

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

### **Proposed 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:

**February 8, 2019**

**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 February 4, 2019. 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](mailto: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 on Teacher Credentialing (Commission) to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44270, 44270.1, 44270.3, and 44270.4 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 80054.1 to allow out-of-state prepared administrators with at least three years of full-time teaching or services experience to substitute two years of out-of-state administrative experience to satisfy the

five-year teaching/services experience requirement for a Preliminary Administrative Services Credential (PASC);

- Update the program standards incorporated by reference in Title 5 of the CCR section 80054 due to amendments made by the Commission since the June 2014 revision date that include the California Administrator Performance Assessment (CalAPA); and
- Make other minor amendments Title 5 of the CCR sections 80054 and 80054.1 for clarity and consistency purposes.

### **Necessity and Rationale for Allowing Out-of-State Administrative Experience Substitution**

Amendments to Title 5 of the CCR §80054 took effect on July 1, 2013 and increased the years of required teaching/services experience for the PASC for California prepared administrators from three years to five years. Section 80054.1 was added to Title 5 of the CCR effective October 1, 2015 and details the requirements for out-of-state prepared administrators, including five years of teaching/services experience to align with the experience requirement for California prepared administrators

With very few exceptions, only three years of teaching and/or services experience is required for an individual to qualify for an administrative services credential in the other states. The increased experience requirement in California creates a potential barrier for out-of-state prepared administrators seeking certification in California. It is entirely possible that an individual with many years of successful administrative experience in another state would not qualify for an administrative services credential in California if the out-of-state administrative credential was issued on the basis of three years of teaching/services experience. Under the current regulations, an out-of-state credentialed administrator with less than five years of teaching or services experience would be required to return to the classroom (or services position) for one or two years to satisfy California's five-year experience requirement, regardless of the number of years the individual was employed in an administrative position.

There are three Education Code (EC) sections that specify the requirements for issuance of administrative services credentials to out-of-state prepared administrators (reference EC sections 44270, 44270.3, and 44270.4). Each EC section requires a minimum of three years teaching or services experience, as applicable to the credential route. The two years of additional teaching/services experience in Title 5 of the CCR section 80054.1 was added by the Commission; therefore, the Commission may define the type of experience acceptable to satisfy the additional two years of experience. The proposed regulation amendments to allow out-of-state administrative experience to satisfy the up to two years of teaching/services experience will adhere to the statutory three-year experience requirement, maintain the terms of the three credential routes available to out-of-state prepared administrators, and create a procedure for experienced administrators from other states to qualify for an administrative services credential in California.

### **Necessity and Rationale for Amendments to the Administrative Services Program Standards Document Incorporated by Reference**

The Administrative Services Program Standards were last amended in June 2014. Since that date, the Commission has adopted several significant amendments to the program standards that are included in the version with the July 2018 revision date. Since the program standards

with the June 2014 revision date are currently incorporated by reference in 5 CCR section 80054, the proposed amendments are necessary in order to incorporate by reference the current program standards document with the July 2018 revision date. Specific rationale for the amendments to the program standards document are provided in the “Program Standards” section beginning on page 5.

### **Necessity and Rationale for Other Amendments**

Several other minor amendments to the language included in 5 CCR sections 80054 and 80054.1 have been proposed as related to referenced Education Code sections and 5 CCR sections, and to add language in the sections related to Commission-approved programs for clarity and consistency purposes.

### **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 administrators prepared in other states to substitute up to two years of teaching/services experience earned outside California toward satisfying the five-year experience requirement;
- update the program standards incorporated by reference due to amendments adopted by the Commission since 2014 and that include the CalAPA; and
- Make other minor amendments Title 5 of the CCR sections 80054 and 80054.1 for clarity and consistency purposes.

The Commission anticipates that the proposed amendments will increase openness and transparency in government by clarifying the requirement for California and out-of-state prepared administrators and by updating the revision date of the Administrative Services Credential Program Standards incorporated by reference that now include passage of the CalAPA as a requirement for the PASC for individuals who complete Commission-approved preliminary programs. The Commission also anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California and their families by assuring administrators will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to perform administrative duties in California’s public schools. The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, or an increase in the 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 sections 80054 and 80054.1 are the only sections related to the issuance of Administrative Services Credentials.

