

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials**

#### **Initial Statement of Reasons**

##### **Rationale for Proposed Regulations**

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code section 44260.4 pertaining to Designated Subjects Special Subjects Teaching Credentials.

This rulemaking action proposes amendments to 5 California Code of Regulations (CCR) §80037 to establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill (BMD) and Reserve Officer Training Corps (ROTC). The proposed amendments also include general clean-up of outdated language in the existing regulation.

Education Code (EC) §33352 establishes the type and required instructional minutes of physical education instruction to be provided in the public schools. Specifically, subsection (b)(7) of EC §33352 requires a Local Education Agency (LEA) to provide a course of study for high school physical education that includes a developmentally appropriate sequence of instruction in the following eight areas:

- 1) the effects of physical activity upon dynamic health;
- 2) the mechanics of body movement;
- 3) aquatics;
- 4) gymnastics and tumbling;
- 5) individual and dual sports;
- 6) rhythms and dance;
- 7) team sports; and
- 8) combatives.

Current basic military drill and physical fitness training activities associated with BMD and ROTC courses may include instruction in some or all of the listed areas.

Although a special subjects teaching credential authorizes the holder to provide instruction in grades 12 and below, and in classes organized primarily for adults, the majority of individuals who hold special subjects teaching credentials in BMD and ROTC are employed at the high school level. One of the prescribed conditions for high school graduation in subsection (a)(1)(F) of EC §51225.3 is completion of two courses in physical education (unless the pupil has been exempted). Subsection (b) of EC §51225.3 allows governing boards, with the active involvement of parents, administrators, teachers, and pupils, to adopt alternative means for completion of the prescribed course of study.

Some LEAs grant high school graduation credit in physical education for BMD and ROTC courses under the provisions of EC §51225.3 while others do not. Although physical education is

an integral component in all branches of the military, BMD and ROTC special subjects teaching credentials do not currently include a specific physical education teaching authorization. LEAs that are willing to allow BMD or ROTC courses to satisfy high school graduation requirements often require these classes to be taught by individuals who hold a Single Subject Teaching Credential in Physical Education. Since many instructors in BMD and ROTC programs do not have a bachelor’s degree, they do not meet the basic requirements for earning the Single Subject teaching credential. Pupils attending schools that do not grant high school graduation credit in physical education for BMD and ROTC courses are required to enroll in traditional physical education courses in order to meet statutory graduation requirements, thereby creating the potential for enrollment declines in the BMD and ROTC programs.

A review of high school graduation requirements in the other 49 states revealed that there are currently nine states that allow ROTC courses to count toward satisfying the physical education graduation requirement. The nine states are identified in Table 1 along with information explaining the conditions (if any) under which high school graduation credit may be awarded in physical education for Junior ROTC (JROTC) or ROTC courses.

**Table 1: States that Award Physical Education High School Graduation Credit for ROTC**

State	Statute or Regulation	Graduation Requirement
Alabama	Alabama Administrative Code §290-3-1-.02(8)(c)	ROTC content standards approved as substitute for physical education credit in 2006. LEAs have flexibility to grant physical education credit for JROTC courses.
Arkansas	Arkansas Department of Education Rules Governing PE Course Credit §8.00	Two semesters of JROTC satisfies the ½ unit of physical education and the ½ unit of health and safety education requirements.
Florida	Florida Education Code §1003.428(2)(a)(6)	Two years of JROTC satisfies the one-credit requirement in physical education and the one-credit requirement in performing arts
Georgia	Georgia Education Code §160-4-2-.48(3)(b)5.(ii)(VI)	LEAs have flexibility to grant physical education credit for JROTC courses. Three credits in JROTC are required to satisfy the one-credit physical education requirement.
Illinois	Illinois Compiled Statute §27-6(b)	LEAs may excuse pupils enrolled in JROTC program from engaging in physical education courses.
Ohio	Ohio Administrative Code §3313.603(L)	LEAs may excuse pupils who complete two years of JROTC from the required physical education credit.
South Carolina	South Carolina Regulation No. R43-234	One credit of “PE or JROTC” is required for high school graduation.
Texas	Texas Administrative Code §74.11(d)(7)(A)	LEAs may substitute JROTC for the required one and one-half credits of physical education.
Washington	Revised Code of Washington §28A.230.050	Pupils who participate in military science and tactics may be excused from physical education requirement.

