

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

## **Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Teaching Performance Assessment**

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 proposed section 80059 regulation will clarify that candidates shall only be required to pass one teaching performance assessment (TPA) when earning multiple credentials and that credentialing programs must collaborate with teacher candidates seeking two or more credentials to determine the TPA that 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.

### **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 at on September 12, 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: Lynette Roby, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [Lynette.Roby@ctc.ca.gov](mailto:Lynette.Roby@ctc.ca.gov) or Cheryl Hickey at [CHickey@ctc.ca.gov](mailto:CHickey@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**

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. 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. Education Code section 44225 authorizes the commission to create and amend regulations.

### **Summary of the Effect of the Proposed Action**

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 credential specific teaching performance expectations (TPE) 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 the TPA that best aligns with the candidate's field placement and career goals.

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

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

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.

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

The Commission anticipates that the proposed regulations will benefit the welfare of candidates as they 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 credential specific TPEs and ensuring that Education Code section 44320.2(c) is clear to candidates and programs. The regulation will also clarify that credentialing programs must collaborate with teacher candidates seeking two or more credentials to determine the TPA that best aligns with the candidates' field placement and career goals. Additionally, the regulations make clear the instances when credentialed teachers seeking a subsequent credential be required or not be required to take and pass a TPA.

#### *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 TPA requirements as applied to candidates seeking multiple credentials.

### **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 regulation; however no mandate exists that require 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 that 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 that 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 that is aligned to the proposed regulations is not required by law.

#### **Housing Costs**

No significant effect on housing costs exists. The proposed regulations do 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. Only Commission approved credentialing programs administer the TPA.

### **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. All Commission approved credential programs utilize the Commission's model CalTPA, the edTPA and FAST to administer the TPAs. These programs have not indicated any elimination of jobs.

#### *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 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 California*

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 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.

#### *Benefits of the Regulations*

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. Most

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 they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations

### **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: Regulations, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Lynette Roby ([Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov)) or Cheryl Hickey ([CHickey@ctc.ca.gov](mailto:CHickey@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 Lynette Roby 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

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Final Statement of Reasons may be obtained by contacting Lynette Roby at [Lynette.Roby@ctc.ca.gov](mailto:Lynette.Roby@ctc.ca.gov) or Cheryl Hickey at [CHickey@ctc.ca.gov](mailto:CHickey@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>.