

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

Initial Statement of Reasons

Rationale for Proposed Regulations

The proposed amendments implement, interpret, and make specific Education Code sections 44225 subsections (d), (g), (l), and (q) and 44300 pertaining to the issuance of teaching and services permits.

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) related to teaching and services permits as approved by the Commission at the January 2013 meeting. The proposed amendments also include general clean-up of the emergency permit regulation sections.

General Provisions Governing Emergency Permits

Senate Bill (SB) 674 (Chap. 344, Stats. 1997) took effect on January 1, 1998 and limited the number of times an emergency permit may be reissued. 5 CCR §80023.1, as amended to implement the provisions of SB 674, states that an individual issued an emergency permit prior to January 1, 1998 may receive reissuance of that permit for a maximum of five additional one-year periods and an individual issued an emergency permit on or after January 1, 1998 may receive reissuance of that permit for a maximum of four additional one-year periods. Education Code (EC) §44251(c) was subsequently repealed and the maximum of four reissuances on an emergency permit is now solely outlined in 5 CCR §80023.1.

All emergency permits currently issued and reissued by the Commission require possession of a non-emergency document such as a preliminary, clear, or life credential that authorizes the holder to teach in California's public schools. Reissuance of emergency permits requires annual completion of six semester (or nine quarter) units of coursework (or the equivalent number of clock hours) associated with a Commission-approved program, passage of two examination subtests, or a combination of the two.

Emergency permits authorize the holder to provide instruction or services outside the authorization on his/her prerequisite credential while completing the requirements for the associated authorization or certificate. Qualifying for the associated authorization or certificate requires completion of a Commission-approved program, passage of examinations, or a combination of the two depending on the type of emergency permit held.

The proposed amendments seek to reduce the number of reissuances available on an emergency teaching or services permit from four to two effective January 1, 2014. The proposed amendments also provide general clean-up of this section to align with previous regulatory and statutory changes.

Types of and Specific Requirements for Emergency Permits

On December 4, 2003, the Commission took action to discontinue the issuance of multiple subject, single subject and education specialist emergency permits effective July 1, 2006. In 2005, the Commission approved regulations to establish two teaching permits to address the continuing need for documents to cover unanticipated and anticipated staffing needs. One document is to meet immediate teacher vacancies (Short-Term Staff Permit – 5 CCR §80021) and the other to staff classrooms when, after a diligent search, no appropriately credentialed teacher can be found (Provisional Internship Permit – 5 CCR §80021.1). The two permits, issued in the areas of multiple subject, single subject, and education specialist, replaced the Emergency Multiple Subject, Single Subject and Education Specialist Permits.

In addition, the Commission discontinued initial issuance of Emergency Speech-Language Pathology Services Permits (formerly titled “Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing”) with or without the Special Class Authorization effective July 1, 2000, but reissuances are still available. A search of the Commission’s computer system revealed that no reissuances of these permit types have been granted since 2006. Therefore, the amendments propose the deletion of the sections that allow reissuance of Emergency Speech-Language Pathology Services Permits with or without the Special Class Authorization.

The proposed amendments to 5 CCR §80023 are to delete the types of emergency permits no longer initially issued or reissued by the Commission. Also proposed is the repeal of 5 CCR §§80024.1, 80024.2, 80024.2.1, 80024.3.2, 80024.4, and 80024.5 that list the specific requirements for the types of emergency permits that are no longer initially issued or reissued by the Commission.

General Requirements for the Initial Issuance of Emergency Permits

The proposed amendments to 5 CCR §80023.2 are to align the basic skills requirement with Education Code §44252 and to update the reference to the types of emergency permits currently initially issued and reissued by the Commission.

Provisional Internship Permits

The addition of 5 CCR §80021.1 in 2005 created the Provisional Internship Permit (PIP). The purpose of the PIP is to allow California public school employers to staff classrooms when, after conducting a diligent search, no appropriately credentialed teacher can be found. Individuals employed on a PIP are required to attempt all subject matter examination subtests associated with the authorization(s) listed on the document. The current language of 5 CCR §80021.1 allows for a one-time reissuance of a PIP if the holder attempts but does not pass all the appropriate subject matter examination subtests.

