



CODED CORRESPONDENCE

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22-02

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 to Title 5 of the California Code of Regulations Pertaining
to Examination Fees**

Summary

The Commission is proposing to amend sections 80487 and 80071.4 related to examination fees. Specifically, the Commission is proposing to repeal 80487(a)(4) to remove the fee for the paper-based California Basic Education Skills Test (CBEST), amend 80487(a)(2) to correct a typo, amend the numbering in 80487 to update it, and to amend 80071.4(j) to correct a reference.

Notice of Public Hearing

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the comment period.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes on April 25, 2022. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, Attn: Kathryn Taylor, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Kathryn.Taylor@ctc.ca.gov.

Authority and Reference

Education Code section 44225(q) authorizes the Commission to adopt the proposed regulations and amendments. These regulations are proposed in order to implement, interpret, and make specific the following: Education Code sections 44252(b) and 44252.5 pertaining to the basic skills requirement for educators and the Commission's responsibility to administer an examination to meet the basic skills requirement.

Information Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Education Code 44252.5 requires the Commission to administer the state basic skills proficiency test and authorizes the Commission to charge a fee to the individual being tested to cover the costs of the test, including developing, administering, and scoring the exam. The Commission will continue to administer the computer based CBEST at in-person testing centers and through home online proctoring but will no longer offer the paper-based examination to which the \$41 fee is attached.

Assembly Bill (AB) 130 (Chap. 44, Stats 2021) amended Education Code section 44252(b) to allow additional options for candidates to meet the basic skills requirement (BSR). Candidates may now apply college-level coursework that was completed with an earned grade of "B" or higher in basic reading, writing, and mathematics skills to meet the requirement, or candidates may mix coursework and passing scores of one or more of the CBEST subtests to demonstrate meeting the BSR. Previously, candidates had to pass all three subtests to use the CBEST examination to meet the BSR. To align with the "mix and match" law the CBEST has been subdivided into three individual sections to allow candidates to mix and match coursework and subtest completion to meet the basic skills requirement.

Summary of Effect of the Proposed Rulemaking

The proposed rulemaking will repeal the outdated \$41 paper-based testing fee from regulations. No other examination fees appear in regulations as all other fees are negotiated between the Commission and the examination contractor.

Non-substantive amendments will correct typos and improve the clarity and consistency in the Commission's regulations.

Objectives and Anticipated Benefits of the Proposed Regulations

Education Code 44252.5 requires the Commission to administer the state basic skills proficiency test and authorizes the Commission to charge a fee to the individual being tested to cover the costs of the test, including developing, administering, and scoring the exam. The objective of the proposed regulations is to remove an outdated fee for an outdated and currently unsafe proctoring method in order to be able to offer a safer and more accessible at home proctoring method. The original regulation was based on a single approach to standardized exam proctoring where individuals gather in a room with a proctor and take a pencil and paper examination. Advancements in technology and exams development now allow for alternative

and valid ways for individuals to take standardized examinations that offer more convenient, less stressful, and sometimes more affordable options for test takers. The Commission will continue to administer the CBEST via computer at in-person testing centers in addition to the at home online proctored exams but will no longer offer the paper-based examination to which the \$41 fee is attached. Additionally, with this change no other examination fees will appear in regulations; all other examination fees are negotiated between the Commission and the examination contractor. The additional proposed amendments will also ensure clarity through corrections of references and removal of typos.

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the standards for the CBEST fee.

Disclosures Regarding the Proposed Actions/Fiscal Impact

The Commission has made the following initial determinations.

Local Mandate

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. Local education agencies may choose to sponsor educator preparation programs utilizing the proposed regulations, however no mandate exists requiring local agencies or school districts to have educator preparation programs and therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

Fiscal Impact

Costs to any local agency or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government Code as sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

Cost or savings to any state agency

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

Other non-discretionary costs or savings imposed upon local agencies

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

Cost or savings in federal funding to the state

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

Housing Costs

No significant effect on housing costs exists. The repeal of the fee in addition to the other proposed amendments does not intersect with the cost of housing.

