

# **Notice of Proposed Rulemaking: Title 5. Education, Division 8 Commission on Teacher Credentialing**

## **Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Examination Fees**

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. A copy of the proposed regulations is included with the added text underlined and the deleted text lined out.

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.

### **Summary of Proposed Action**

The Commission is proposing to amend sections 80487 and 80071.4 related to examination fees. Specifically, the Commission is proposing to repeal 80487(a)(4) to remove the fee for the paper-based California Basic Education Skills Test (CBEST), amend 80487(a)(2) to correct a typo, amend the numbering in 80487 to update it, and to amend 80071.4(j) to correct a reference.

### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes on April 25, 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: Kathryn Taylor, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [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 44252(b) and 44252.5 pertaining to the basic skills requirement for educators and the Commission's responsibility to administer an examination to meet the basic skills requirement.

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

### *Summary of Existing Laws and Regulations*

Education Code 44252.5 requires the Commission to administer the state basic skills proficiency test and authorizes the Commission to charge a fee to the individual being tested to cover the costs of the test, including developing, administering, and scoring the exam. The Commission will continue to administer the computer based CBEST at in-person testing centers and through home online proctoring but will no longer offer the paper-based examination to which the \$41 fee is attached.

Assembly Bill (AB) 130 (Chap. 44, Stats 2021) amended Education Code section 44252(b) to allow additional options for candidates to meet the basic skills requirement (BSR). Candidates may now apply college-level coursework that was completed with an earned grade of “B” or higher in basic reading, writing, and mathematics skills to meet the requirement, or candidates may mix coursework and passing scores of one or more of the CBEST subtests to demonstrate meeting the BSR. Previously, candidates had to pass all three subtests to use the CBEST examination to meet the BSR. To align with the “mix and match” law the CBEST has been sub-divided into three individual sections to allow candidates to mix and match coursework and subtest completion to meet the basic skills requirement.

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

The proposed rulemaking will repeal the outdated \$41 paper-based testing fee from regulations. No other examination fees appear in regulations as all other fees are negotiated between the Commission and the examination contractor.

Non-substantive amendments will correct typos and improve the clarity and consistency in the Commission’s regulations.

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

Education Code 44252.5 requires the Commission to administer the state basic skills proficiency test and authorizes the Commission to charge a fee to the individual being tested to cover the costs of the test, including developing, administering, and scoring the exam. The objective of the proposed regulations is to remove an outdated fee for an outdated and currently unsafe proctoring method in order to be able to offer a safer and more accessible at home proctoring method. The original regulation was based on a single approach to standardized exam proctoring where individuals gather in a room with a proctor and take a pencil and paper examination. Advancements in technology and exams development now allow for alternative and valid ways for individuals to take standardized examinations that offer more convenient, less stressful, and sometimes more affordable options for test takers. The Commission will continue to administer the CBEST via computer at in-person testing centers in addition to the at home online proctored exams but will no longer offer the paper-based examination to which the \$41 fee is attached. Additionally, with this change no other examination fees will appear in regulations; all other examination fees are negotiated between the Commission and the examination contractor. The additional proposed amendments will also ensure clarity through corrections of references and removal of typos.

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed.

*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 the CBEST fee.

**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 to 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 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. The repeal of the fee in addition to the other proposed amendments does not intersect with the cost of housing.

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

The Commission has concluded there is no significant adverse impact on business. The Commission only contracts with one company to administer the CBEST examination at a time and uses the state approved contracting processes. Only the contractor's business is impacted by this regulatory proposal.

*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 Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California. The Commission contracts with Evaluation Systems group of Pearson to administer the CBEST. The contractor has not indicated any elimination of jobs as an outcome of this change in regulations. Instead, the addition of online proctoring has resulted in the creation of a small number of new jobs, according to the contractor.

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

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing businesses within the State of California. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

*Expansion of Businesses Currently Doing Business within the California*

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

### *Benefits of the Regulations*

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates who have demonstrated basic skills competency in coursework are also benefitted by not having to re-prove competency. Candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed. The Commission does not anticipate any specific benefits regarding worker safety or the state's environment.

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

The current cost of the computer-based CBEST is \$30 per subtest, or \$90 to take all three subtests via computer either in a testing center or at home through online proctoring. Prior to eliminating the paper-based CBEST, the cost was \$102 for the computer-based examination whether an examinee had to pass all three parts or just one. Eliminating the paper-based assessment and adding the new options for demonstrating basic skills competence has made the CBEST potentially more affordable for all.

This proposal does not have a cost impact on businesses, as the Commission only contracts with one company at a time to administer the CBEST examination.

### **Business Report**

This proposal does not require a report to be made.

### **Effect on Small Business**

The proposed regulations will not have a significant adverse economic impact upon small business. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST examination. Business will remain the same and thus will not have an adverse economic impact on small business.

### **Alternatives Statement**

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 Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to Kathryn Taylor by telephone at (916) 445-0229, by mail at Commission on Teacher Credentialing, Attn: Kathryn Taylor, 1900

Capitol Avenue, Sacramento, CA 95811, or by email to Kathryn Taylor ([Kathryn.Taylor@ctc.ca.gov](mailto:Kathryn.Taylor@ctc.ca.gov)), or Cara Mendoza ([CMendoza@ctc.ca.gov](mailto:CMendoza@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 Statement of Reasons and Text of Proposed Regulations**

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 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 Kathryn Taylor at [Kathryn.Taylor@ctc.ca.gov](mailto:Kathryn.Taylor@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>.