The numbers of PIP reissuances have steadily decreased over the past five years. The proposed regulation amendments seek to remove the one-time PIP reissuance due to concerns with allowing individuals who have not yet completed or enrolled in a teacher preparation program to continue teaching in California public schools for two years without verification of subject-matter competence.

Emergency Designated Subjects Permit for 30-Day Substitute Teaching

SB 52 (Chap. 520, Stats. 2007) was signed on October 12, 2007. The provisions of SB 52 became effective immediately upon signature due to the inclusion of an urgency clause and created Designated Subjects Career Technical Education (CTE) Teaching Credentials. Subsequently, SB 1104 (Chap. 576, Stats. 2008) was signed on September 29, 2008. The bill took effect on January 1, 2009 and further amended the Education Code sections pertaining to the issuance of CTE credentials.

The Title 5 regulations pertaining to Full-Time/Part-Time Designated Subjects Vocational Education and Career Technical Education Teaching Credentials (§§80035, 80035.1, and 80035.5) were amended and new sections were added (§§80034.1, 80034.2, 80034.3) in February 2010 to implement the provisions of the two bills. The proposed amendments to 5 CCR §80025.5 are to change the title of the “Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service” to the Emergency Designated Subjects Career Technical Education Permit for 30-Day Substitute Teaching Service” and to align the experience requirement with the experience requirement for the Designated Subjects Three-Year Preliminary Career Technical Education Teaching Credential [reference §80034.2(a)(1)].

Proposed Amendments to Regulations

§80021.1(a)(2). Multiple Subject, Single Subject or Education Specialist Provisional Internship Permit

(b): Amendments to this subsection propose removal of the one-time PIP reissuance, as directed by the Commission in December 2012, to reduce the time individuals who have not yet completed or enrolled in a teacher preparation program may continue teaching in California public schools without verification of subject-matter competence.

(c): Proposes the addition of “a” prefacing the permit name to correct a previous typographical error and the capitalization of “Permit” for consistency with other references to the PIP.

§80023. Types of Emergency Permits

Opening Paragraph: Proposes amendments to update the referenced 5 CCR sections related to the issuance and reissuance of emergency permits.

(a) through (f): Because teachers serving on emergency permits are not considered compliant with the No Child Left Behind (NCLB) law, the Commission adopted a timeline in December 2003 to phase out the initial issuance and reissuance of Emergency Multiple Subject and Single Subject Teaching Permits [with or without a Crosscultural, Language and Academic Development (CLAD) or Bilingual, Crosscultural, Language and Academic Development (BCLAD) Emphasis]. The date set by the Commission to discontinue initial issuance and reissuance of these emergency permit types was July 1, 2006. Stakeholder testimony prior to and during the December 2003 Commission meeting indicated that there would be continued need for teaching documents to cover unanticipated and anticipated staffing needs. Therefore, Emergency Multiple Subject and Single Subject Teaching Permits were replaced by Short-Term Staff Permits (5 CCR §80021) and Provisional Internship Permits (5 CCR §80021.1). The amendments propose the deletion of these obsolete subsections since the Commission

discontinued initial issuance and reissuance of the referenced emergency permits effective July 1, 2006.

(g): As amended effective May 20, 1994, subsection (a)(4) of 5 CCR §80024.5 set the final initial issuance date for an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing (later renamed Emergency Speech-Language Services Permit) at July 1, 2000. Subsection (a) was subsequently repealed effective May 11, 2009. Although reissuance of this permit type is currently possible if initially issued prior to July 1, 2000, the Commission has not received a request for reissuance of an Emergency Speech-Language Pathology Services Permit since 2006. The amendments propose the deletion of this subsection that references an obsolete permit type.

