

Division VIII of Title 5 of the California Code of Regulations

Proposed Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Administrative Services Credentials 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:

April 24, 2015

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 e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on April 20, 2015. 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. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@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 44270, 44270.1, 44270.3, 44270.4, 44270.5 pertaining to Administrative Services Credentials.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes the following:

- Amend Title 5 California Code of Regulations (CCR) section 80054 to allow California prepared administrators to use teaching and/or services experience earned outside California toward qualifying for the preliminary Administrative Services Credential (ASC); clarify the application procedures for individuals who pass a Commission-approved examination in lieu of completing a preliminary program; and other amendments to update the program

standards incorporated by reference and clarify the application, application fee, and formal recommendation requirements; and

- Addition of Title 5 CCR section 80054.1 to clarify and interpret the provisions of the Education Code pertaining to the requirements for the preliminary and clear ASC for administrators prepared outside California.

Current law specifies the requirements for the preliminary and clear ASC for both California prepared and out-of-state prepared administrators. The Commission previously adopted regulation amendments to Title 5 CCR section 80054 to implement and clarify the requirements for California prepared individuals. The proposed addition of Title 5 CCR section 80054.1 will clarify and interpret the requirements for out-of-state prepared administrators.

California-Prepared Administrators

Title 5 CCR section 80054 currently includes a definition for “employing agency” that lists only agencies located in California. The definition for “employing agency” is referenced for the teaching/services experience required for issuance of a preliminary ASC and for the administrative services experience required for issuance of a clear ASC.

Completion of a Commission-approved clear administrative services program requires employment in an administrative position. Since Commission-approved programs are offered only in California, it is appropriate to restrict the administrative services experience requirement to California employing agencies for the clear ASC. However, referencing the same “employing agency” definition for the teaching/services experience requirement for the preliminary ASC prohibits individuals from using experience earned outside California to qualify for the credential. Under the current regulatory language, an individual with five or more years of teaching experience earned in another state who relocates to California and completes a Commission-approved administrative services program would not qualify for the preliminary credential until he/she taught in California for at least five years. The proposed amendments to Title 5 CCR section 80054 will allow individuals to use teaching and/or services experience earned in California or another state toward the five-year experience requirement for issuance of a preliminary ASC.

The current regulatory language also requires all applicants to obtain verification of program completion and formal recommendation for the preliminary ASC [or certificate of eligibility (CE)] and clear ASC from a Commission-approved program sponsor. However, individuals who pass an examination (currently the California Preliminary Administrative Examination or CPACE) may apply directly to the Commission for a preliminary ASC or CE, depending on their employment status and individuals who pass a national performance assessment (an assessment to satisfy this requirement has not yet been adopted by the Commission) may apply directly to the Commission for a clear ASC. The proposed amendments to Title 5 CCR section 80054 clarify that only individuals who complete a Commission-approved administrative services program must obtain verification of program completion and formal recommendation for the preliminary/CE or clear ASC credential.

The proposed amendments also include the addition of language related to the required application and application fee, an update of the program standards revision date, and other minor grammatical and punctuation edits.

Out-of-State Prepared Administrators

Assembly Bill (AB) 877 (Scott, Chap. 703, Stats. 2000) streamlined credential requirements for out-of-state prepared teachers and administrators. The measure added EC sections 44270.3 and 44270.4 to establish the requirements for out-of-state prepared administrators who taught and/or served as administrators outside California.

Title 5 CCR section 80054 previously included language that specified the requirements for administrators prepared outside California, but the regulation section was not amended upon the passage of AB 877 to include the routes for out-of-state experienced teachers and administrators. From October 2000 to July 2013, Commission staff relied on the language provided in EC sections 44270.3 and 44270.4 when evaluating applications from out-of-state prepared administrators who also held out-of-state teaching credentials and on Title 5 CCR section 80054 when evaluating applications from out-of-state prepared administrators who did not hold out-of-state teaching credentials and/or did not meet the out-of-state teaching experience requirement.

Regulation amendments to Title 5 CCR section 80054 effective July 1, 2013 removed the outdated language pertaining to out-of-state prepared administrators with the understanding that regulations for these individuals would be proposed at a later date. The proposed addition of Title 5 CCR section 80054.1 is required to clarify the requirements for preliminary and clear ASCs for administrators prepared in another state.

