

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Adding a Teaching or Content Area to a General Education Teaching Credential

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

June 14, 2013

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 June 10, 2013. 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. David Crable, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at dcrable@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 sections 44225(e), 44274.2 and 44399.1 pertaining to adding a teaching or content area to a general education credential.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) related to adding a teaching or content area to a general education teaching credential as approved by the Commission at the March 2013 meeting. The proposed amendments also include general clean-up of the regulation section.

General Provisions Governing Adding a Teaching or Content Area

5 CCR section 80499 allows a California credentialed teacher to add a teaching or content area to an existing general education teaching credential without completing the full professional preparation program for the new content area or credential type.

Requirements for earning a Multiple or Single Subject Credential have changed since the last update to this section of regulations in 2000. As a result, the regulation section is no longer consistent with current credential requirements. Several key policy questions related to this issue were discussed at the August 2012 (<http://www.ctc.ca.gov/commission/agendas/2012-08/2012-08-5D.pdf>) and January 2013 (<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-3B.pdf>) Commission meetings including the results of a survey of stakeholders on the pertinent issues raised. At the March 2013 Commission meeting (<http://www.ctc.ca.gov/commission/agendas/2013-03/2013-03-2A.pdf>), Commissioners provided staff direction on amendments to the Title 5 regulations.

Pedagogy Requirement

A pedagogy course must be completed when an individual is adding a Multiple Subject Credential while holding a Single Subject Credential and vice versa. To obtain the Single Subject Credential, the course must be a departmentalized pedagogy course but regulations do not specify that the departmentalized course be in the content area of the new Single Subject Credential. Current regulations also do not require the holder of a Single Subject Credential adding a new single subject content area to complete a pedagogy course in the content area to be added.

The Commission took action to require that the pedagogy course used to add a content area must align with the specific content area requested for both Multiple and Single Subject Credential holders seeking to add a new credential type or content area.

There are several content areas including science and mathematics in which there is only one pedagogy course in Commission-approved programs for all subject areas within the broad content area. For example, a teacher completing the pedagogy course for a credential in biology would already have satisfied the pedagogy requirement if adding the content area of chemistry. The Commission discussed this question and determined that the Single Subject Credential holder adding a new subject area that falls within the same broad content area would not need to complete additional pedagogy coursework. In addition, Commissioners determined that a Commission-approved program sponsor could grant an equivalency for coursework completed at that institution for candidates seeking to meet the pedagogy requirement to avoid any redundancy in requirements.

Where the Pedagogy Course is Completed

Some California institutions have developed “generic” pedagogy courses for individuals to use to earn another general education credential via 5 CCR section 80499 provisions although these institutions do not have a Commission-approved preparation program for the type of credential being sought. These stand-alone courses have not been reviewed by the Commission because they are not part of an accredited preparation program. Thus, these stand-alone courses may not align with current Commission program standards.

The Commission took action to accept pedagogy courses completed in California only if the institution has a Commission-approved program for the credential type or content area sought. The Commission further acted to accept pedagogy courses from states outside of California only if these courses were completed at a regionally-accredited institution with a professional teacher preparation program.

Reading/RICA Requirement

California-prepared Multiple and Single Subject Credential holders complete a self-contained or departmentalized reading course, as appropriate to the credential type, within their preliminary preparation program. In addition, effective October 1, 1998, passage of the Reading Instruction Competency Assessment (RICA) is also required for Multiple Subject Credential candidates. Currently, the holder of a Single Subject Credential seeking a Multiple Subject Credential must complete either the beginning reading requirement or pass the RICA.

The Commission took action to require that Single Subject Credential holders complete both the reading course and pass the RICA if seeking to earn a Multiple Subject Credential.

English Learner Requirement

Some individuals using 5 CCR section 80499 to qualify for a new content area or a new credential type do not hold an English Learner Authorization (ELA). The ELA requirement is not currently in 5 CCR section 80499. Therefore, credential holders are not currently required to earn an ELA to use the provisions of 5 CCR section 80499.

The Commission took action that all individuals earning a teaching credential or new content area using the 5 CCR section 80499 provision complete the requirements for earning an English Learner Authorization.

