

Division VIII of Title 5 of the California Code of Regulations
Proposed Additions to Title 5 of the California Code of Regulations Pertaining to
Subject Matter Competence
Initial Statement of Reasons

Problem Statement

In July of 2021, AB 130 (Chapter 44, Statutes of 2021) was signed by Governor Newsom. It included amendments to Education Code section 44259(b)(5)(A) to allow for additional options to meet the subject matter requirement for preliminary teaching credentials. Prior to passage of AB 130, candidates could only demonstrate subject matter competency through an examination approved by the Commission or completion of a Commission-approved subject matter program. Now candidates may also meet the subject matter requirement through coursework, completion of a specified major, or combination of coursework and examination. However, clarification is needed for educator preparation programs and candidates regarding coursework review to determine if a candidate has met the subject matter competence requirement. Further, because the names of academic degree majors vary from one institution of higher education to another, additional guidance is needed around the specific academic degree majors that are equivalent to those specified in the statute.

Statement of Purpose

The Commission has adopted the proposed amendments to implement, interpret, and make specific Education Code section 44259 pertaining to Subject Matter Competence. The addition of the regulations proposed for section 80096 will clarify the statutory changes made by the enactment of AB 130. Educator preparation programs performing transcript reviews will have clear guidance on the types of coursework and majors that are now applicable to meet the subject matter requirement for a preliminary teaching credential. These regulations would authorize programs to verify a candidate's subject matter competence by confirming successful completion of specified coursework at a regionally accredited institution of higher education with a grade of C or better. The regulations would also authorize the use of a baccalaureate degree from a regionally accredited institution of higher education with an applicable major, as specified, for single subject candidates; a baccalaureate degree from a regionally accredited institution of higher education with a major of Liberal Studies, Liberal Arts, or Elementary Education for multiple subject candidates; or either of these options for education specialist candidates.

Necessity and Rationale for Proposed Provisions

These regulations are necessitated by the enactment of AB 130, which made the statutory changes being implemented and clarified by this rulemaking.

The proposed regulations are needed to clarify what kinds of majors are acceptable as meeting the subject matter competence requirement and to standardize across the state parameters for acceptable coursework to meet the subject matter competent requirement. The proposed regulations include the following:

§80096. This section is necessary as it establishes parameters for institutions to follow when determining acceptable coursework that meets subject matter requirements for a preliminary teaching credential. Subsections 80096(a)(1), (2), (3), and (4) establish parameters for institutions to follow when determining acceptable coursework that meets subject matter requirements for a preliminary teaching credential.

80096(a)(1) This section is necessary to provide institutions a guideline for acceptable course grades when reviewing official transcripts. Grades deemed to be acceptable include a grade of “C” or higher as well as “Pass,” “Credit,” or other designations deemed to be equivalent by an institution of higher education.

80096(a)(2) This section is necessary as it establishes for institutions reviewing official transcripts and coursework documentation that remedial coursework may not be considered to meet subject matter competency. Coursework that is degree-applicable to an Associate or higher degree and bears credit is acceptable.

80096(a)(3) This section is necessary as it ensures that coursework considered as acceptable has been completed at a regionally accredited institution of higher education. Regional accreditation assures the Commission that an institution of higher education (IHE) meets certain standards in relation to educational effectiveness, student learning, and institutional capacity. Education Code section 44203(g)(1)(A) specifies that the regionally accrediting bodies include the Western Association of Schools and Colleges, the Higher Learning Commission, the Middle States Commission on Higher Education, the Northwest Commission on Colleges and Universities, the New England Commission of Higher Education, and the Southern Association of Colleges and Schools Commission on Colleges.

80096(a)(4) This section is necessary to define when upper division or graduate coursework is acceptable. Upper division or graduate coursework that exceeds one (or more) subject matter domain may be considered if the course content requires existing knowledge of the subject matter domain. For example, Calculus is a higher-level math course that requires the student to have already mastered the domain of Algebra and is thus acceptable coursework.