The reticence of some LEAs to recognize BMD and ROTC courses taught by holders of special subjects credentials as meeting some portion of the physical education graduation requirements may be due to the fact that these individuals have not satisfied the subject-matter knowledge requirement in physical education and, therefore, are perceived as not adequately prepared to provide instruction in the content area. The proposed Special Teaching Authorization in Physical Education, that an individual will be able to add to a preliminary or clear special subjects credential in BMD or ROTC, will provide the holder with a distinct physical education authorization that will be based on satisfaction of California’s basic skills requirement and verification of subject-matter knowledge in physical education equivalent to the subject-matter knowledge requirement that must be met holders of Single Subject Teaching Credentials in Physical Education.

The Special Teaching Authorization in Physical Education will be limited to the areas of basic military drill and physical fitness training because: 1) a minimum of four years of military experience that emphasized training in these areas is required for issuance of a special subjects teaching credential in BMD or ROTC; and 2) an authorization equivalent to the authorization of a Single Subject credential in Physical Education is not warranted since individuals who hold special subjects credentials in BMD or ROTC may not have a bachelor’s or higher degree and the program required for issuance of a clear special subjects credential is not as extensive as the teacher preparation program required for a general education teaching credential.

It is important to note that the Special Teaching Authorization in Physical Education will not compel LEAs to grant high school graduation credit in physical education. The Commission has determined the Special Teaching Authorization in Physical Education is necessary to strengthen the decisions of LEAs that choose to recognize the authorization in order to utilize the option provided in EC §51225.3(b) due to the basic skills and subject-matter knowledge in physical education requirements.

Table 2 displays the numbers of Designated Subjects Special Subjects Teaching Credentials with BMD and ROTC authorizations issued over the past five school years.

**Table 2: Basic Military Drill and Reserve Officer Training Corps Credential Numbers**

<b>Year</b>	<b>BMD</b>	<b>ROTC</b>	<b>Total</b>
2008	11	157	<b>168</b>
2009	9	147	<b>156</b>
2010	13	125	<b>138</b>
2011	11	135	<b>146</b>
2012	12	149	<b>161</b>
<b>Total</b>	<b>56</b>	<b>713</b>	<b>769</b>

The amendments to 5 CCR §80037 to establish a Special Teaching Credential in Physical Education for individuals who hold Preliminary or Clear Designated Subjects Special Subjects Teaching Credentials in BMD or ROTC are proposed under the authority granted to the Commission in the following subsections of EC §44225 (emphasis added):

*(b) Reduce and streamline the credential system to ensure teacher competence in the subject field or fields, while allowing greater flexibility in staffing local schools. The commission shall award the following types of credentials to applicants whose preparation and competence satisfy its standards:*

- (1) Basic teaching credentials for teaching in kindergarten, or any of the grades 1 to 12, inclusive, in public schools in this state.*
- (2) Credentials for teaching adult education classes and vocational education classes.*
- (3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. The commission may grant credentials to any candidate who concurrently meets the commission's standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.*
- (4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.*

*The commission may establish standards and requirements for preliminary and professional credentials of each type.*

*(e) Determine the scope and authorization of credentials, to ensure competence in teaching and other educational services, and establish sanctions for the misuse of credentials and the misassignment of credentialholders. The commission may grant an added or supplementary authorization to a credentialholder who has met the requirements and standards of the commission for the added or supplementary authorization. The commission shall exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission-approved subject matter examination, from the requirements of subdivision (e) of Section 44259 and Sections 44261, 44261.5, and 44261.7.*

