

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching and Services Permits

Final Statement of Reasons

Public Problem

There is no change to the public problem information since the original submission of the Initial Statement of Reasons.

Purpose of Proposed Action

There is no change from the original purpose of the proposed action in the Initial Statement of Reasons.

Consideration of Alternatives

The Commission has determined 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.

Mandated Costs

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.

Updated Tally of Responses

The Commission received the following written responses to the public announcement:

| <i>Support</i> | <i>Opposition</i> |
|--|--|
| 1 personal opinion | 0 personal opinions |
| 0 organizational opinions | 2 organizational opinions |
| <i>Total: 1 response in support</i> | <i>Total: 2 responses in opposition</i> |

Total Written Responses: 3

Response Representing an Individual in Support

1. Susana Fernandez, Support Services Manager, Orange County Department of Education

Responses Representing Organizations in Support: None

Responses Representing Individuals in Opposition: None

Responses Representing Organizations in Opposition

1. Martina Sholiton, Assistant Superintendent, Monterey County Office of Education

Comment: The Ed. Code 80021.1 Multiple Subject, Single Subject or Education Specialist Provision Intern Permit has allowed the MCOE Special Education Division Supports maintaining 80021.1(b) as written because we currently have two employees that have this status that are doing a great job supporting our students with severe special education needs that include visual impairment and hearing impairments. All of these positions are hard to fill and there are not enough retired staff to help support in the time while trying to recruit staff. MCOE has also created an internal upward mobility and training in these hard to fill positions. We desperately need this regulation to remain as written.

Response: California employing agencies that choose to employ individuals on the basis of a PIP are required to provide support to holders of PIPs, including assistance with satisfying the subject-matter competence requirement [reference 5 California Code of Regulations (CCR) §80021.1(a)(5) subsections (C) and (D)]. Multiple subject-matter examination administration dates are available each year and employers should be encouraging holders of PIPs to register for each available date until passing scores on the subject-matter examinations are achieved, rather than relying on the PIP reissuance.

Employing agencies may request a Short-Term Staff Permit (STSP) to cover an unanticipated staffing need prior or subsequent to the individual holding a PIP. If the PIP reissuance continues, an individual could potentially teach in California’s public schools for up to three years without verifying his/her subject-matter competence and/or enrolling in an approved teacher preparation program.

As shown in Table 1, the number of Provisional Internship Permit (PIP) reissuances has decreased by almost half each year since the 2007-08 school year. This decreasing trend indicates that there is no longer a high need for the PIP reissuance.

Table 1: PIP Reissuances

| Year | Multiple Subject | Single Subject | Education Specialist | Totals |
|---------------|-------------------------|-----------------------|-----------------------------|---------------|
| 2011-12 | 3 | 10 | 12 | 25* |
| 2010-11 | 3 | 17 | 28 | 48 |
| 2009-10 | 9 | 62 | 58 | 129 |
| 2008-09 | 31 | 154 | 163 | 348 |
| 2007-08 | 42 | 242 | 269 | 553 |
| 2006-07 | 5 | 93 | 186 | 284 |
| Totals | 93 | 578 | 716 | 1,387 |

*Numbers of PIP Reissuances by employer for the 2011-12 school year: County Offices=8; School Districts=5; Charter Schools=5; Non-Public Schools/Agencies=2; Statewide Agencies=4

2. Jenny Teresi, Senior Manager/Liaison, Credential Services, San Bernardino City Superintendent of Schools representing Human Resource Administrators in San Bernardino and Riverside Counties

Comment: 80021.1(b) – Pgs. 13-14: One-time Renewal of PIP. Human resources administrators share the Commission’s desire and goal that every student be taught by fully qualified teachers. District and County HR professional work diligently to hire only fully qualified candidates. Unfortunately, there are times when a fully qualified teacher is not available, and employers must utilize less desirable options to staff classrooms such as permits and waivers. The Commission’s decision to maintain PIP and STSP permits is appreciated. Of concern and disappointment is the elimination of the PIP renewal. This represents a loss of flexibility for employing agencies attempting to staff hard-to-fill positions. PIP applicants are required to meet educational requirements and be provided support by the employer. The PIP renewal has provided the time necessary to obtain internship status and provide continuity to students for successful first-year PIP holders. The loss of the PIP renewal will periodically create circumstances in which employers will be unable to maintain a proven quality teacher because the teacher is not yet Intern eligible for a variety of reasons such as he or she has taken but not yet passed all sections of the CSET. Thank you.

Response: PIPs are issued to individuals who have not yet satisfied the subject-matter competence requirement necessary for entry into an intern program and to meet the No Child Left Behind (NCLB) highly qualified teacher status. The Commission requested the amendment to 5 CCR §80021.1(b) to limit the time individuals may teach in California public schools prior to satisfying the subject-matter competence requirement or enrolling in an approved teacher preparation program. California employing agencies that choose to employ individuals on the basis of a PIP are required to provide support to holders of PIPs, including assistance with satisfying the subject-matter competence requirement [reference 5 CCR §80021.1(a)(5) subsections (C) and (D)]. Multiple subject-matter examination administration dates are available each year and employers should be encouraging holders of PIPs to register for each available date until passing scores on the subject-matter examinations are achieved, rather than relying on the PIP reissuance.

Employing agencies may request a Short-Term Staff Permit (STSP) to cover an unanticipated staffing need prior or subsequent to an individual holding a PIP. If the PIP reissuance continues, an individual could potentially teach in California’s public schools for up to three years without verifying his/her subject-matter competence and/or enrolling in an approved teacher preparation program.

In addition, California employing agencies may employ credentialed teachers on the basis of a General Education Limited Assignment Permit (GELAP) or Special Education Limited Assignment Permit (SELAP) to staff classrooms when they are unable to recruit a suitable credentialed teacher. GELAPs and SELAPs allow fully credentialed teachers to teach outside their authorized areas while completing the requirements to earn an added authorization, supplementary authorization, or subject matter authorization. The GELAP and SELAP may be reissued two times in each content or specialty area as long as reissuance requirements are met by the permit holders.

As shown in Table 1, the number of Provisional Internship Permit (PIP) reissuances has decreased by almost half each year since the 2007-08 school year. This decreasing trend indicates that there is no longer a high need for the PIP reissuance.

Responses Received During the Public Hearing: None

Grand Total of Responses: 3