80096 (b) This section is necessary to clarify the meaning of “a major in one of the subject areas in which the commission credentials candidates” for Single Subject credentials under section 44259(b)(5)(A)(iv)(I) of the Education Code. When reviewing official transcripts for subject matter competency for a Single Subject Credential under this section of the Education Code as well as Education Codes 44257.2(c)(1-2) and 44257(a)(1-15), the proposed regulations indicate that the name of the credential must be in the name of the major or degree.

In order to determine the acceptable majors for the Single Subject credential, Commission staff reviewed the majors offered by several California institutions of higher education and identified majors closely related to Single Subject credential areas but did not have the name of the credential in the name of the major. Staff also reviewed the subject areas that are subsumed

under each of the single subject credential areas as identified in Title 5 of the California Code of Regulations section 80005. Possible majors were then reviewed to see if they covered the subject matter requirements. In this process, staff considered the breadth or narrowness of coursework included in a typical academic major. The identified majors were shared with educational personnel and subject matter experts from the field for their feedback. They provided recommendations of majors that should and should not be included based on the many actual coursework reviews that were conducted this year. As a result, the following Sections 80096(b)(1), (2), (3), (4), (5), (6), (7), (8) and (9) are proposed to guide institutions when determining acceptable majors.

80096 (b) (1) A major in English Language Development (ELD), Teaching English to Speakers of Another Language (TESOL), Teaching English as a Foreign Language (TEFL), or a similar major meets coursework requirements for the single subject area World Language: English Language Development.

80096 (b) (2) A major in family and consumer science has been deemed to meet coursework requirements for the single subject area of Home Economics.

80096 (b) (3) A major in statistics meets the coursework requirements for the single subject area of Math.

80096 (b) (4) A major in biology, biological engineering, or biochemistry meet coursework requirements for the Biological Science credential.

80096 (b) (5) A major in chemical engineering or biochemistry have been deemed to meet coursework requirements for the Chemistry credential.

80096 (b) (6), A major in geology or earth science for the Geoscience credential.

80096 (b) (7), A major in mechanical or structural engineering for the Physics credential.

80096 (b) (8) A major in any type of engineering or any degree major offered by a college or university science department for the Foundational-Level Science credential.

80096 (b) (9) A major in history, ethnic studies, or any other major with a focus on the study of one or more related ethnicities for the single subject area of Social Sciences.

80096 (c) This section is necessary as it defines what a liberal studies major shall mean when reviewing official transcripts for subject matter competency for a Multiple Subject Credential. Education Code section 44314 defines the components of a “liberal arts” program as “including, but not limited to, language studies, literature, mathematics, science, social science, history, humanities, the arts, physical education and human development.” Commission staff reviewed the names of majors at different institutions of higher education that contained the

components and found that “Liberal Arts” and “Elementary Education” majors contained these subjects. Therefore, the following proposed sections 80096 (c) (1), (2) and (3) list the acceptable majors for subject matter competency for a Multiple Subject Credential.

80096 (c) (1) This section clarifies that Liberal Studies is an acceptable major for subject matter competency for a Multiple Subject Credential.

80096 (c) (2) This section clarifies that Liberal Arts is an acceptable major for subject matter competency for a Multiple Subject Credential.

80096 (c) (3) This section clarifies that Elementary Education is an acceptable major for subject matter competency for a Multiple Subject Credential.

80096 (d) This section is necessary to clarify for institutions that when reviewing official transcripts for subject matter competency for a Multiple Subject Credential under section 44259(b)(5)(A)(iv)(II) of the Education Code for any other degree that includes coursework in the content areas pursuant to subdivision (b) of section 44282 of the Education Code, such coursework must meet the criteria set forth in subsections (a)(1), (a)(2), and (a)(3) above.