*(g) Establish alternative methods for entry into the teaching profession, and into other certificated roles in the schools, by persons in varying circumstances, including persons who have been educated outside of California, provided that each applicant satisfies all of the requirements established by the commission. One alternative method shall be the successful completion of at least two years of classroom instruction under a district intern certificate, pursuant to Article 7.5 (commencing with Section 44325). In establishing alternative methods for entry into the teaching profession, the commission shall develop strategies to encourage classroom aides to become credentialed teachers.*

In addition to establishing a Special Teaching Authorization in Physical Education, the proposed amendments include general clean-up of the current, outdated language in 5 CCR §80037 as follows:

- 1) Move the requirement for a driving transcript from the Department of Motor Vehicles for the Limited Driver Training subject area to the subsection that clarifies the experience and/or education required for a special subjects credential;
- 2) Align the basic skills requirement language with current statute;

- 3) Amend the application form and fingerprint clearance language to align with other 5 CCR sections;
- 4) Clarify that recommendation for preliminary and clear special subjects credentials must be made by Commission-approved programs of personalized preparation (not an employing school district) to align with the requirements associated with designated subjects adult education and career technical education (CTE) credentials;
- 5) Provide the definition for “two years of successful teaching” required for a clear special subjects credential;
- 6) Incorporate the CTE program standards by reference, which is the program that must be completed for issuance of a clear special subjects credential;
- 7) Amend the health education requirement language to align with current statute and program requirements; and
- 8) Clarify that a clear special subjects credential will be issued with the Specially Designed Academic Instruction in English (SDAIE) authorization due to completion of an approved CTE program, since SDAIE components are embedded in the CTE programs.

### **Objectives and Anticipated Benefits of the Proposed Regulations**

The objectives of the proposed amendments are to clarify and make specific the following as related to Designated Subjects Special Subjects Teaching Credentials:

- establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in BMD and ROTC; and
- amend the current, outdated language related to the basic skills, application, fingerprint, and health education requirements;
- specify the type of program that must be completed for the clear credential and incorporate those program standards by reference;
- clarify the recommendation process for the preliminary and clear credential;
- define the teaching experience requirement for the clear credential;
- amend the clear credential authorization to include a SDAIE authorization; and
- move the driving transcript requirement for the Limited Driver Training subject to the appropriate subsection.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students’ course options.

The proposed regulations will promote fairness and prevent discrimination by aligning 5 CCR §80037 pertaining to the requirements for Designated Subjects Special Subjects Teaching Credentials with other 5 CCR sections pertaining to Designated Subjects Adult Education and CTE Teaching Credentials. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, 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.

## Summary of Proposed Amendments to Regulations

### ***§80037. Specific Requirements for and Authorization of the Designated Subjects Preliminary and Clear Special Subjects Teaching Credential***

**(a)(1)(B) and (a)(1)(C):** Proposes deletion of “or” at the end of these subsections, as each subsection pertains to a specific special subjects credential area.

**(a)(1)(D):** Proposes changing the period (.) at the end of this subsection to a semicolon (;) due to the proposed addition of subsection (a)(1)(E).

**(a)(1)(E):** Subsection (a)(1) clarifies the experience and/or education required for issuance of a preliminary special subjects teaching credential, but it does not currently include language clarifying the experience and/or education requirement for the special subject of Limited Driver Training. The proposed amendments add subsection (a)(1)(E) to clarify that driving experience must be verified by submission of a current driving record from the Department of Motor Vehicles. This language was moved from subsection (a)(2)(E) that pertains to licenses, recommendations, and coursework requirements.

**(a)(2)(E):** Proposes deletion of the language requiring submission of a current driving transcript from this subsection and the addition of the language to subsection (a)(1)(E). Subsection (a)(2) specifies the license, recommendation, or coursework required for issuance of a Designated Subjects Teaching Credential. The current driving transcript requirement for the Limited Driver Training subject area should be listed in subsection (a)(1), since that subsection specifies the experience and/or education required for issuance of a preliminary special subjects teaching credential.