An Administrative Services Credential Advisory Panel was appointed by the Executive Director to study the preparation of leaders for California schools in 2010. The major purpose of the panel's work was to review the content, structure and requirements for administrator preparation to ensure that these remain appropriate to the needs of administrators serving in California schools. The panel's recommendations that were approved by the Commission in 2011 resulted in amendments to Title 5 CCR section 80054 pertaining to California prepared administrators. Two main changes resulting from the panel's recommendations affected the experience and prerequisite credential requirements for the preliminary ASC credential for California prepared administrators. The proposed regulations align the experience and prerequisite credential requirements for out-of-state prepared administrators to those that must be satisfied by California prepared administrators.

Experience Requirement

Subsection (c) of EC sections 44270.3 and 44270.4 for administrators prepared outside California require "at least three years" of teaching experience earned on the basis of an out-of-state credential. In addition, EC section 44270(a)(2) requires a minimum of three years of service on the basis of a valid prerequisite teaching or services credential. At the December 2011 meeting (<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5A.pdf>), the teaching and/or services experience requirement that California prepared administrators must satisfy to qualify for the preliminary credential was increased from three years to five years, as the Commission believes that previous experience in schools is a significant component in the readiness of a potential educational leader.

Support for increasing the number of years of experience required for California prepared administrators was based on the rationale that three years of experience is insufficient for a beginning administrator in today's schools. Additional experience allows the individual to gain critical knowledge of the education profession and requisite leadership skills. With the increasing

complexity of the administrator role in public schools, administrators are intently focused on instructional leadership and improvement of student academic outcomes.

The rationale for increasing the teaching/services experience requirement for California prepared administrators also applies to administrators prepared outside California. Therefore, the proposed regulation requires verification of five years of teaching/services experience to qualify for the preliminary credential in subsections (a) and (b) and the clear credential in subsection (d) for parity with the teaching/services experience requirement that must be satisfied by California prepared administrators [reference 5 CCR section 80054(a)(4)].

The proposed regulations define “full-time” as related to the teaching, services, and administrative services experience requirements as:

- A minimum of four hours a day, unless the minimum statutory attendance requirement for the students served is less.
- Experience must be on a daily basis and for at least 75% of the school year.
- Experience may be accrued in increments of a minimum of one semester.
- No part-time employment, meaning less than four hours per day, will be accepted.

The proposed definition is consistent with other 5 CCR sections that define “full-time” experience [reference 5 CCR sections 80048.3.1(c)(1), 80048.4(a)(6)(A), and 80413.3(c)(2)]. The proposed regulations include additional language in the definitions of “full-time” for clarity purposes, depending on whether the experience is earned in California or another state.

Prerequisite Credential

An administrator prepared outside California who also holds a teaching credential and satisfies the teaching experience requirement in another state is not required to hold a prerequisite California teaching or services credential to qualify for a preliminary ASC (reference EC sections 44270.3 and 44270.4). However, an administrator prepared outside California who does not also hold a teaching credential and/or does not satisfy the teaching experience requirement will be required by these proposed regulations to hold a prerequisite California teaching or services credential to qualify for the preliminary and clear ASC. [See EC section 44270(a)(1)]

In conjunction with the increased number of years of experience, the Commission approved the recommendation from the Administrative Services Advisory Panel to require possession of a clear or life teaching or services credential as a prerequisite for issuance of the preliminary ASC. The rationale in support of this decision was that an individual holding both preliminary teaching/services and administrative credentials will encounter challenges earning both clear credentials as the requirements are different and require service in each credential area. It is rare that an individual would be employed in simultaneous teaching or services and administrative positions. A no-win situation is created for the holder of a preliminary teaching or services credential and a preliminary ASC who cannot complete the requirements for both clear credentials, especially since the individual must hold a teaching or services credential to qualify for a clear ASC.

Requiring possession of a clear or life teaching or services credential for an administrator who must hold a prerequisite credential allows the individual to focus first on earning the clear teaching or services credential. The individual could then turn their focus to the requirements for the clear ASC while also learning how to be an effective administrator.

