



# **CODED CORRESPONDENCE**

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**DATE:**

October 16, 2020

**NUMBER:**

20-07

**TO:**

All Individuals and Groups Interested in the Activities  
of the Commission on Teacher Credentialing

**FROM:**

Mary Vixie Sandy  
Executive Director  
Commission on Teacher Credentialing

**SUBJECT: Proposed Amendments to Title 5 of the California Code of Regulations  
Pertaining to Pupil Personnel Services Credentials and Educator Preparation Program  
Standards in School Counseling, School Psychology, and School Social Work**

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**Summary**

The Commission on Teacher Credentialing (Commission) proposes to repeal sections 80632, 80632.1, 80632.2, 80632.3, 80632.4, 80632.5 which are the outdated Pupil Personnel Educator Preparation program standards. The Commission is also proposing to adopt section 80605 which contains definitions related to educator preparation program standards and section 80614 which contains the most recently Commission adopted Pupil Personnel Educator Preparation program standards. Lastly, the Commission proposes amendments to section 80049 to remove out of date terminology and correct the language related to the Basic Skills Requirement.

**Notice of Public Hearing**

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the comment period.

**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 midnight on December 21, 2020. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, attn. Joshua Speaks, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to at [JSpeaks@ctc.ca.gov](mailto:JSpeaks@ctc.ca.gov) or Kathryn Taylor at [Kathryn.Taylor@ctc.ca.gov](mailto:Kathryn.Taylor@ctc.ca.gov).

Any written comments received by the closing of the public comment period 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 (EC) section 44225(q) authorizes the Commission to adopt the proposed regulations and amendments. These regulations are proposed in order to implement, interpret, and make specific the following: Education Code section 44372(b) pertaining to powers and duties of the Commission related to accreditation; section 44266 referring to Pupil Personnel Services credentials; and section 44225 pertaining to educator preparation programs meeting standards approved by the Commission.

As mandated as part of its duties, the Commission adopted revised Pupil Personnel Services (PPS) program standards in 2019 and those program standards will be added to these proposed regulations.

### **Information Digest/Policy Statement Overview**

#### *Summary of Existing Laws and Regulations*

Education Code section 44225 authorizes the Commission to adopt these proposed new regulations and amendments and establish standards for entry into the profession. The proposed new regulations and amendments implement, interpret, and make specific the following: Education Code section 44372(b) pertaining to powers and duties of the Commission related to accreditation; section 44266 referring to Pupil Personnel Services credentials; and section 44227 pertaining to educator preparation programs meeting standards approved by the Commission.

Existing regulations for the PPS program standards (80632, 80632.1, 80632.2, 80632.3, 80632.4, 80632.5) are over thirty years old. The Commission has recently updated and adopted new PPS standards.

Existing regulation section 80049 provides the specific requirements for Professional Clear Services Credential with a specialization in PPS.

#### *Summary of Effect of the Proposed Rulemaking*

Over the last thirty years, California public schools have experienced significant changes in the nature and context of the types of challenges they have faced and the roles and responsibilities

of PPS professionals at the school and district level have also changed in response to these new realities. Additionally, national professional standards around the expectations for these school professionals have been updated during this period. The proposed regulations will bring program standards up to date benefiting the needs of public-school children.

Due to the age of the current PPS standards in regulation the Commission is proposing to repeal sections 80632, 80632.1, 80632.2, 80632.3, 80632.4, 80632.5 and adopt sections 80605 and 80614. Organizationally, this will house all the Commission's program standards regulations in the same section, benefiting the stakeholders who need to access the regulations. Additionally, this will provide a definitions section that will apply to future sets of program standards as they are adopted and placed in the "Professional Preparation Programs" article of the Commission's regulations.

Finally, proposed amendments to section 80049 remove out of date terminology and broadens the language related to the Basic Skills Requirement. Currently regulations state candidates must pass the California Basic Education Skills Test (CBEST) to demonstrate basic skills. However, the authorizing education code, 44225(b), CBEST is only one of several ways for individuals to demonstrate basic skills for other credential areas. This change would bring the PPS credential requirements around basic skills in line with all other credentials and provide candidates with numerous options.

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

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents, as PPS educators work as school counselors, psychologists, and social workers – professionals that provide critical support for the academic, social and emotional, and mental well-being of TK-12 students. Parents and other educators will benefit from the enhanced school climate which creates a safer, healthier environment in which learning can take place. Additionally, the proposed amendments ensure high quality educator preparation programs which result in effective educators for California students. The new standards and proposed regulations should ensure a more prepared workforce for PPS positions who are better able to address the current needs of TK-12 students in California in the coming decade.

#### *Determination of Inconsistency/Incompatibility with Existing State Regulations*

The Commission has determined that the proposed regulation amendments 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 these are the only regulations that concern the standards for Pupil Personnel Services educator preparation and credential authorization statements for Pupil Personnel Services related credentials.

