The Commission on Teacher Credentialing has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~. Texted proposed to be deleted in this notice is shown in double strikethrough; text proposed to be added is shown in double underline.

# 15-Day Notice of Modifications and Supplemental Justification to Proposed Rulemaking: Title 5. Education, Division 8 Commission on Teacher Credentialing

## Supplemental Justification and Modifications for Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Examination Fees

Notice is Hereby Given, pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, that the Commission has proposed the following modifications to the proposed regulations. Any person who wishes to comment on the proposed modification to the text of the regulations may do so by submitting written comments postmarked beginning November 21, 2022, to the person indicated in the Contact Persons/Further Information section of this 15-Day Notice.

A 45-day notice was posted March 11, 2022, and the public comment period closed on April 25, 2022. No comments were received, and a public hearing was not requested or held. For changes proposed in this notice, text proposed to be deleted is in double strikethrough and text proposed to be added is in double underline.

Any written comments are to be restricted to the modifications to the enclosed language. The Commission is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. All written comments received or postmarked by December 6, 2022 pertain to the modified text of the proposed regulations provided in this notice will be reviewed and responded to by Commission staff as part of the compilation of the rulemaking file.

### Summary of Modifications

The Commission is proposing to add language to make it clear that the fee for the CBEST is now charged per subtest, at the cost of $30 per subtest. Previously, candidates had to pay for the entire exam, even if they only needed to take one or two subtests to achieve a passing score. Additionally, the Commission is proposing additional language to make it clear that the CBEST exam is offered via computer at testing centers as well as at home online proctoring. The paper-based version of the exam will no longer be administered.

### Necessity for Proposed Amendments

Due to the COVID-19 pandemic, the last paper-based CBEST was administered February 2020 and in April 2021 the Commission approved the elimination of the California Basic Educational Skills Test (CBEST) paper-based examination. The online proctoring option has been added for the CBEST examination to assist candidates in accessing the CBEST remotely. The elimination of the paper-based CBEST, for a cost of $41 dollars, and the advent of the online proctored CBEST in addition to the computer-based CBEST, necessitated an update to the cost of the CBEST. As a result, all CBEST examinations, whether a computer-based examination administered via a PearsonVUE testing site or an online proctored examination administered via the web, was determined to be at a cost of $30 dollars per subtest.

80487(a)(4): Added in the fee for the exam, as it is required by statute and to make clear that the fee for the state basic skills proficiency test shall be set at $30 per subtest for fiscal year 2022-23 and thereafter adjusted as necessary by the Commission.

800487(a)(5)-(a)(7): Amended to correct numbering.

80071.4(f): Amended language to make clear that the exam is administered via computer-based testing centers and online at home proctored exams. The paper-based exam has been eliminated and this addition makes it clear to the public that there are two options for how and where to take the exam.

### 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 on December 6, 2022. 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. Cara Mendoza, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Lynette Roby at Lynette.Roby@ctc.ca.gov.

### Contact Persons/Further Information

General or substantive inquiries concerning the proposed action may be directed to Lynette Roby by telephone at 916-324-3668 by mail at Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Lynette Roby at Lynette.Roby@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 rulemaking website](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 Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations, and this 15-Day Notice can be accessed through the Commission’s website listed above.

**PROPOSED TEXT**

**CALIFORNIA CODE OF REGULATIONS**

**TITLE 5. EDUCATION**

**DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

### CHAPTER 4. Procedure for Application for Adding Authorization to, and Renewal of Credentials

### Article 4. Fees for Credentials

#### **80487. Fees**

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, extension, or renewal of a credential shall be one hundred dollars unless otherwise established by law.

(2) The fee for upgrading a Certificate of ~~Eligiblity~~ Eligibility to preliminary credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) ~~(4) The fee for the state basic skills proficiency test shall be forty one dollars.~~ The fee for the state basic skills proficiency test (“California Basic Educational Skills Test” or “CBEST”) shall be thirty dollars per subtest.

(5)(4)~~(5)~~ Seventeen dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.

(6)(5)~~(6)~~ Thirty-two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(7)(6)~~(7)~~ The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(3), the fees shall accompany the application for issuance, reissuance or renewal. The fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential.

(c) The fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has met all the qualifications for a credential at the time the application is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within sixty days.

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, 44280, 44289, 44298, 44332.5(b), 44339, 44340 and 44341, Education Code; and Section 11105(e), Penal Code.

**CHAPTER 1. Credentials Issued Under the Teacher Preparation and Licensing Law of 1970**

**Article 3. Examinations and Subject Matter Programs**

***80071.4. Basic Skills Examination***

(a) After January 31, 1983, every applicant for a credential, permit or certificate, or for the renewal of an emergency permit shall be required to have obtained a passing score on the California Basic Educational Skills Test (CBEST). The test is not required to renew, reissue or upgrade a credential, certificate or permit except when upgrading a permit would require a baccalaureate degree.

