

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 Emergency Permits Initial Statement of Reasons

Problem Statement

All types of Commission-issued emergency permits require that an application be submitted by an employing agency as a requirement for submission. In April 2019, the Commission allowed interested charter schools, districts, and county offices the option of submitting applications for Short-Term Staff Permits (STSP) and Provisional Internship Permits (PIP) through the online application system. Likewise, in March 2020, the Commission took further steps to allow Limited Assignment Permits to be submitted online. The Commission currently allows employing agencies to submit applications for emergency permits, including Short-Term Staff Permits (STSP), Provisional Internship Permits (PIP), English Learner Permits, and Limited Assignment Permits either electronically via the Commission's online application system or via a paper application by mail. The proposed regulatory changes would require employing agencies to submit emergency permit applications through the online system eliminating the option to submit paper applications via mail, thereby aligning the way in which emergency permit applications are submitted with current permit applications.

Statement of Purpose

The Commission has adopted the proposed amendments to implement, interpret, and make specific Education Code section 44225 to 56366 (non-consecutive) pertaining to Emergency Permits. These proposed regulations would parallel the current requirements for Commission-approved program sponsors to submit recommendations for program completers online. These regulations make clear the emergency permit applications that will be required to be submitted through the Commission's online application system, eliminating the option to submit paper applications via mail. Changes to Title 5 regulations are proposed accordingly to ensure coherence and consistency. Requiring the online submission of these applications will significantly cut down on the overall time that it takes for processing applications that have errors or issues with the application form.

Necessity and Rationale for Proposed Provisions

Amend 80021

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Short Term Staff Permits through the Commission's online application system.

Amend 80021.1

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Provisional Internship Permits through the Commission's online application system.

Amend 80022(a)(1)

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Teaching Permits for Statutory Leave through the Commission’s online application system.

Amend 80022(d)(1)(A)

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Teaching Permits for Statutory Leave through the Commission’s online application system.

Amend 80022(d)(2)(A)

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Teaching Permits for Statutory Leave through the Commission’s online application system.

Amend 80022(d)(3)(A)

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Teaching Permits for Statutory Leave through the Commission’s online application system.

Propose 80023.2(g)

A new paragraph is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting emergency permits through the Commission’s online application system.

Amend 80026.6(a)(1)

An additional sentence is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting emergency permits through the Commission’s online application system.

Propose 80027(a)(7)(C)

A new paragraph is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting General Education Limited Assignment Permits through the Commission’s online application system.

Amend 80027(b)(3)(C)

A new paragraph is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting General Education Limited Assignment Permits through the Commission’s online application system.

Propose 80027(b)(3)(D)

This non-substantive amendment is necessary to update the numbering in this section.

Amend 80027.1(a)(7)(C)

A new paragraph is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Special Education Limited Assignment Teaching Permits through the Commission’s online application system.

Propose 80027.1(a)(7)(D)

This non-substantive amendment is necessary to update the numbering in this section.

Amend 80027.1(b)(3)(C)

A new paragraph is necessary to make clear that beginning January 1, 2023, employing agencies shall be required to submit applications requesting Special Education Limited Assignment Teaching Permits through the Commission’s online application system.

Propose 80027.1(b)(3)(D)

This non-substantive amendment is necessary to update the numbering in this section.

Fiscal and Economic Impacts of the Regulation

Economic Impact Assessment

Creation or elimination of jobs within the state

The Commission concludes that it is unlikely that the proposal will create or eliminate jobs within the State of California. Currently, the Commission allows employing agencies to submit applications for emergency permits either electronically via the online application system or via a paper application by mail. By eliminating the option for paper applications, the workload for staff would likely not be affected because the proposed changes would not impact the actual number of applications that would be submitted, only the method of submission.

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. Employing agencies will need to submit emergency permit applications through the Commission’s online application system which is already an established process for other Commission-issued permits.

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 employing agencies will continue to submit applications to the Commission. Thus, there will not be a creation of new business or elimination of an existing business.

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 amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the environment by reducing the paper waste from applications submitted by the mail. Also, online applications will benefit the health and wellness and worker safety of

employing agency employees by allowing them to continue practicing appropriate social distancing.

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 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 only apply to employing agencies who are submitting an application for Commission – issued emergency permits. Business will remain the same and thus will not have an adverse economic impact on small business.

Documents Relied Upon

Commission Agenda Items

April 2022 Commission Agenda Item 2C Proposed Regulatory Amendments to Require Local Employing Agencies to Submit applications for Emergency Permits via the Commission’s Online Application System

https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-04/2022-04-2c.pdf?sfvrsn=62fb27b1_3

Anticipated Benefits

Requiring the online submission of these applications will significantly reduce issues with improperly filled out paper applications, timely payments, and mailing delays. This would cut down on the overall time that it takes for processing applications that have errors or issues with the application form. Additionally, it will improve the communication process in instances where additional information is required from an applicant or employer to complete processing because online communication is faster and more convenient.

Alternatives Statement

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 employing agencies submitting applications for emergency permits. Most of these institutions are non-profit educational organizations with a few for profit private schools.