National Board Certification (NBC)

Senate Bill (SB) 941 (Chap. 348, Stats. 2011), effective January 1, 2012, added Education Code section 44399.1 which allows individuals to earn an additional credential or add a content area to a general education teaching credential based on National Board Certification (NBC). Previous to this change in statute, holders of Multiple or Single Subject Credentials wishing to add another content area or credential type who earned NBC in a new content area or credential type were required to complete subject-matter competence and other requirements.

Current statute allows the Commission to determine if an individual earning a credential using this new option must also satisfy subject-matter competence by examination to comply with the federal No Child Left Behind (NCLB) Act. While SB 941 was going through the legislative process, Commission staff consulted with the California Department of Education, the California agency responsible for NCLB Compliance. While working with the United States Department of Education, it was determined that the Commission through the California Department of Education would need to apply to the United States Department of Education for a waiver of the examination requirement based on the submission of a thorough analysis of the content of the NBC assessments.

Therefore, holders of a Single Subject Credential, or previously issued equivalent general education teaching credential, earning a Multiple Subject Credential based on NBC using this new option must pass the California Subject Examination for Teachers (CSET): Multiple

Subjects examination. The proposed amendments include language to align this regulation with this addition to statute.

Out-of-State Credentials

Statute specifies the requirements for issuance of credentials to out-of-state (OOS) credentialed teachers. The most recent change in statute was the passage of SB 1209 (Chap. 517, Stats. 2006), which amended Education Code section 44274.2 to allow possession of a full credential earned in a state or U.S. territory outside of California to be used to obtain a comparable California credential.

Some California-prepared Multiple or Single Subject Credential holders subsequently earn an OOS credential and want to add that authorization to their California credential. Currently, these individuals are evaluated as OOS-prepared teachers under the provisions of SB 1209 because they hold an OOS credential. This could result in only a preliminary credential being issued to the holder of a California clear credential. If these individuals hold a clear Multiple or Single Subject Credential, they have already met the clear credential requirements and should not need to complete additional requirements except for the ELA requirement if not previously met. If the individual holds a California preliminary credential, he or she should only need to meet the renewal requirements listed on his or her current credential and not additional requirements.

The proposed regulations include two options that would allow possession of a professional level teaching credential issued by another state or U.S. Territory to meet the requirement to add a teaching credential or content area:

- 1) For a Single Subject Credential, an OOS credential with a departmentalized classroom teaching authorization that is comparable to a content area currently issued in California, or
- 2) For a Multiple Subject Credential, an OOS credential with an elementary education or self-contained classroom teaching authorization.

Non-Substantive Changes

There are non-substantive changes that need to be included in 5 CCR section 80499 such as to remove all references to “professional” clear credentials and change the title of the section to better reflect the substance of the regulations. In addition, the option to verify subject-matter competence by completion of a subject-matter program when seeking a Multiple Subject Credential needs to be deleted to align the section with No Child Left Behind.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulation amendments are to:

- Implement and clarify recent statutory changes
- General clean-up of section related to adding a teaching or content area to general education credentials to align with previous statutory and regulatory changes
- Implement pedagogy and reading requirements as requested by the Commission
- Add an English Learner requirement as requested by the Commission

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by assuring appropriate preparation for teachers seeking to teach a new content area outside of his/her initially credentialed area. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on general education teaching credentials. 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.

Determination of Inconsistency/Incompatibility with Existing State Regulations

All proposed regulation amendments are general clean-up to align with previous statute and regulation amendments and, therefore, are not inconsistent or incompatible with existing regulations.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations:

August 2012 Commission agenda item 5D:

<http://www.ctc.ca.gov/commission/agendas/2012-08/2012-08-5D.pdf>

January 2013 Commission agenda item:

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

March 2013 Commission agenda item:

<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-2A.pdf>

<http://www.ctc.ca.gov/commission/agendas/2013-03/2013-03-2A-insert.pdf>

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 with 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.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by assuring appropriate preparation for a teacher seeking to teach a new content area outside of his or her initially credentialed area. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on general education teaching credentials. 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.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for 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 actions, 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 David Crable by telephone at (916) 323-5119 or David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 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. 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, an economic impact assessment/analysis contained in the Initial Statement of Reasons, Commission agenda item 3B from the January 2013 meeting, and Commission agenda item 2A from the March 2013 meeting (including the insert). Copies may be obtained by contacting David Crable 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 David Crable at (916) 323-5119.

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.