The rationale for requiring a clear or life teaching/services credential for California prepared administrators also applies to administrators prepared outside California. Therefore, the proposed regulations require possession of a clear or life teaching/services credential to qualify for the preliminary credential in subsection (b) and for the clear credential in subsection (c) for parity with the prerequisite teaching/services credential requirement that must be satisfied by California prepared administrators [reference 5 CCR section 80054(a)(1) and (d)(2)].

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed addition and amendments are to clarify and make specific the following as related to Administrative Services Credentials:

- allow California prepared administrators to use teaching and/or services experience earned outside California toward qualifying for the preliminary credential;
- clarify the application procedures for individuals who pass a Commission-approved examination in lieu of a preliminary program;
- update the program standards incorporated by reference and clarify the application, application fee, and formal recommendation requirements for California prepared administrators; and
- add Title 5 section 80054.1 to clarify and interpret the requirements for out-of-state prepared administrators.

The Commission anticipates that the proposed addition and amendments will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for California and out-of-state prepared individuals seeking Administrative Services 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.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations 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 5 CCR section 80054 is the only regulation section related to the issuance of Administrative Services Credentials to California prepared individuals and the proposed addition of 5 CCR section 80054.1 will be the only regulation section related to the issuance of Administrative Services Credentials to out-of-state prepared individuals.

Documents Incorporated by Reference:

Administrative Services Credential Program Standards (rev. 6/2014):

<http://www.ctc.ca.gov/educator-prep/standards/SVC-Admin-Handbook-2014.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.

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:

January-February 2013 Commission agenda item 4D – Draft *California Administrator Performance Expectations* (CAPEs), Draft California Administrator Content Expectations, and Options for the Development of the Administrator Performance Assessment:

<http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4D.pdf>

April 2013 Commission agenda item 3A – Proposed Adoption and Implementation of the *California Administrator Performance Expectations* (CAPEs) and the California Administrator Content Expectations: <http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3A.pdf>

April 2013 Commission agenda item 3B – Draft Standards for Administrative Services Credential Preparation Programs: <http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3B.pdf>

April 2013 Commission meeting minutes:

<http://www.ctc.ca.gov/commission/agendas/2013-06/2013-06-2A.pdf>

August 2013 Commission agenda item 3C – Proposed Adoption of Standards and Preconditions for Preliminary Administrative Services Credential Preparation Programs:

<http://www.ctc.ca.gov/commission/agendas/2013-08/2013-08-3C.pdf>

August 2013 Commission agenda item 3C insert:

<http://www.ctc.ca.gov/commission/agendas/2013-08/2013-08-3C-insert.pdf>

September 2013 Commission agenda item 4F – Proposed Adoption of Standards and Preconditions for Preliminary Administrative Services Credential Preparation Programs:

<http://www.ctc.ca.gov/commission/agendas/2013-09/2013-09-4F.pdf>

December 2013 Commission agenda item 2A – Potential Adoption of Preconditions, Program Standards, Content Expectations, and Performance Expectations for Preliminary Administrative Services Credential Preparation Programs:

<http://www.ctc.ca.gov/commission/agendas/2013-12/2013-12-2A.pdf>

December 2013 Commission agenda item 2C – Update on the Development of the Administrative Services Credential (ASC) Clear Induction Program Standards and Revision of the California Professional Standards for Educational Leaders (CPSEL):

<http://www.ctc.ca.gov/commission/agendas/2013-12/2013-12-2C.pdf>

December 2013 Commission meeting minutes:

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-1A.pdf>

February 2014 Commission agenda item 6B – Proposed Adoption of the Updated California Professional Standards for Educational Leaders (CPSEL):

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6B.pdf>

February 2014 Commission agenda item 6B insert:

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6B-insert.pdf>

February 2014 Commission agenda item 6C – Proposed Adoption of Program Standards for Administrative Services Credential (ASC) Clear Induction Programs:

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6C.pdf>

February 2014 Commission agenda item 6C insert:

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6C-insert.pdf>

February 2013 Commission meeting minutes:

<http://www.ctc.ca.gov/commission/agendas/2014-04/2014-04-2A.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 within 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.

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for California and out-of-state prepared individuals seeking Administrative Services 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.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking Administrative Services 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 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 Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to David Crable at (916) 323-5119 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 the Initial Statement of Reasons, Text of Proposed Regulations, Document Incorporated by Reference, and Documents Relied Upon

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Tammy Duggan 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 Tammy A. Duggan at (916) 323-5354.

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.