

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 the Bilingual Authorization Initial Statement of Reasons

Problem Statement

Education Code Section 44225 (a) and 44225 (b)(4) authorizes the California Commission on Teacher Credentialing (Commission) to establish standards, assessments, and examinations for entry and advancement in the education profession.

In 2016, Proposition 58 (Prop 58) was passed by California voters allowing for flexibility in how California public schools offer bilingual education and programs for English learners. Prior to Prop 58, English learner students were required to receive English-only instruction. The prior Bilingual Authorization program standards were originally adopted in 2008. Since then, much new research has emerged on the nature of bilingualism, multilingual education, translanguaging, and culturally sustaining pedagogies. State policy changes have significantly altered the landscape and influenced the preparation and demand for bilingual teachers. These changes have resulted in the need to update the Bilingual Authorization program standards and expectations for candidates. With this policy shift California schools may now offer multilingual education programs for English learners such as dual language immersion and one-way immersion. In addition to Prop 58, statewide initiatives, such as Global 2030 involve expanding bilingual education in California.

Advocates from the bilingual education community expressed the need to review the current standards which were last adopted in 2008. A collaborative comprised of the Center for Equity for English Learners at Loyola Marymount University, California Association for Bilingual Teacher Education (CABTE), and the California Association for Bilingual Education (CABE) formed the Bilingual Standards Refresh Work Group and reviewed the current bilingual authorization program standards, providing recommendations to the Commission for updates to the standards in a white paper in early 2020. In May of 2020 the Commission's executive director appointed a work group to recommend updates to the standards to the Commission.

In December 2021 the Commission adopted revised Bilingual Authorization Educator Preparation Program Standards which include a precondition, program standards, performance expectations, and a glossary with definitions for Bilingual Authorization educator preparation programs. At the October 2022 meeting the Commission adopted additional language to be added to the program standards. Additionally, at the October 2022 meeting the Commission adopted the glossary with definitions into proposed section 80615, precondition language into proposed section 80615.1, standard language into proposed section 80615.2, and performance expectation language into proposed section 80615.3.

Additionally, current regulation section 80033(d)(2) incorporates by reference the *Standards of Quality and Effectiveness for Programs Leading to Bilingual Authorization (rev. 1/13)*. This section of regulations needs to be updated to point the reader to the new sections proposed for sections 80615-80615.3 as the entire document which is currently incorporated by

reference has had sweeping updates as compared to the January 2013 version currently incorporated by reference.

Statement of Purpose

Adopt Sections 80615, 80615.1, 80615.2, and 80615.3

The Commission's accreditation system is responsible for ensuring that the programs that prepare educators meet the standards that the Commission has adopted to ensure that California's public-school students are being taught by well-prepared educators. The updated Bilingual Authorization program standards include new Bilingual Teaching Performance Expectations (BTPEs) which are the knowledge, skills, and abilities a candidate must demonstrate in a Bilingual Authorization program. The revised standards and performance expectations honor the linguistic diversity represented among the student population, the variety of bilingual programs available to students, and the current research on instructing and supporting bilingual Transitional Kindergarten (TK)-12 students. The revised standards include the continuous support of students' connection to their home language to sustain their home culture. Updates also include performance expectations for teacher knowledge of family background to form relationships. Bilingual teachers work with diverse students and the updated standards and new BTPEs are responsive to the socio-linguistic, socioemotional, and sociocultural factors of the students served. The purpose of these regulations is to ensure the regulations are aligned with the policy shift for Bilingual Education in California and to ensure that the newly adopted standards are placed into regulation so that institutions operating Bilingual Authorization Teacher Preparation Programs are aware of the standards for operating a program.

Amend Section 80033(d)(2) & Repeal Outdated Document Incorporated by Reference

Section 80033 deals with intern credentials and section (d)(2) and includes the now outdated Bilingual Authorization standards incorporated by reference. Amendments are proposed to direct the reader to the actual precondition, program standards, and teaching performance expectations, proposed sections 80615.1, 80615.2, and 80615.3, and to repeal the outdated standards from incorporation by reference.

Necessity and Rationale for the Proposed Provisions

Advocacy of educational partners and policy shift in California necessitated the update of the Bilingual Authorization Educator Preparation Program Standards. The recent update of the standards makes this the ideal time to propose these regulations. Detailed rationale for each precondition, program standard, and performance expectation is provided in this initial statement of reasons.

Additionally, the following Education Code sections provide rationale for the proposed provisions:

Education Code Section 44370 states, "The Legislature finds and declares that the competence and performance of professional educators depends in part on the quality of their academic and professional preparation. The Legislature recognizes that standards of quality in collegiate

preparation complement standards of candidate competence and performance, and that general standards and criteria regarding the overall quality of a candidate’s preparation are as essential as the assessment of the candidate’s competence and performance.”

