary Studies, Elementary Education, or other appropriate degree, as specified, for Multiple Subject candidates; or either of these options for Education Specialist candidates.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit

comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

### **Finding of Emergency**

These regulations are necessitated by the enactment of AB 130, which made the statutory changes being implemented and clarified by this rulemaking. AB 130 provided for an appropriation related to the Budget Bill and took effect immediately upon signing by the Governor. The Legislature adopted these changes to address a state of emergency that predated, but was worsened by, the COVID-19 pandemic.

California has been experiencing a growing teacher shortage for several years, and the impacts of the COVID-19 pandemic have exacerbated an already critically low education workforce. Teacher shortages are measured through multiple factors, such as employment and assignment data reported by Local Education Agencies (LEAs) to the California Department of Education, future enrollment numbers for PK-12 grade students, preparation of new teachers, and retirements from CalSTRS. Data on the number of emergency permits and waivers that are requested by LEAs, which are legally only to be used for unanticipated, acute staffing needs, or for instances when recruitment efforts for a fully-prepared teacher are unsuccessful, is also used to annually gauge the shortage of teachers. The Commission's April 2021 annual [teacher supply report](#) concluded that more than half of the teaching credentials the Commission issues each year go to individuals who are not fully prepared to teach. In 2019-20, the Commission issued 9,629 preliminary teaching credentials to new California-prepared individuals and another 3,323 teachers prepared in other states for a total of 12,952 newly credentialed teachers. However, employers filled staffing gaps during in 2019-20 by hiring 4,884 interns, 6,108 individuals on Emergency Permits, and 2,388 on other permits and waivers, for a total of 13,380 less than fully prepared teachers assigned to California classrooms.

[Recent media reports indicate](#) that the teacher shortage has worsened since the beginning of the pandemic. Staff quarantines, the need to staff both physical and online environments, and disruptions to the credentialing pipeline caused by the pandemic have all contributed to the emergency. The extreme shortage of substitute teachers is causing smaller districts to raise salaries while dealing with funding losses, consider temporary school closures, eliminate some class offerings while increasing class sizes in remaining courses in order to free up teachers to substitute, and even ask parents and retirees to cover the gap by stepping in to staff classrooms.

Additionally, reports from the [California State Teacher Retirement System](#) indicate that there was "a significant increase in teacher retirements. In the second half of 2020, the number of retirements (3,202) increased 26% over the same period in 2019." Retirements, coupled with credential holders who have left the education field for other reasons have been amplified by the COVID-19 pandemic and other environmental factors. The state has invested close to \$1 billion dollars in the 2021 budget to slow the tide of people leaving the profession and increase the numbers coming in to teaching.

Amid these chronic and persistent teacher shortages, the implementation of universal Transitional Kindergarten (TK) presents additional pressures on the supply of California teachers. Because the pandemic highlighted the need for high quality early childhood education and care, AB 130 also created a phase-in plan to add additional children to the state's TK program in two- or three-month increments over the next several years. The California Department of Education estimates that, when fully implemented in 2025-26, California schools would serve up to 225,000 additional TK students. With the required 1:24 teacher to student ratio and a second trained adult in the classroom, the state would need approximately 10,000 new TK teachers as well as 10,000 paraprofessionals to staff these classrooms.

Emergency regulations that clarify the options outlined in AB 130 and open up new avenues for teachers to meet licensure requirements are needed to help recruit and credential additional professionals who better reflect the diversity of California's student population into the teacher workforce. Without them, local education agencies will be forced to continue implementing piecemeal, temporary solutions, particularly in the hardest hit districts faced with closing schools. Students who have the greatest needs already have an inequitably higher percentage of administrator turnover and teachers who are new or not fully credentialed and would certainly bear the brunt of an even less equitable system of education. Allowing this situation to continue threatens the fairness and social equity of the education of young Californians during a time of unprecedented strains on the public education system. It would also increase the discrimination already faced by economically disadvantaged students and students of color.

### **Authority and Reference**

Education Code section 44225 authorizes the Commission to adopt these proposed regulations. The proposed amendments implement, interpret, and make specific Education Code section 44259.

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

This proposal would add section 80096 to Title 5 of the California Code of Regulations (CCR). This section would lay out the following standards for use by Commission-approved programs in reviewing a candidate's transcripts to determine subject matter competence.

- If electing the coursework option, all coursework must be degree-applicable, credit-bearing, and non-remedial
- If electing the coursework option, all coursework must have a grade of "C" or higher, "pass", or "credit"
- If electing the coursework option, all coursework must have been completed at a regionally accredited institution of higher education
- If electing the coursework option, all coursework that subsumes or requires prior knowledge of the content identified in one or more domains of the subject matter requirements may be considered as evidence of competence in those domains
- For Single Subject candidates, a program may also accept completion of a baccalaureate degree at a regionally accredited institution with a major directly aligned with one of the broad or subsumed subject areas

- For Multiple Subject candidates, a program may also accept completion of a baccalaureate degree at a regionally accredited institution with a major of Liberal Studies, Liberal Arts, Interdisciplinary Studies, Elementary Education, or other degree including coursework in the content areas pursuant to subdivision (b) of Section 44282 of the Education Code
- For Education Specialist candidates, a program may also accept completion of a baccalaureate degree at a regionally accredited institution that meets either the Single Subject or Multiple Subject requirements

Prior to the passage of AB 130, Education Code required that candidates demonstrate their subject matter competence through either the completion of a Commission-approved subject matter program or passage of a Commission-approved subject matter examination. In 2019-20, approximately 81 percent of candidates used the subject matter exam option. Candidates' opportunities to complete the examination option were significantly decreased over the past eighteen months due to the closure of testing centers because of the COVID-19 pandemic and their subsequent reopening at only 25 percent of capacity. This compounded the shortage of fully credentialed teachers that existed prior to the pandemic by preventing prospective teachers from completing their credential requirements. While the option now exists to take examinations online and testing centers are expected to return to full capacity at some point, candidates' demand for subject matter exams will remain higher than the testing centers' supply for the foreseeable future without the additional options in place that are included in AB 130.

