

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

Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Subject Matter Competence

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 new proposed text shown in underline.

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 Effect of the Proposed Action

This proposal would add section 80096 to Title 5 of the California Code of Regulations. The addition of the regulations proposed for section 80096 will clarify the statutory changes made by the enactment of AB 130. These proposed 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.

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 on December 5, 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.robby@ctc.ca.gov or David DeGuire at David.DeGuire@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 to implement, interpret, and make specific the following: Education Code section 44259 pertaining to Subject Matter Competence.

Information Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

In July of 2021 AB 130 (Chapter 44, Statutes of 2021) amended Education Code section 44259(b)(5)(A) to allow for additional options to meet the subject matter requirement for preliminary teaching credentials to help address the statewide teacher shortage. Prior to passage of AB 130, candidates could only demonstrate subject matter competency through an examination or completion of a Commission-approved subject matter program. Now candidates may meet the subject matter requirement through coursework or completion of a specific major.

Objectives and Anticipated Benefits of the Proposed Regulations

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 coursework 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.

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. This in turn will help to address the teacher shortage providing California's public-school students with a fully qualified teachers by opening up new options for candidates to meet the subject matter requirement. Additionally, it may allow for more fully credentialed teachers and fewer teachers on short term or other temporary permits.

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 Subject Matter Competence requirements.

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 to 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 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. California State Universities, Universities of California, and Local Education Agencies that choose to sponsor preliminary educator preparation programs currently review coursework for prospective candidates. The proposed regulations will provide clear guidance regarding the review of coursework for additional options into a credentialing program. Additionally, the regulations recognize the fact that there is not a consistent naming system for academic degree majors at institutions of higher education throughout the state. The proposed regulations would save the costs involved in time and workload on the part of personnel at institutions of higher education as it would allow for and recognize majors that are essentially equivalent to those identified in statute but that have different names. With these majors, personnel would not have to use the coursework evaluation option which is more labor intensive.

Other non-discretionary costs or savings imposed upon local agencies.

None. Sponsoring an educator preparation program is not a requirement. Only entities that choose to sponsor a program could potentially see a staffing cost for transcript review.

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 and would not impact federal funding to the state.

Housing Costs

No effect on housing costs exists as these regulations only pertain to demonstration of subject matter competence for preliminary teaching credentials.

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. These regulations make clear additional options for teacher candidates to demonstrate that they have met the subject matter competence requirement required by California Education Code.

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 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. They will not create or eliminate jobs in California.

Creation of New Businesses or Elimination of Existing Business within 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 Currently Doing Business within the 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

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 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 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.

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 Lynette Roby by telephone at 916-324-3668, by mail at Commission on Teacher Credentialing: Attn: Regulations, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Lynette.roby@ctc.ca.gov or David DeGuire at David.DeGuire@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 Final Statement of Reasons may be obtained by contacting Lynette Roby at Lynette.robby@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>.