Subsection (a) of Education Code section 44225 reads, “The Commission shall establish professional standards, assessments, and examinations for entry and advancement in the education profession.” The Commission on Teacher Credentialing serves as a state standards board for educator preparation for the public schools of California. The Commission is comprised of a 19-member body representing state approved education entities. Fourteen of the members are appointed by the Governor and must be confirmed by the Senate. These Commission members include 6 credential holders who are current educators, 1 administrative services credential holder, 1 non-administrative services credential holder, 1 school board member, 1 human resources professional employed by an elementary or secondary school, 1 individual who is in Human Resources in a public school, and 3 members of the public. The fifteenth member is the Superintendent of Public Instruction or his or her designee. These 15 members are voting members. In addition, there are also 4 ex-officio members representing the segments of higher education: University of California (UC), California State University (CSU), Association of Independent California Colleges and Universities (AICCU), and the California Community College Chancellor’s Office (CCCCO). In addition, a current credential candidate sits on the Commission as a non-voting liaison.

Education Code section 44371 requires a system for accreditation of educator preparation that concentrates on the overall quality of preparation programs and holds programs responsible for the quality of their programs.

Finally, the Commission is striving to ensure that program standards in regulations are up to date.

Adopt 80615: These definitions are necessary to ensure that the reader has clarity when reading and understanding the standards.

Adopt 80615.1(a): Precondition language stems from statute or Commission policy and addresses compliance issues typically related to admissions or completion requirements. The preconditions require institutions to demonstrate that it is in compliance with the statute or Commission policy that the precondition addresses.

The precondition in section 80615.1 ensures that candidates for a Bilingual Authorization hold a prerequisite credential and English Learner Authorization per Education Code section 44253.4(b)(1), and 5 California Code of Regulations (CCR) sections 80015.1(a)(1) and 80015.2.

Adopt: 80615.2 – overall necessity: Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each

standard as well as language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission. Often the language of the standards allow flexibility in how to operationalize the standard. The local program decides how to ensure that the “what” is required by the standards takes place. This flexibility is critical to ensure that educator preparation programs are able to innovate and best address local educational needs. An educator preparation program in rural California may design a program differently than one in a large urban setting. All programs are responsible for providing a curriculum and field experience (program standards) that ensure that all completers have the knowledge and skills (required for licensure performance expectations). The language in the Commission’s standards include language familiar to those individuals who are directly affected by the program standards, i.e., those sponsoring the type of educator preparation program, faculty, program completers, and those who hire the newly credentialed educator.

Adopt 80615.2(a): This standard is necessary to require that each institution sponsoring the educator preparation program has designed the program in accordance with certain specifications—course scope and sequence, field experiences, and partnering local education agencies in addition to identifying the research, theory and/or principles on which the program is based.

Adopt 80615.2(b): This standard is necessary to ensure that the program’s coursework addresses the Commission’s adopted performance expectations for the authorization.

Adopt 80615.2(c): This standard establishes field experience requirements including minimum number of field hours a candidate must complete, the types of settings and the activities in which the candidate must participate and requires that the program describe the types of support and guidance that will be provided to each candidate during the field experience.

Adopt 80615.2(d): This standard is necessary to ensure faculty, program supervisors, and mentors will monitor and support each candidate. The standard also ensures requirements are shared with candidates, and that those candidates who are having challenges with the work are provided additional supports and guidance.

Adopt 80615.2(e): This standard is necessary to ensure that each program assesses each candidate’s satisfactory completion of the program. The program must describe when during the program each assessment takes place, how each candidate will receive feedback from the assessment and what the summative assessment includes.

Adopt 80615.3 – overall necessity: Teaching Performance Expectations describe what a brand-new holder of a credential should know and be able to do on their first day as a fully credentialed teacher. Preparation programs use the performance expectations to plan their program curriculum and field experiences for candidates. The performance expectations were

drafted by the work group appointed by the Commission in 2020, submitted to the field for survey feedback, and then adopted by the Commission in 2021.

Adopt 80615.3(a): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to understand and value the socioeconomic, cultural, and linguistic background, funds of knowledge, and achievement expectations of students, families, and the community.

Adopt 80615.3(b): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to create welcome learning environments by promoting positive relationships and behaviors, promoting language education, supporting conflict resolution, and fostering a linguistically inclusive community.

Adopt 80615.3(c): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to use subject matter knowledge to plan, deliver, assess and reflect on content-specific instruction for all students, consistent with the California State Standards in the content area(s) of their credential(s) and language of the bilingual authorization.