(h): As amended effective May 20, 1994, subsection (a)(4) of 5 CCR §80024.4 set the final initial issuance date for an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization (later renamed Emergency Speech-Language Services Permit, including the Special Class Authorization) at July 1, 2000. Subsection (a) was subsequently repealed effective May 11, 2009. Although reissuance of this permit type is currently possible if initially issued prior to July 1, 2000, the Commission has not received a request for reissuance of an Emergency Speech-Language Pathology Services Permit, including the Special Class Authorization since 2003. The amendments propose the deletion of this subsection that references an obsolete permit type.

(i): Proposes the re-lettering of this subsection to (a) due to the proposed deletion of subsections (a) through (h).

(j): 5 CCR §80024.7 was amended in October 2010 to change the name of the “Emergency BCLAD Permit” to “Emergency Bilingual Permit” to implement the provisions of Assembly Bill 1871 (Chap. 660, Stats. 2008). The proposed amendments to this subsection are to update the permit name to match §80024.7. Also, proposes the re-lettering of this subsection to (b) due to the proposed deletion of subsections (a) through (h).

(k): Proposes the re-letting of this subsection to (c) due to the proposed deletion of subsections (a) through (h).

(l): 5 CCR §80024.3.1 allows for the issuance of an Emergency Resource Specialist Permit. Proposes the addition of the Emergency Resource Specialist Permit to the list of available emergency permits and the deletion of the Emergency Education Specialist Instruction Permit: Mild/Moderate Disabilities that was discontinued [issuance and reissuance—refer to (m) through (q) below for additional information] effective July 1, 2006. Also proposes the re-lettering of this subsection to (d) due to the proposed deletion of subsections (a) through (h).

(m) through (q): Because teachers serving on emergency permits are not considered compliant with the NCLB law, the Commission adopted a timeline in December 2003 to phase out the initial issuance and reissuance of Emergency Education Specialist Instruction Permits in all available specialty areas. The date set by the Commission to discontinue initial issuance and reissuance of these emergency permits was July 1, 2006. Stakeholder testimony prior to and

during the December 2003 Commission meeting indicated that there would be continued need for teaching documents to cover unanticipated and anticipated staffing needs. Therefore, Emergency Education Specialist Instruction Permits were replaced by Short-Term Staff Permits (5 CCR §80021) and Provisional Internship Permits (5 CCR §80021.1). The amendments propose the deletion of these obsolete subsections since the Commission discontinued initial issuance and reissuance of the referenced emergency permits effective July 1, 2006.

§80023.1. General Provisions Governing Emergency Permits.

(a): Proposed amendment to include the regulation section pertaining to Special Education Limited Assignment Permits that was added to the 5 CCR in July 2009 [reference 5 CCR §80027.1].

(b)(5): Proposed amendment to change the referenced EC section for charter schools to 47605 for consistency with other similar 5 CCR sections [reference 5 CCR §§80021(f)(1)(E), 80021.1f)(1)(E), 80034(c)(6), and 80034.1(a)(6)].

(c)(3): The Commission instructed staff at the December 2012 meeting to seek regulatory amendments to reduce the number of reissuances available on emergency permits from four to two to limit the time an individual may provide instruction or services outside the area authorized by his/her prerequisite credential. The proposed amendments prohibit reissuance of an emergency permit that was initially issued prior to January 1, 2014 if the permit has already been reissued two or more times.

(c)(4): The Commission instructed staff at the December 2012 meeting to seek regulatory amendments to reduce the number of reissuances available on emergency permits from four to two to limit the time an individual may provide instruction or services outside the area authorized by his/her prerequisite credential. The proposed new subsection is to allow an individual initially issued an emergency permit prior to January 1, 2014 a maximum of two reissuances.

(c)(5): The Commission instructed staff at the December 2012 meeting to seek regulatory amendments to reduce the number of reissuances available on emergency permits from four to two to limit the time an individual may provide instruction or services outside the area authorized by his/her prerequisite credential. The proposed amendments limit the number of reissuances of an emergency permit initially issued on or after January 1, 2014 to a maximum of two. Also, proposes the re-numbering of this subsection to (c)(5) due to the addition of new language in subsection (c)(4).