**(a)(5):** EC §44252 allows for additional options to passage of the California Basic Educational Skills Test (CBEST) to satisfy California’s basic skills requirement. Subsection (d) of EC §44252 specifically exempts applicants for a special subjects credential from the basic skills requirement unless a bachelor’s degree is required for the special subject area. Driver Education and Training is the only special subject area that requires a bachelor’s degree for initial issuance of a preliminary special subjects teaching credential. The proposed amendments to this subsection update the basic skills requirement language to match and align with statute and add language clarifying that only applicants for the special subject area of Driver Education and Training must satisfy the requirement for initial issuance of a preliminary special subjects teaching credential. Also changes the period (.) at the end of the subsection to a semicolon (;) for consistency with other subsections.

**(a)(6):** Proposed amendments delete reference to “Employing School District (ESD)” and “Commission-approved Local Education Agency (LEA)”. Prior amendments to the Title 5 sections pertaining to Designated Subjects Adult and CTE (reference 5 CCR §§80034.2, 80035, 80035.1, 80036, 80036.1, and 80036.4) deleted the authority of ESDs to advise individuals regarding designated subjects teaching credential programs. Only Commission-approved programs of personalized preparation now have the authority to recommend individuals for preliminary and clear designated subjects credentials and the advisement will be provided by the program sponsor prior to submission of the preliminary credential application. The term ‘LEA’

pertains to a ‘Local Education Agency,’ which does not accurately reflect all the types of agencies that are allowed to develop and implement designated subjects teaching credential programs. The program sponsor recommendation requirement is a proposed addition in subsection (a)(8).

**(a)(7):** Proposed amendments clarify the application name and add the reference to §80001, which provides definitions for applications used for certification purposes. In addition, proposes addition of the subsection that specifies the application fee; deletion of the LEA or ESD recommendation language that will be clarified in subsection (a)(8); deletion of the redundant language requiring “verification of the requirements listed in (a)(1) through (a)(6)” [subsection (a) states the minimum requirements for the preliminary credential “...shall include all of the following.”]; and changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsection (a)(8).

Additional proposed amendments clarify that the requirement in EC §44340 to include fingerprints when filing an application is met with the submission of fingerprints via Livescan (electronic process) as required by the Department of Justice. Penal Code §11077.1 as amended by Senate Bill 970 (Chap. 470, Stats. 2003) now requires submission of fingerprints via Livescan and no longer accepts fingerprint cards. Specifically, the proposed amendments delete the language pertaining to fingerprint cards and replace it with language requiring completion of Livescan and clearance by the Commission if fingerprint clearance is not already on file at the Commission (reference 5 CCR §80442).

**(a)(8):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials [reference EC §44227(a)]. The proposed addition of this subsection is to require recommendation for a preliminary special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards for the clear credential are appropriate to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1(a) that provides the definition for “Commission-approved program of personalized preparation” as related to CTE programs.

**(b)(2):** Proposes the deletion of the language requiring the ESD to verify the two years of teaching experience required for issuance of a clear special subjects teaching credential. The Commission-approved program sponsor will verify the teaching experience prior to recommending the individual for the clear credential.

Due to prior amendments, §80034 now provides the definitions and terms related to designated subjects adult education teaching credentials, only. Therefore, additional proposed amendments to this subsection delete the reference to subsection §80034(f); delete “or the equivalent;” and add the definition for “two years of successful teaching” as related to special subjects teaching credentials, which is consistent with the teaching experience requirement for adult education

teaching credentials [reference 5 CCR §80034(e)] and CTE teaching credentials [reference 5 CCR §80034.1(c)].

**(b)(3):** Designated subjects programs were previously approved by the Commission but not accredited by the Committee on Accreditation. Since October 2008, designated subjects programs require approval by the Commission and accreditation by the Committee on Accreditation. The proposed amendments to this subsection delete the outdated language describing the requirements for the previous programs.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards are appropriate to both clear credential types. Therefore, the proposed amendments add language requiring completion of a program of personalized preparation based on the CTE program standards to qualify for the clear special subjects teaching credential and incorporates the program standards by reference.