80096 (e) This section is necessary when institutions review official transcripts for an Early Childhood Education Specialist Credential under section 44265(a) of the Education Code. Majors in Child Development, Child and Adolescent Development, Human Development, Early Childhood Education, or a similar major meet the subject matter requirement for an Early Childhood Education Specialist Credential.

Fiscal and Economic Impacts of the Regulations

Economic Impact Assessment/Analysis

AB 130 (Chapter 44, Statutes of 2021) included amendments to education code section 44259(b)(5)(A) to allow for additional options to meet the subject matter requirement for preliminary teaching credentials. In order to implement, interpret, and make specific Education Code section 44259, the Commission has adopted the addition of the proposed regulations for section 80096 that will clarify the statutory changes made by the enactment of AB 130.

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulation amendments:

Economic Impact Assessment

The Commission concludes that there is no estimated economic impact as the demonstration of subject matter competency is required by statute. These regulations do not create additional economic impact since all approved educator preparation programs currently review and determine subject matter competency for preliminary teaching credentials. These proposed regulations allow for additional options for educator preparation programs to consider when

determining if a candidate meets the subject matter requirement for preliminary teaching credentials.

Creation or Elimination of Jobs Within the State of California

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate jobs in California. The Commission anticipates that the proposed amendments are intended to increase opportunities for candidates to complete their credentialing requirements thereby possibly increasing the supply of fully prepared teachers who will be ready to enter the California teaching workforce.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate existing businesses in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not cause the expansion or elimination of existing businesses in California.

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

The Commission does not anticipate any specific benefits to the health and welfare of California residents, worker safety, and the state's environment. However, this rulemaking does address opening the pipeline to teacher employment which benefits individuals exploring teaching as an employment option. Additionally, it recognizes specific collegiate coursework that many prospective teachers may have already taken. If acceptable under these regulations, these prospective teachers would see a cost savings in that they would not have to take and pay for the required subject matter examinations. This in turn is likely to help to address the teacher shortage providing California's public-school students with fully qualified teachers, thereby reducing the number of teachers on short term or other temporary permits.

Cost impacts on a representative private person or business

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These regulations will result in a costs savings for a number of teacher candidates who are able to meet the subject matter requirement on the basis of coursework or a degree major that they have already completed and therefore will not have to pay for and take an additional examination.

Business Report

This rulemaking does not have a reporting requirement.

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. 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

[June 2022 Commission agenda item 3i](#) – Proposed Adoption of Regulations Regarding Options for Meeting the Subject Matter Competence Requirement

https://www.ctc.ca.gov/docs/default-source/commission/agendas/2022-06/2022-06-3i.pdf?sfvrsn=329827b1_3

Coded Correspondence 21-05:

https://www.ctc.ca.gov/docs/default-source/commission/coded/2021/coded-21-05.pdf?sfvrsn=ac402ab1_2

[Domains of the Subject Matter Requirements](#)

https://www.ctc.ca.gov/docs/default-source/educator-prep/files/domains-of-subject-matter-requirements.pdf?sfvrsn=dcd525b1_2Legislation

AB 130 (Chap. 44, Stats. 2021).

[Bill Text - AB-130 Education finance: education omnibus budget trailer bill.](#)

Anticipated Benefits

The Commission anticipates that the proposed amendments will help to clarify and implement the statutory changes adopted by the Legislature, which were intended to increase opportunities for candidates to complete their credentialing requirements and to enter the California teaching workforce. The regulations promote clarity by implementing these changes. The Commission also anticipates that the proposed amendments will benefit students

attending public schools in the State of California and their families by increasing the supply of fully prepared teachers in classrooms. The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or an increase in the transparency in business. Finally, staffing shortages are disproportionately likely to affect low-income students and students of color. Therefore, to the extent that low-income students and students of color are more likely to be in classrooms staffed by fully prepared teachers rather than teachers on emergency authorizations as a result of this regulation, there will be an increase in fairness and social equity.

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. The proposed regulations apply only to the demonstration of subject matter competence by prospective teachers.