Significant Statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

The Commission has concluded there is no significant adverse impact on business. The Commission only contracts with one company to administer the CBEST examination at a time and uses the state approved contracting processes. Only the contractor's business is impacted by this regulatory proposal.

Statement of the Results of the Economic Impact Assessment

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

Creation or Elimination of Jobs within California

The Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California. The Commission contracts with Evaluation Systems group of Pearson to administer the CBEST. The contractor has not indicated any elimination of jobs as an outcome of this change in regulations. Instead, the addition of online proctoring has resulted in the creation of a small number of new jobs, according to the contractor.

Creation of New Businesses or Elimination of Existing Business within California

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing businesses within the State of California. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

Expansion of Businesses Currently Doing Business within the California

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California. The Commission will continue

to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates who have demonstrated basic skills competency in coursework are also benefitted by not having to re-prove competency. Candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed. The Commission does not anticipate any specific benefits regarding worker safety or the state's environment.

Cost Impacts on a Representative Private Person or Business

The current cost of the computer-based CBEST is \$30 per subtest, or \$90 to take all three subtests via computer either in a testing center or at home through online proctoring. Prior to eliminating the paper-based CBEST, the cost was \$102 for the computer-based examination whether an examinee had to pass all three parts or just one. Eliminating the paper-based assessment and adding the new options for demonstrating basic skills competence has made the CBEST potentially more affordable for all.

This proposal does not have a cost impact on businesses, as the Commission only contracts with one company at a time to administer the CBEST examination.

Business Report

This proposal does not require a report to be made.

Effect on Small Business

The proposed regulations will not have a significant adverse economic impact upon small business. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST examination. Business will remain the same and thus will not have an adverse economic impact on small business.

Alternatives Statement

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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. 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 Kathryn Taylor by telephone at (916) 445-0229, by mail at Commission on Teacher Credentialing, Attn: Kathryn Taylor, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Kathryn Taylor (Kathryn.Taylor@ctc.ca.gov) or Cara Mendoza (CMendoza@ctc.ca.gov). General question inquiries may also be directed to the addresses mentioned above. 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 <http://www.ctc.ca.gov/notices/rulemaking.html>. 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 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 Kathryn Taylor at the addresses or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kathryn Taylor at Kathryn.Taylor@ctc.ca.gov.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

The Commission on Teacher Credentialing has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING
CHAPTER 4. Procedure for Application for Adding Authorization to,
and Renewal of Credentials
Article 4. Fees for Credentials

80487. Fees

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, extension, or renewal of a credential shall be one hundred dollars unless otherwise established by law.

(2) The fee for upgrading a Certificate of ~~Eligibility~~ Eligibility to preliminary credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

~~(4) The fee for the state basic skills proficiency test shall be forty one dollars.~~

(4)(5) Seventeen dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.

(5)(6) Thirty-two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(6)(7) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(3), the fees shall accompany the application for issuance, reissuance or renewal. The fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential.

(c) The fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has met all the qualifications for a credential at the time the application is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within sixty days.

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, 44280, 44289, 44298, 44332.5(b), 44339, 44340 and 44341, Education Code; and Section 11105(e), Penal Code.

CHAPTER 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970
Article 3. Examinations and Subject Matter Programs

80071.4. Basic Skills Examination

(a) After January 31, 1983, every applicant for a credential, permit or certificate, or for the renewal of an emergency permit shall be required to have obtained a passing score on the California Basic Educational Skills Test (CBEST). The test is not required to renew, reissue or upgrade a credential, certificate or permit except when upgrading a permit would require a baccalaureate degree.