**(b)(4):** Proposes clarification of the language pertaining to the health education requirement and includes the appropriate EC citation. EC §44261 that is currently included in this subsection refers to the minimum requirements for multiple subject and single subject teaching credentials and is not an appropriate reference for special subjects credentials. Also proposes deletion of the reference to §80421, as this regulation section includes an EC reference that is no longer related to the health education requirement.

**(b)(5):** Proposed amendments clarify the application name and add the reference to §80001, which now provides definitions for applications used for certification purposes. In addition, proposes addition of the subsection that specifies the application fee; deletion of the LEA or ESD recommendation language that will be clarified in subsection (b)(6); deletion of the redundant language requiring “verifications as specified for requirements (b)(2), (b)(3) and (b)(4)” [subsection (b) states the minimum requirements for the clear credential “...shall include all of the following:”]. Lastly, the proposed amendments delete the semicolon (;) after the application form and add the word “and” between the application form and fee since there will be only two requirements listed in this subsection.

**(b)(6):** Commission-approved programs of personalized preparation are required to recommend individuals for preliminary and clear designated subjects credentials [reference EC §44227(a)]. The proposed addition of this subsection is to require recommendation for a clear special subjects teaching credential by a Commission-approved program.

Although the requirements to qualify for a preliminary designated subjects CTE teaching credential differ slightly from the requirements for a preliminary designated subjects special subjects teaching credential, the CTE program standards for the clear credential are appropriate to both credential types. Therefore, the proposed language includes a cross-reference to §80034.1(a) that provides the definition for “Commission-approved program of personalized preparation” as related to CTE programs.



**(c):** Proposed new subsection to establish the minimum requirements for the Special Teaching Authorization in Physical Education.

**(c)(1):** Proposed new subsection to clarify that possession of a preliminary or clear special subjects teaching credential in BMD or ROTC is required for the Special Teaching Authorization in Physical Education because:

- qualifying for a preliminary credential in BMD or ROTC requires experience in the areas covered by the proposed Special Teaching Authorization; and
- BMD and ROTC courses are the special subjects credential areas most likely to include instruction in the physical education areas of basic military drill and physical fitness training

**(c)(2):** Proposed new subsection to require satisfaction of California’s basic skills requirement for consistency with other similar authorizations [reference 5 CCR §80050(c)(3) pertaining to the Special Teaching Authorization in Health and 5 CCR §80048.9.4(a)(3) pertaining to the Special Class Authorization].

**(c)(3):** Proposed new subsection to require verification of subject-matter knowledge in Physical Education by passage of an examination(s) or completion of a subject-matter program. The proposed language includes references to the relevant EC sections pertaining to subject-matter examinations and programs. This subject-matter knowledge requirement is the same subject-matter knowledge requirement that must be satisfied by individuals seeking a Single Subject Teaching Credential in Physical Education [reference 5 CCR 80413(a)(5)(B)].

**(c)(4):** An application form (reference 5 CCR §80433) and processing fee (reference EC §44235) are required for each credential issued by the Commission. The language proposed in this new subsection specifies the aforementioned requirements for issuance of the Special Teaching Authorization in Physical Education and references the relevant 5 CCR sections that define each requirement.

**(d):** Proposes re-lettering to subsection (d) due to the proposed addition of subsection (c). Also proposes moving the authorization language pertaining to special subjects teaching credentials to subsection (d)(1) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(1):** Proposed new subsection to clarify the authorization of a preliminary special subjects teaching credential. Deletes “clear” from the language previously provided in subsection (c) [re-lettered to subsection (d)]. The authorization for the clear credential will be provided in the proposed subsection (d)(2). Changes the period (.) at the end of the subsection to a semicolon (;) due to the proposed addition of subsections (d)(2) and (d)(3).

**(d)(2):** The CTE program standards, upon which the program individuals must complete to qualify for a clear special subjects credential as proposed in (b)(3) is based, include training that results in a Specially Designed Academic Instruction in English (SDAIE) authorization to serve English learners. The SDAIE authorization is earned upon program completion and issuance of a clear special subjects teaching credential (the SDAIE authorization is not listed on the preliminary credential). This proposed new subsection for the clear credential includes the same

authorization language as for the preliminary credential and language specifying the SDAIE authorization.

