

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

Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Emergency Permits

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 the Proposed Action

The Commission is proposing to amend sections 80021, 80021.1, 80022, 80023.2, 80026.6, 80027, and 80027.1 related to emergency permits. Specifically, the Commission is proposing the addition of the following statement, "Beginning January 1, 2023, employing agencies shall be required to submit applications requesting (type of permit) through the Commission's online application system." This statement clarifies that employing agencies will be required to submit emergency permit applications via the Commission's online application system, eliminating the option to submit paper applications via mail. Requiring the online submission of these applications will significantly reduce issues with improperly filled out paper applications, timely payments, and mailing delays.

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 at midnight on November 22, 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. Mika Laidler-Rubio, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to mika.laidler-rubio@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 44225 to 56366 (non-consecutive) pertaining to the emergency permits.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to the California Code of Regulations relating to emergency permit application submission. 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 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.

Summary of Effect of the Proposed Rulemaking

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 via 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.

Objectives and Anticipated Benefits of the Proposed Regulations

The Commission anticipates that requiring the online submission of emergency permit 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.

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 emergency permits.

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 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 district 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 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 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. The proposed regulations only apply to employing agencies who are submitting an application for Commission – issued emergency permits. Therefore, no businesses will be affected.

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 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 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. 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 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 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 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 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.

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 Mika Laidler-Rubio by telephone at (916) 327-8697, by mail at Commission on Teacher Credentialing: Attn: Mika Laidler-Rubio, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Mika.Laidler-Rubio@ctc.ca.gov or Erin Skubal at ESkubal@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 Mika Laidler-Rubio 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 Mika Laidler-Rubio at Mika.Laidler-Rubio@ctc.ca.gov or Erin Skubal at ESkubal@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>.

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