Note: Proposes the deletion of EC §44251(c) from the reference section due to the repeal of this subsection in 2007.

§80023.2. General Requirements for the Initial Issuance of Emergency Permits

(b): Education Code §44252 allows for additional options to passage of the California Basic Educational Skills Test (CBEST) to satisfy the basic skills requirement. The proposed amendment is to update the basic skills requirement language to align with the changes in statute pursuant to SB 1209 (Chap. 515, Stats. 2006).

(c): Proposed amendments cite the appropriate sections pertaining to the emergency permits currently initially issued and reissued by the Commission.

(e): Proposed amendments change “two fingerprint cards” to “verification of completion of livescan” (electronic process) as required by the Department of Justice. Penal Code §11077.1 as amended by SB 970 (Chap. 470, Stats. 2003) now requires submission of fingerprints via livescan and no longer accepts fingerprint cards. The proposed amendments also delete reference to the obsolete form that was previously required with the fingerprint cards (Application for Character and Identification Clearance) and the fee(s) that was previously required for the processing of fingerprint cards.

(f): Proposes the deletion of the application revision date and adds reference to §80001, which now provides definitions for applications used for certification purposes.

§80024.1. through §80024.2.1 Emergency Multiple Subject and Single Subject Teaching Permits (with or without a CLAD or BCLAD Emphasis)

Because teachers serving on emergency permits are not considered compliant with the NCLB law, the Commission adopted a timeline in December 2003 to phase out the initial issuance and reissuance of Emergency Multiple Subject and Single Subject Teaching Permits (with or without a CLAD or BCLAD Emphasis). The date set by the Commission to discontinue initial issuance and reissuance of these emergency permit types was July 1, 2006. Stakeholder testimony prior to and during the December 2003 Commission meeting indicated that there would be continued need for teaching documents to cover unanticipated and anticipated staffing needs. Therefore, Emergency Multiple Subject and Single Subject Teaching Permits were replaced by Short-Term Staff Permits (5 CCR §80021) and Provisional Internship Permits (5 CCR §80021.1). The amendments propose the repeal of these obsolete sections since the Commission discontinued initial issuance and reissuance of the referenced emergency permits effective July 1, 2006.

§80024.3.2. Emergency Education Specialist Instruction Permits

Because teachers serving on emergency permits are not considered compliant with the NCLB law, the Commission adopted a timeline in December 2003 to phase out the initial issuance and reissuance of Emergency Education Specialist Instruction Permits in all available specialty areas. The date set by the Commission to discontinue initial issuance and reissuance of these emergency permits was July 1, 2006. Stakeholder testimony prior to and during the December 2003 Commission meeting indicated that there would be continued need for teaching documents to cover unanticipated and anticipated staffing needs. Therefore, Emergency Education Specialist Instruction Permits were replaced by Short-Term Staff Permits (5 CCR §80021) and Provisional Internship Permits (5 CCR §80021.1). The amendments propose the repeal of these obsolete sections since the Commission discontinued initial issuance and reissuance of the referenced emergency permits effective July 1, 2006.

§80024.4. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Health, including the Special Class Authorization

As amended effective May 20, 1994, subsection (a)(4) of 5 CCR §80024.4 set the final initial issuance date for an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing, including the Special Class Authorization (later renamed Emergency Speech-

Language Services Permit, including the Special Class Authorization) at July 1, 2000. Subsection (a) was subsequently repealed effective May 11, 2009. Although reissuance of this permit type is currently possible if initially issued prior to July 1, 2000, the Commission has not received a request for reissuance of an Emergency Speech-Language Pathology Services Permit, including the Special Class Authorization since 2003. The amendments propose the repeal of this obsolete section.

§80024.5. Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing

As amended effective May 20, 1994, subsection (a)(4) of 5 CCR §80024.5 set the final initial issuance date for an Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing (later renamed Emergency Speech-Language Services Permit) at July 1, 2000. Subsection (a) was subsequently repealed effective May 11, 2009. Although reissuance of this permit type is currently possible if initially issued prior to July 1, 2000, the Commission has not received a request for reissuance of an Emergency Speech-Language Pathology Services Permit since 2006. The amendments propose the repeal of this obsolete section.