Adopt 80615.3(d): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to design and implement engaging instructional practices and learning experiences for all students to develop bilingualism and biliteracy.

Adopt 80615.3(e): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to plan, develop, implement, and use a range of language and content assessments to inform and improve instructional design and practice.

Adopt 80615.3(f): This performance expectation is necessary to require that each program ensures that all candidates have the knowledge, skills, and abilities to seek opportunities to reflect on and improve their practice.

Amend 80033(d)(2)

Amendments to this section will clarify the new location, in regulations, of the updated Bilingual Authorization Educator Preparation Program Standards and repeal the outdated standards from incorporation by reference. This will ensure that readers of these intern related regulations will know where to find the up-to-date standards since they will no longer be incorporated by reference. Additionally, the prior standards that are being repealed did not include the BTPE's which are important for candidates and programs since they describe what candidates are expected to know and be able to do upon their first day of instruction as a credentialed educator.

Educational Partners Directly Affected by Proposal

To maintain clarity in preconditions, standards, and performance expectations and to maintain the professional character of accreditation, the Commission purposefully recruits through a variety of educational partners to find educators to participate in the development of standard language. The table below describes the types of educational partners directly affected by the Commission’s accreditation work in program preconditions, standards, and performance expectations.

Educational Partner	Effect on Educational Partner
Prospective Program Sponsors	Educational institutions interested in sponsoring programs leading to licensure must apply to have their program approved and explain through a narrative submission with evidence how their proposed program will align to Commission adopted standards.
Current Program Sponsors	Must demonstrate how their programs currently preparing educators for licensure align to the Commission-adopted General Institutional Preconditions and Common Standards to maintain accreditation.
Candidates enrolled in educator preparation program or prospective candidates	Current candidates and prospective candidates are able to review and understand what programs leading to licensure are required to do with respect to the General Institutional Preconditions and Common Standards to maintain accreditation from the credential issuing agency (i.e. the Commission).
Employers of credential holders	Employers rely on the Commission to ensure that credential holders have completed a Commission approved program of preparation that is built on a solid foundation created by the General Institutional Preconditions and Common Standards.
National and Professional Organizations	California Association for Bilingual Teacher Education California Association for Bilingual Education California Council on Teacher Education

Professional Character of Accreditation and Dependence on Educational Partner Involvement

The Commission’s accreditation system relies on educational partner involvement, particularly by professional educators as peer participants, in determining the quality of professional preparation and validity of standards. The Commission relies on the expertise of panels of educators to aid in deciding about the content that should be included in all standards prior to Commission adoption. The participation by professional educators provides the Commission’s standards with construct validity. The Commission relies on the advice of educators and educator preparers to determine the standards that are most appropriate to be requirements that educator preparation programs must meet to be accredited.

Education Code Section 44371 (b)(1) states that the framework for the system of accreditation shall, “Establish broad, flexible policies and standards for accreditation of educator preparation.” This section of Education Code in connection with 44225(i) has led the Commission to develop and adopt standards that allow for experts from the field to make professional judgements as to what should be included in educator preparation program standards. Additionally, the Commission relies on these experts to make subsequent professional judgements as to how well programs are aligned to and achieving those standards through the accreditation system.

California educators perform several critical roles within the accreditation system. They serve on the Committee on Accreditation, the statutory body that reviews accreditation evidence and makes accreditation decisions. They serve on the Board of Institutional Reviewers, the group of educators trained to review evidence of meeting the Commission’s standards and expectations. They also serve on review teams that make site visits to educator preparation programs and accreditation recommendations to the Committee on Accreditation as part of the accreditation process. They provide a diversity of viewpoints within the accreditation system so that the natural and expected variance in program orientation, philosophy, and operational methods across the array of educator preparation programs is both valued and appropriately addressed within the accreditation system.

Commission Staff’s Role in Accreditation

Commission staff consultants facilitate the development/revision of standards and coordinate educational partner review and presentations to the Commission.

Commission staff does not make determinations regarding the alignment of programs to the standards, nor does staff determine the appropriate language or content for standards. Rather, Commission staff facilitate professional educational experts trained on the accreditation process who make recommendations to the Commission’s, Commission’s Committee on Accreditation, and those bodies issue determinations.