**Documents Incorporated by Reference:** Administrative Services Credential Program Standards (rev. 7/2018): <https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/asc-admin-handbook-2018.pdf>

**Documents Relied Upon in Preparing Regulations:**

August 2012 Commission agenda item 4B – Exploration of the Concept of a Preliminary Administrative Credential Candidate Performance Assessment:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-08/2012-08-4b-pdf>

Approval of August 2012 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-1a-pdf>

September 2012 Commission agenda item 2D – Continuation of the Discussion of Examination Options relating to the Preliminary Administrative Services Credential:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-2d-pdf>

Approval of September 2012 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-1a-pdf>

December 2012 Commission agenda item 4E – Further Discussion of Assessment Options for the Preliminary Administrative Services Credential:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-12/2012-12-4e-pdf>

Approval of December 2012 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-01/2013-01-1a-pdf>

September 2013 Commission agenda item 4E – Update on Administrator Performance Assessments:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-09/2013-09-4e-pdf>

Approval of September 2013 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-12/2013-12-1a-pdf>

December 2013 Commission agenda item 3B – Update on Administrator Performance Assessment Development:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2014-12/2014-12-3b-pdf>

Approval of December 2013 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-02/2015-02-2a-pdf>

April 2015 Commission agenda item 4C (Revised) – Update on Work Relating to Administrator Preparation:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-04/2015-04-4c-pdf>

Approval of April 2015 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-06/2015-06-3a-pdf>

October 2015 Commission agenda item 2F – Update on the Development of Administrator Performance Assessment Design and Implementation Standards and Plans to Develop an Administrator Performance Assessment:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-10/2015-10-2f-pdf>

Approval of October 2015 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-1a-pdf>

December 2015 Commission agenda item 2F – Update on the Development of Administrator Performance Assessment Design and Program Implementation Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-2f-pdf>

December 2015 Commission agenda item 2H – Proposed Revision of the Enrollment Requirement for the Clear Administrative Services Credential Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-2h-pdf>

Approval of December 2015 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-1a-pdf>

February 2016 Commission agenda item 3F – Update on the Alignment of the CAPEs and CPSEL and Proposed Adoption and Approval of Administrator Performance Assessment Design and Program Implementation Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-3f-pdf>

February 2016 Commission agenda item 3F Insert:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-3f-insert.pdf>

Approval of February 2016 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-04/2016-04-2a-pdf>

June 2016 Commission item 2C – Adoption of Revised California Administrator Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-pdf>

June 2016 Commission agenda item 2C Handout:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-handout.pdf>

June 2016 Commission agenda item 2C Insert:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-insert-apa.pdf>

Approval of June 2016 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-09/2016-09-2a-pdf>

September 2016 Commission agenda item 3F – Proposed Revision to the Preliminary Administrative Services Program Standards to Align with the Recently Adopted CAPEs:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-09/2016-09-3f-pdf>

Approval of September 2016 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-1a-pdf>

October 2016 Commission agenda item 2F – Update on the Development of the California Administrator Performance Assessment (CalAPA):

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-2f-pdf>

Approval of October 2016 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-1a-pdf>

December 2016 Commission agenda item 3A – Proposed Revision of the Enrollment Requirement for the Clear Administrative Services Credential Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-12/2016-12-3a.pdf>

Approval of December 2016 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-02/2017-02-1a.pdf>

June 2017 Commission agenda item 3E – Update on the Development of the California Administrator Performance Assessment (CalAPA) and Pilot Study and Request for a Non-consequential Administration Year (2018-19):

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-06/2017-06-3e.pdf>

June 2017 Commission agenda item 3F – Realignment of the Preliminary Administrative Services Content and Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-06/2017-06-3f.pdf>

Approval of June 2017 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-3a.pdf>

September 2017 Commission agenda item 4E – Realignment of the Preliminary Administrative Services Content and Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-4e.pdf>

September 2017 Commission agenda item 4E Insert:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-4e-insert.pdf>

Approval of September 2017 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-10/2017-10-2a.pdf>

June 2018 Commission agenda item 4C – Proposed Preliminary Administrative Services Credential Program Standards Additions:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2018-06/2018-06-4c.pdf>

Approval of June 2018 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2018-08/2018-08-1a.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.

*Cost to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of the Government Code:* None.

*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 increase openness and transparency in government by clarifying the requirement for California and out-of-state prepared administrators and by updating the revision date of the Administrative Services Credential Program Standards incorporated by reference that now include passage of the CalAPA as a requirement for the PASC for individuals who complete Commission-approved preliminary programs. The Commission also anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California and their families by assuring administrators will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to perform administrative duties in California's public schools.

The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, or an increase in the 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 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/Availability of the Initial Statement of Reasons and Text of Proposed Regulations**

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](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### **Availability of the Rulemaking File**

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](http://www.ctc.ca.gov).