

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

## **Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Teacher Performance Assessment Initial Statement of Reasons**

### **Problem Statement**

Section 44259(b)(3)(A) of the Education Code establishes the minimum requirements for earning a Preliminary Multiple or Single Subject teaching credential, which includes passage of a teaching performance assessment (TPA) approved by the Commission. AB 320 (Medina, Chap. 663, Stats. 2021) added passage of a TPA to the requirements for earning an Education Specialist Credential. Education Code section 44320.2(c) requires that the Commission “implement the performance assessment in a manner that does not increase the number of assessments required for teacher credential candidates prepared in this state.” Currently, a teacher candidate in a preparation program is required to complete a TPA that is Commission approved and is consistently applied to candidates in similar preparation programs. The educator preparation community has asked for clarity regarding whether candidates or teachers seeking both a Preliminary and an Education Specialist credential or more than one Education Specialist credential would be required to take and pass a TPA in each credential area.

### **Statement of Purpose**

In June 2021, the Commission determined that candidates enrolled in dual credential programs should only be required to take and pass one TPA not a TPA in each credential area. These proposed regulations will clarify that candidates shall only be required to pass one TPA when earning multiple credentials and that credentialing programs must collaborate with teacher candidates seeking two or more credentials to determine which TPA best aligns with the candidates' field placement and career goals. These regulations also make clear the instances when credentialed teachers seeking a subsequent credential be required or not be required to take and pass a TPA.

### **Necessity**

80059(a) is necessary to make clear that candidates shall only be required to pass one type of TPA when they are earning a Preliminary Multiple or Single Subject credential and a Preliminary Education Specialist credential at the same time and to make it clear that the educator preparation program has a responsibility to advise and assist the candidate enrolled in the program to determine the one specific teaching performance assessment that best aligns with the field placement and future career goals of the candidate. Requiring a TPA satisfies the performance assessment requirement outlined in Education Code 44320.2, which establishes a TPA as one component for recommendation of the Preliminary Multiple Subject, Single Subject, and Education Specialist teaching credentials. And these regulations align with the intent in Education Code section 44320.2(c) which states that performance assessments be

implemented in a manner that does not increase the number of assessments required for teacher credential candidates.

80059(b) is necessary to make clear the conditions in which a credential holder seeking a subsequent credential type shall be required to pass a TPA.

80059(c) is necessary to make clear the conditions in which a credential holder seeking a subsequent credential does not need to pass a TPA.

### **Anticipated Benefits**

These TPA requirements for teacher candidates enrolled in dual/multiple credential programs will maintain the integrity of the credentials sought while not burdening teacher candidates with multiple measures of the same knowledge, skills and abilities as identified in the universal TPEs and ensuring that Education Code section 44320.2(c) is clear to candidates and programs. Credentialing programs in collaboration with teacher candidates seeking two or more preliminary credentials will be able to determine which TPA best aligns with the candidates' field placement and career goals.

### **Fiscal and Economic Impacts of the Regulation**

#### Economic Impact Assessment

The Commission concludes that there is no estimated private sector cost impact as teacher candidates are currently required to pass a TPA in order to be recommended for a credential. This regulation ensures that candidates who earn multiple credentials are not burdened with additional assessment.

#### Creation or elimination of jobs within the state

The Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California. All Commission approved credential programs utilize the Commission's model CalTPA, the edTPA or the Fresno Assessment of Student Teachers (FAST) . Programs have not indicated any creation or elimination of jobs as a result of the proposed regulations.

#### Creation of new businesses or the elimination of existing businesses within the state

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 since the 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.

#### Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California since the TPAs are administered by Commission approved programs including CalTPA, edTPA and FAST.

### Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment

The Commission anticipates that the proposed regulations will continue to benefit the health and welfare of California residents by ensuring that candidates who earn multiple credentials are not burdened with additional assessment, while still ensuring that educators in California are well prepared to meet the needs of public school students. The Commission does not anticipate that these regulations will result in a direct benefit to worker safety or the state's environment.

### 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.

### Business Report

This proposal does not require a business report to be made.

### 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. A 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.

### **Documents Relied Upon**

Commission Agenda Items

February 2022 Commission Agenda Item 3B Proposed Teaching Performance Assessment Requirement for Teachers Earning More Than One Teaching Credential

[https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-02/2022-02-3b.pdf?sfvrsn=815d24b1\\_5](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-02/2022-02-3b.pdf?sfvrsn=815d24b1_5)

June 2021 Commission Item 4D Proposed Teaching Performance Assessment (TPA)

Requirements for Dual Credential Candidates and Proposed Updates to the TPA Assessment Design Standards

[https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-06/2021-06-4d.pdf?sfvrsn=e1c92ab1\\_4](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-06/2021-06-4d.pdf?sfvrsn=e1c92ab1_4)

Approval of the June 2021 Commission minutes

[https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-08/2021-08-2a.pdf?sfvrsn=15342ab1\\_8](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-08/2021-08-2a.pdf?sfvrsn=15342ab1_8)

### **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 person 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.

### **Significant Adverse Economic Impact on Business**

The Commission has concluded there is no significant adverse impact on business. As previously stated these regulations apply to teacher credential programs offered by those educational institutions that have been approved by the Commission. These institutions are regionally accredited institutions of higher education such as California State University, the University of California, and private and independent colleges and universities. The vast majority are non-profit educational organizations with a few for profit colleges or universities. These changes would not add an additional burden to Commission approved credential programs.