(b) Pursuant to Education Code Sections 44252(b) and (d) applicants for the following credentials, permits, or certificates are exempt from this requirement:

(1) a credential to be issued solely for teaching adults in an apprenticeship program;

(2) a credential for an adult education designated subject other than an academic subject; and

(3) a certificate of clearance;

(4) a children's center permit or a permit authorizing service in a special center for the handicapped, when a baccalaureate degree is not required;

(5) a credential, certificate, or permit for an additional teaching authorization when the applicant holds a non-emergency credential, certificate or permit that requires a baccalaureate degree and authorizes teaching;

(6) a health services credential;

(7) a Designated Subjects Vocational Education Teaching Credential.

(8) any Designated Subjects Special Subjects Credential for which a baccalaureate degree is not required.

(c) Pursuant to Education Code Section 44252(b)(3), a school district can request a one year non-renewable credential for an individual who they wish to employ and who has not yet passed the CBEST.

(1) The applicant for the one year non-renewable credential shall satisfy all of the following:

(A) either 1. or 2. below:

1. completed an out-of-state professional preparation program for a credential comparable to the California credential requested; or

2. completed a California approved professional preparation program for the requested credential prior to February 1, 1983 and has resided outside of California for the year immediately preceding application for the one year non-renewable emergency credential.

(B) and all minimum requirements for the California credential requested except for the CBEST requirement; and

(C) a basic skills test developed and administered by the employing school district.

(d) Applicants for an exchange certificated employee credential can be issued a one-year preliminary credential pending the passage of the CBEST.

(e) An applicant for any credential needing the CBEST shall be required to have passed it only once, regardless of the time that has elapsed between the date of passing the test and the date of the application.

(f) The Commission will establish the schedule of test CBEST administrations for computer-based testing center exams and for online at-home proctored exams no less than four months prior to the beginning of the next fiscal year, and will publicize the schedule by all reasonable means as quickly as practicable. The only two testing options for CBEST are computer-based in a testing center and online-proctored where a proctor observes the test taker taking the CBEST online.

(g) The Commission will arrange for a special administration of the test in the event that an emergency occurs. An emergency for this purpose is a reasonably unforeseeable circumstance which cannot be avoided or a foreseeable one that cannot be accommodated because of the special and unique staff recruitment problems with which a school district or group of districts is faced.

The special administration will be scheduled by the Commission as soon as possible, consistent with the district's schedule for compliance with the requirements of sections 80071.4(h)(1)(B), (h)(1)(C), and (h)(2)(C) below, except that no special administration will be scheduled in the period three calendar weeks before a scheduled regular administration. No special administration will be scheduled without reasonable assurance that at least forty people will actually register and take the test at the special administration. Two or more districts or counties may jointly participate in a single administration provided each can satisfy the requirements specified in Section 80071.4(h).

(h) The written request for a special administration must include a copy of relevant sections of the official minutes of the district or county governing board and documentation by the superintendent of the specific facts of the emergency.

(1) The minutes of the governing board meeting must show that the board accepts the following conditions:

(A) An emergency as defined in subsection (g) exists and is unavoidable.

(B) District or county staff will assist in locating or providing space for the special administration and in the identification of qualified examination proctors, if such assistance is requested by the Commission or its designated agent;

(C) District or county staff will provide administrative support in accomplishing the registration process in a manner that will be consistent with the CBEST registration and reporting system;

(D) The district agrees to pay the full fee required for testing forty persons, even if fewer than forty actually take the test at a special administration.

(E) The district or county agrees not to require that the people taking the test pay any of the excess administrative cost incurred by the district or county.

(2) The superintendent of the district or county shall provide the following information as part of the written request:

(A) A detailed statement on the cause of the emergency and the reasons it could not have been anticipated in time to make use of the most recent previous regular administration;

(B) Documentation on the numbers of substitute or contract teachers needed, the total number of teachers on contract in the district or county, or the average daily number of substitutes used in the preceding year as appropriate to the definition of an emergency cited in the governing board minutes;

(C) A description of the plans for publicizing the special administration to insure that it will be maximally effective in attracting people not previously tested who can meet the emergency needs of the district or county;

(D) A definitive statement about whether admission to the special administration will be limited to people who are potential employees of the district or county requesting the special administration, or will be open to anyone who wishes to take the test;

(E) Designation of the county or district having primary responsibility for administrative arrangements for the special administration, in the event that two or more counties or districts are participating jointly in the special administration.

(i) No special administration will be scheduled for a college or university.

(j) There will be no limit on the number of times a person may take the entire test or sections of the test. Section(s) of the test that have been passed need not be repeated, but no person taking the test may omit any section that has not been passed. ~~The test fee for repeating the test will be as specified in Section 80487(a)(5) of these regulations.~~

(k) In determining whether a person has passed the test, the highest score obtained on any section of the test at any administration will be used without regard to the length of time that has elapsed since the score was obtained.

( l ) All credential program applicants shall take the CBEST for diagnostic purposes no later than the deadline for submission of his/her application for admission to the credential program unless the applicant is exempt from the CBEST for the credential.

(m) An individual credential applicant who already holds a valid non-emergency teaching credential that requires a baccalaureate degree and is seeking an additional teaching authorization is exempt from the provisions of subsection (l).

(n) The Commission will not consider appeals by credential applicants who have failed to achieve the passing standard established by the Commission at the time the CBEST has been most recently attempted.

(o) The Commission will issue annually a report on the passing rates of various groups on the CBEST, including passing rates by institution attended.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44252.5, 44203 and 44830, Education Code.