#### **Documents Incorporated by Reference**

- Pupil Personnel Services: School Counseling Preconditions, Program Standards, and Performance Expectations, adopted by the Commission April 2019, published May 2020

- Pupil Personnel Services: School Psychology Preconditions, Program Standards, and Performance Expectations, adopted by the Commission April 2019, published May 2020
- Pupil Personnel Services: School Social Work Preconditions, Program Standards, and Performance Expectations, adopted by the Commission April 2019, published May 2020

### **Disclosures Regarding the Proposed Actions/Fiscal Impact**

The Commission has made the following initial determinations.

#### *Local Mandate*

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. Local education agencies may choose sponsor educator preparation programs utilizing the proposed regulations, however no mandate exists requiring local agencies or school districts to have educator preparation programs and, therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

#### *Fiscal Impact*

*Costs to any local agency or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.*

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government Code as sponsoring an educator preparation program which is aligned to the proposed regulations and is not required by law.

*Cost or savings to any state agency.*

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

*Other non-discretionary costs or savings imposed upon local agencies.*

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

*Cost or savings in federal funding to the state.*

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law.

#### *Housing Costs*

No significant effect on housing costs exists. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law and would not affect housing costs.

*Significant Statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states*

The proposal will not have an impact. The proposed regulations are the standards that Commission accredited educator preparation programs must align their preparation program with to maintain accreditation for their program and the statement of authorization for the related credential. Participation in educator preparation is not mandated by law and would not directly affect business in California or their ability to compete with businesses in other states.

*Statement of the Results of the Economic Impact Assessment*

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

*Creation or Elimination of Jobs within California*

The proposed amendments pertain to program standards and credential requirements for institutions operating, or seeking to operate PPS programs, as well as the requirements for candidates within those programs. It is unlikely the proposed amendments will create jobs in California. Due to the educator shortage it is unlikely that the proposal will eliminate any jobs within California.

*Creation of New Businesses or Elimination of Existing Business within California*

The proposed amendments pertain to program standards and credential requirements for institutions operating, or seeking to operate PPS programs, as well as the requirements for candidates within those programs. It is unlikely that the proposal will create any new businesses within the State of California as institutions operating programs must already be an existing educational entity. Further, it is unlikely that the proposal will eliminate any existing businesses within the State of California as there is currently an educator shortage and educational institutions run multiple programs outside of educator preparation that impact business.

*Expansion of Businesses Currently Doing Business within the California*

It is possible that the proposal would cause the expansion of businesses currently doing business within the State of California. The proposed regulations apply to currently approved institutions or to institutions seeking approval which must already have regional accreditation and are only expanding their business into educator preparation in California. It is unclear whether or not any significant number of businesses would expand into California for the purposes of operating Pupil Personnel Services educator preparation programs.

*Benefits of the Regulations*

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents, as Pupil Personnel Services educators may work in a school counselor, psychologist, or social worker capacity resulting in a health and welfare benefit to students, colleagues, and parents. The proposed amendments ensure high quality educator preparation programs which result in effective educators for California students. Further, appropriate and high-quality mental health support within the public-school system will also

benefit worker safety and public health in the larger sense. The Commission does not anticipate the proposed regulations will result in direct benefits to the state's environment.

### **Cost Impacts on a Representative Private Person or Business**

Cost impacts to a representative business would be minimal. Non-Commission approved private/independent education entities elect to offer a program(s) and may allocate staffing and budget in any manner deemed appropriate by the business. The Commission is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

### **Business Report**

Regardless of their status as a for-profit or not-for-profit educational institution, programs seeking accreditation must provide the Commission with a written document which describes how the programs meet the standards. All Commission approved programs leading to licensure must provide documentation demonstrating that its programs are in accordance with Commission adopted preconditions, standards, and performance expectations in order to operate a PPS preparation program.

### **Effect on Small Business**

The proposed regulations will not have a significant adverse economic impact upon small business. The proposed regulations apply only to educational institutions electing to offer or offering Commission-approved and accredited educator programs. Educational institutions are California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for small business as defined in government code 11342.610. The vast majority of Commission approved program sponsors are nonprofit educational institutions. Very few institutions of higher education approved by the Commission at this time are for-profit businesses. Because offering an educator preparation program is voluntary, any institution must evaluate whether or not they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations.

### **Considerations of Alternatives**

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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 Information**

General or substantive inquiries concerning the proposed action may be directed to Joshua Speaks by telephone at (916) 327-5339, by mail at Commission on Teacher Credentialing, 1900

Capitol Avenue, Sacramento, CA 95811, or by email to Joshua Speaks ([JSpeaks@ctc.ca.gov](mailto:JSpeaks@ctc.ca.gov)) or Kathryn Taylor ([Kathryn.Taylor@ctc.ca.gov](mailto:Kathryn.Taylor@ctc.ca.gov)). General question inquiries may also be directed to the addresses mentioned above. 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 <http://www.ctc.ca.gov/notices/rulemaking.html>. 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. 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, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Joshua Speaks or Kathryn Taylor at the addresses or telephone number provided above.

#### **Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial 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, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Joshua Speaks at [JSpeaks@ctc.ca.gov](mailto:JSpeaks@ctc.ca.gov).

#### **Availability of Documents on the Internet**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <http://www.ctc.ca.gov/notices/rulemaking.html>.