**(d)(3):** Proposed new subsection to clarify the authorization of the Special Teaching Authorization in Physical Education. Individuals who hold designated subjects special subjects teaching credentials in BMD and ROTC may have a bachelor's or higher degree, but verification of a degree is not a requirement for the subject areas. In addition, the program required for issuance of a clear special subjects credential is not as extensive as the teacher preparation program required for a preliminary or clear general education teaching credential. For these reasons, the Special Teaching Authorization in Physical Education will be limited to the instruction of Physical Education courses in basic military drill and physical fitness training as determined by the Commission.

Although special subjects teaching credentials in BMD and ROTC already authorize instruction in basic military drill and physical fitness training, possession of the Special Teaching Authorization verifies that the holder has satisfied the basic skills requirement and verified his/her subject-matter knowledge in Physical Education. The basic skills requirement, verification subject-matter knowledge equivalent to the subject-matter knowledge requirement met by holders of Single Subject Teaching Credentials in Physical Education, and a minimum of four years of military service (required to qualify for the special subjects credential in BMD or ROTC) that included extensive training in the areas of basic military drill and physical fitness training are the justification for issuance of the Special Teaching Authorization in Physical Education.

**(e):** Proposes re-lettering to subsection (e) from (d) due to the proposed addition of subsection (c).

**Note:** Proposes amendments to add additional relevant EC references.

**Documents Incorporated by Reference:**

*Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09): <http://www.ctc.ca.gov/educator-prep/standards/CTE-Handbook.pdf>

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

**Preconditions**

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are

established by Commission policy. Preconditions can be found within each program’s standards document.

### **Common Standards**

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

### **Educator Preparation Program Standards**

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

**Documents Relied Upon in Preparing Regulations:** None.

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

Education Code section 44225 authorizes the Commission to adopt these proposed amendments. The proposed amendments implement, interpret, and make specific Education Code section 44260.4 pertaining to Designated Subjects Special Subjects Teaching Credentials.

The purpose of the proposed amendments is to clarify and make specific the following as related to Designated Subjects Special Subjects Teaching Credentials:

- establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in BMD and ROTC; and
- amend the current, outdated language related to the basic skills, application, fingerprint, and health education requirements;
- specify the type of program that must be completed for the clear credential and incorporate those program standards by reference;
- clarify the recommendation process for the preliminary and clear credential;
- define the teaching experience requirement for the clear credential;
- amend the clear credential authorization to include a SDAIE authorization; and
- move the driving transcript requirement for the Limited Driver Training subject to the appropriate subsection.

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 requirements for and authorizations of Designated Subjects Special Subjects Teaching Credentials. Clarifying the requirements for and

authorizations of Designated Subjects Teaching Credentials, including the addition of a Special Teaching Authorization in Physical Education, 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 requirements for and authorizations of Designated Subjects Special Subjects Teaching Credentials. Clarifying the requirements for and authorizations of Designated Subjects Teaching Credentials, including the addition of a Special Teaching Authorization in Physical Education, 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 requirements for and authorizations of Designated Subjects Special Subjects Teaching Credentials. Clarifying the requirements for and authorizations of Designated Subjects Teaching Credentials, including the addition of a Special Teaching Authorization in Physical Education, will not cause the expansion or elimination of existing businesses in California.

#### 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 creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC; thereby increasing the students' course options.

The proposed regulations will promote fairness and prevent discrimination by aligning 5 CCR §80037 pertaining to the requirements for Designated Subjects Special Subjects Teaching Credentials with other 5 CCR sections pertaining to Designated Subjects Adult Education and CTE Teaching Credentials. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, 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.

#### **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. No alternatives have yet been proposed that will be less burdensome and equally effective.

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 requirements for and authorizations of Designated Subjects Special Subjects Teaching Credentials that authorize service in California’s public schools.