(b) Pursuant to Education Code Sections 44252(b) and (d) applicants for the following credentials, permits, or certificates are exempt from this requirement:

- (1) a credential to be issued solely for teaching adults in an apprenticeship program;
- (2) a credential for an adult education designated subject other than an academic subject; and
- (3) a certificate of clearance;
- (4) a children's center permit or a permit authorizing service in a special center for the handicapped, when a baccalaureate degree is not required;
- (5) a credential, certificate, or permit for an additional teaching authorization when the applicant holds a non-emergency credential, certificate or permit that requires a baccalaureate degree and authorizes teaching;
- (6) a health services credential;
- (7) a Designated Subjects Vocational Education Teaching Credential.
- (8) any Designated Subjects Special Subjects Credential for which a baccalaureate degree is not required.

(c) Pursuant to Education Code Section 44252(b)(3), a school district can request a one year non-renewable credential for an individual who they wish to employ and who has not yet passed the CBEST.

(1) The applicant for the one year non-renewable credential shall satisfy all of the following:

(A) either 1. or 2. below:

1. completed an out-of-state professional preparation program for a credential comparable to the California credential requested; or
2. completed a California approved professional preparation program for the requested credential prior to February 1, 1983 and has resided outside of California for the year immediately preceding application for the one year non-renewable emergency credential.

(B) and all minimum requirements for the California credential requested except for the CBEST requirement; and

(C) a basic skills test developed and administered by the employing school district.

(d) Applicants for an exchange certificated employee credential can be issued a one-year preliminary credential pending the passage of the CBEST.

(e) An applicant for any credential needing the CBEST shall be required to have passed it only once, regardless of the time that has elapsed between the date of passing the test and the date of the application.

(f) The Commission will establish the schedule of test administrations no less than four months prior to the beginning of the next fiscal year, and will publicize the schedule by all reasonable means as quickly as practicable.

(g) The Commission will arrange for a special administration of the test in the event that an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced.

The special administration will be scheduled by the Commission as soon as possible, consistent with the district's schedule for compliance with the requirements of sections 80071.4(h)(1)(B), (h)(1)(C), and (h)(2)(C) below, except that no special administration will be scheduled in the period three calendar weeks before a scheduled regular administration. No special administration will be scheduled without reasonable assurance that at least forty people will actually register and take the test at the special administration. Two or more districts or counties may jointly participate in a single administration provided each can satisfy the requirements specified in Section 80071.4(h).

(h) The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.

(1) The minutes of the governing board meeting must show that the board accepts the following conditions:

(A) An emergency as defined in subsection (g) exists and is unavoidable.

(B) District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agent;

(C) District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system;

(D) The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.

(E) The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.

(2) The superintendent of the district or county shall provide the following information as part of the written request:

- (A) A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration;
- (B) Documentation on the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county, or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes;
- (C) A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county;
- (D) A definitive statement about whether admission to the special administration will be limited to people who are potential employees of the district or county requesting the special administration, or will be open to anyone who wishes to take the test;
- (E) Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.

- (i) No special administration will be scheduled for a college or university.
- (j) There will be no limit on the number of times a person may take the entire test or sections of the test. Section(s) of the test that have been passed need not be repeated, but no person taking the test may omit any section that has not been passed. ~~The test fee for repeating the test will be as specified in Section 80487(a)(5) of these regulations.~~
- (k) In determining whether a person has passed the test, the highest score obtained on any section of the test at any administration will be used without regard to the length of time that has elapsed since the score was obtained.
- (l) All credential program applicants shall take the CBEST for diagnostic purposes no later than the deadline for submission of his/her application for admission to the credential program unless the applicant is exempt from the CBEST for the credential.
- (m) An individual credential applicant who already holds a valid non-emergency teaching credential that requires a baccalaureate degree and is seeking an additional teaching authorization is exempt from the provisions of subsection (l).
- (n) The Commission will not consider appeals by credential applicants who have failed to achieve the passing standard established by the Commission at the time the CBEST has been most recently attempted.
- (o) The Commission will issue annually a report on the passing rates of various groups on the CBEST, including passing rates by institution attended.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44252.5, 44203 and 44830, Education Code.