Actions taken by the Legislature, Governor, and the Commission in response to the pandemic have made it possible for teachers to enter and complete preparation for their preliminary credential by deferring the demonstration of subject matter competence until the end of their preparation program. However, that flexibility has resulted in an even larger group of individuals than normal who need to demonstrate subject matter competence to earn their credential and become a permanent part of the teaching workforce.

In this context, the Legislature and the Governor determined that the state needed to expand options and eliminate bottlenecks in educator preparation if demonstrations of competence in another form can be accepted in lieu of a standardized examination. The state has set similar precedents in allowing prospective teachers to meet requirements through a variety of different methodologies. A prominent example of this is the basic skills requirement for candidates in educator preparation programs which may be met by passing the California Basic Educational Skills Test (CBEST), the SAT, ACT, AP exams, and the California State University assessments.

### **Documents Relied on in Preparing the Regulations**

June 2021 Commission agenda item 4I – Request to Approve Emergency Regulations Language Regarding Subject Matter Competence: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-06/2021-06-4i.pdf>

Approval of the June 2021 minutes: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-08/2021-08-2a.pdf>

Understanding the increase in teacher retirements – <https://www.calstrs.com/blog-entry/understanding-increase-teacher-retirements>

April 2021 Teacher Supply Report – <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-04/2021-04-4a.pdf>

Approval of the April 2021 minutes: <https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-06/2021-06-2a.pdf>

Quarantined: A new law is disrupting California school reopenings – <https://calmatters.org/education/2021/08/california-school-reopenings-quarantine-independent-study/>

Substitute shortages so severe, some districts may have to temporarily close classrooms – <https://edsources.org/2021/substitute-shortages-so-severe-some-districts-may-have-to-temporarily-close-classrooms/660540>

Not enough subs: California schools face severe teacher shortage – [https://www.bakersfield.com/news/not-enough-subs-california-schools-face-severe-teacher-shortage/article\\_2c66488c-0d9d-11ec-913f-cf4b74122f34.html](https://www.bakersfield.com/news/not-enough-subs-california-schools-face-severe-teacher-shortage/article_2c66488c-0d9d-11ec-913f-cf4b74122f34.html)

Central Valley schools face critical substitute teacher shortage – <https://californianewstimes.com/central-valley-schools-face-critical-substitute-teacher-shortage/515012/>

### **Economic Impact Assessment/Analysis**

The proposed amendments implement, interpret, and make specific Education Code section 44259 pertaining to Subject Matter Competence.

The purpose of the proposed addition and amendments are to clarify and make specific the following as related to Subject Matter Competence:

- Add Title 5 CCR section 80096 to require that coursework must be degree-applicable, credit-bearing, and non-remedial. This section would also require that coursework must have a grade of “C” or higher, “pass”, or “credit.” Coursework must have been completed at a regionally accredited institution of higher education. Any coursework that subsumes or requires prior knowledge of the content identified in one or more domains of the subject matter requirements may be considered as evidence of competence in those domains. For Single Subject candidates, a program may accept completion of a baccalaureate degree at a regionally accredited institution with a major directly aligned with one of the broad or subsumed subject areas. For Multiple Subject candidates, a program may accept completion of a baccalaureate degree at a regionally accredited institution with a major of Liberal Studies, Liberal Arts, Interdisciplinary

Studies, Elementary Education, or other degree including coursework in the content areas pursuant to subdivision (b) of Section 44282 of the Education Code. For Education Specialist candidates, a program may accept completion of a baccalaureate degree at a regionally accredited institution meeting either the Single Subject or Multiple Subject requirements.

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulation amendments:

**Creation or Elimination of Jobs Within the State of California**

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate jobs in California.

**Creation of New or Elimination of Existing Businesses Within the State of California**

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate existing businesses in California.

**Expansion of Businesses or Elimination of Existing Businesses Within the State of California**

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not cause the expansion or elimination of existing businesses in California.

**Benefits of the Regulations**

The Commission anticipates that the proposed amendments will help to clarify and implement the statutory changes adopted by the Legislature, which were intended to increase opportunities for candidates to complete their credentialing requirements and to enter the California teaching workforce. The regulations promote clarity by implementing these changes. The Commission also anticipates that the proposed amendments will benefit students attending public schools in the State of California and their families by increasing the supply of fully prepared teachers in classrooms. The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or an increase in the transparency in business. However, as noted above, staffing shortages are disproportionately likely to effect low income students and students of color. Therefore, to the extent that low income students and students of color are more likely to be in classrooms staffed by fully-prepared teachers rather than teachers on emergency authorizations as a result of this regulation, there will be an increase in fairness and social equity.

**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 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.

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

**Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business**

The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to the demonstration of subject matter competence by prospective teachers.

**Contact Information**

The Commission may be contacted by email at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov) or by telephone at (916) 327-5339 Monday through Friday from 12 pm to 4 pm Pacific time.