§80025.5. Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service

Title and (a): Proposes the change of “Vocational” to “Career Technical” to align with the provisions of SB 52 and SB 1104.

(a)(1): Proposes amendments to cite the correct 5 CCR section that provides the definition for the “high school diploma or equivalent” requirement as related to CTE teaching credentials.

(a)(2)(A) through (a)(2)(C): Proposed amendments to this subsection align the experience requirement for the emergency permit with the experience requirement for the Designated Subjects Three-Year Preliminary Career Technical Education Teaching Credential as specified in 5 CCR §80034.2(a)(1).

(a)(3): Proposes the deletion of the application revision date and adds reference to §80001, which now provides definitions for applications used for certification purposes.

(b) and (d): Proposes the change of “Vocational” to “Career Technical” to align with the provisions of SB 52 and SB 1104.

Documents Relied Upon in Preparing Regulations:

September 2013 Commission agenda item and insert:

<http://www.ctc.ca.gov/commission/agendas/2012-09/2012-09-5C.pdf>

<http://www.ctc.ca.gov/commission/agendas/2012-09/2012-09-5C-insert.pdf>

December 2013 Commission agenda item:

<http://www.ctc.ca.gov/commission/agendas/2012-12/2012-12-5B.pdf>

January 2013 Commission agenda item:

<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-3A.pdf>

Economic Impact Assessment/Analysis

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44225 subsections (d), (g), (l), and (q) and 44300 pertaining to the issuance of teaching and services permits.

The purpose of the proposed regulations amendments is as follows:

- Reduce from four to two, the number of available reissuances on Emergency CLAD Permits, Emergency Bilingual Permits, Emergency Resource Specialist Permits, and Emergency Teacher Librarian Services Permits;
- Remove the one-time PIP reissuance;
- Repeal the 5 CCR sections related to emergency permits no longer initially issued or reissued by the Commission; and
- General clean-up of sections related to teaching and services permits to align with previous statutory and regulatory changes.

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 teaching and services permits that authorize service in California's public schools. In reducing the number of reissuances available on an emergency permit, removing the one-time PIP reissuance, and the other proposed clean-up amendments, no jobs in California will be created or eliminated.

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

The proposed amendments pertain to teaching and services permits that authorize service in California's public schools. Reducing the number of reissuances available on an emergency permit, removing the one-time PIP reissuance, and the other proposed clean-up amendments 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 teaching and services permits that authorize service in California's public schools. In reducing the number of reissuances available on an emergency permit, removing the one-time PIP reissuance, and the other proposed clean-up amendments, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by limiting the time an individual may teach outside of his/her credentialed area (emergency permits) or teach prior to completing a teacher preparation program and satisfying the subject-matter competence requirement (PIPs). The

proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on teaching and services permits. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Reasonable Alternatives to the Regulations and the Commission’s Reasons for Rejecting Those Alternatives

Commission staff considered adding a prerequisite unit requirement (9 semester units or the equivalent in quarter units) to 5 CCR §80024.6 for initial issuance of an Emergency Teacher Librarian Services Permit due to the length of the preparation program for the associated Teacher Librarian Services Credential. The prerequisite unit requirement was proposed to increase the likelihood that individuals employed on the basis of the Emergency Teacher Librarian Services Permit would be able to complete the program for the credential in three years.

Analysis: Following public input in opposition of this proposed amendment by Derek Ramage, representing the Los Angeles Unified School District, at the January 2013 Commission meeting and the ensuing Commission discussion, the Commission rejected this alternative. The purpose of an emergency permit is to staff a position when a California public school employer cannot find a credentialed individual. A prerequisite unit requirement for initial issuance of an Emergency Teacher Librarian Services Permit could potentially create barriers for California public school employers attempting to staff teacher librarian services positions when a credentialed individuals are not available.

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 individuals seeking teaching and services permits that authorize service in California’s public schools.