Overview of the Processes for Development and Commission Adoption of the Bilingual Authorization Educator Preparation Standards

General Overview of Standard Development

The Commission’s authority to establish program standards is established in subsection (b)(1)(C) and (d) of Education Code section 44225. Specifically, section (b)(2) of Education Code 44225 states that “The commission may establish standards and requirements for preliminary and professional credentials of each type.” Additionally, Education Code section 44225(i) states, “to appoint classroom teachers, school administrators, other school services personnel, representatives of the public, and public or private higher education representatives to one or more standing committees, which shall be given authority to recommend to the commission standards relating to examinations, performance assessments, program accreditation, and licensing.” Commission seeks broad input from the professional community that includes the convening of a workgroup of educators to develop standards based upon recent educational

research, the needs of public-school students, and the expert advice of many professional educators and key education organizations.

Near the beginning of a group’s work, an information item is placed on the Commission’s agenda. The item typically identifies the general timeline for the work, the content for the standards, and the type of educational subject matter experts being recruited and provides notice to Commissioners, the institutions providing educator preparation programs, other educational partners, and the public that this work is going to begin. The agenda item is presented by staff and discussed by the Commission at a publicly scheduled meeting. In addition to the routine notice of the Commission’s agenda an announcement is also made in an electronic newsletter that goes out to all subscribers in a weekly email (“PSD e-news”). Currently approximately 3,000 educators subscribe to this weekly newsletter.

The intended work group members include both current educators in the identified field, as well as faculty in the programs that prepare the specified educators. The workgroup will recommend what content should be included in the standards.

An electronic application is made available and broadly distributed, primarily through the Commission’s weekly e-news for at least a month and up to three months depending on the time of year and the academic calendar. Applicants provide their education and experience related to the area of the standards being written/revised, demographic information, and narrative statement of their qualifications.

Key educational partner groups from California’s education community are also contacted and asked to identify an educator with expertise in the specific field. The following groups are invited to identify a work group member:

- Association of California School Administrators (ACSA)
- California Association of School Boards (CSBA)
- California County Superintendent Educational Services Association (CCSESA)
- California State University (CSU)
- University of California (UC)
- Association of Independent California Colleges and Universities (AICCU)
- California Teachers Association (CTA)
- California Federation of Teachers (CFT)

In addition, the organizations above and any other professional associations relevant to the specific credential area being discussed are asked to help communicate the availability of the applications to any qualified and interested individual who may wish to apply to serve.

All work groups are balanced to address geographic, ethnic, gender, and type of preparation program, as well as ensuring that both higher education faculty and current practitioners who work in the K-12 schools are represented. Staff finalizes a list of recommended work group members and the Executive Director makes the final selection and appoints the work members.

The subject matter expert work group proposes revisions to current standards and/or develops new standards. Depending on the standard area, the workgroup can meet anywhere up to a year or even two for more complicated areas as they design, solicit feedback on, and revise proposed draft standards. The process of the development of standards leading to their eventual adoption by the Commission is iterative in that throughout the process the workgroup, the Commission, and the broader educational field as well as the public have had multiple opportunities to come to agreement on any outstanding issues that may exist. The draft proposed standards are posted on the Commission's website and public comment is solicited through the same methods as described above when soliciting experts to the workgroup. The Commission encourages institutions and other educational partners to further disseminate the draft standards for comment. Commission staff organizes the public comments received on the draft standards and consults with the work group if additional expertise is needed to make modifications to the draft standards. Finalized draft standards are generally brought before the Commissioners as an agenda item to two public meetings and members of the work group are identified in the agenda items to ensure transparency. During the final public meeting the standards are provided in an agenda item that is noticed to the public as an action item and, if appropriate, for the Commissioners to act to adopt the new standards.

Once the Commission adopts new or revised standards, all institutions are notified and provided a timeline to transition to the new standards. Typically, this transition period is at least two years as institutions of higher education need sufficient time to go through internal institutional processes to ensure alignment. Commission staff provides technical assistance to currently approved programs as well as those institutions interested in proposing a new program.

Development and Adoption of the Bilingual Authorization Educator Preparation Program Standards (Adopted October 2021)

May 2018

A collaborative between the Center for Equity for English Learners at Loyola Marymount University, California Association for Bilingual Teacher Education (CABTE), Californians Together (CalTog), and the California Association for Bilingual Education (CABE), formed to discuss a critical issue resulting from the passage of Proposition 58: a projected shortage of highly qualified and well-prepared bilingual/dual-language teachers in the state.

October 2019-January 2020

Application opened for the Bilingual Content Expert Workgroup. Ninety-eight responses received, of which only 52 were complete. Fourteen applicants were appointed by the Commission's executive director with an additional 11 members from key educational partner groups were added as liaisons.

May 2020 – December 2020

The workgroup met over a six-month period and was charged with making expert recommendations to the Commission for updating the Bilingual Authorization Educator Preparation Program Standards as well as update the teaching performance expectations for the credential.

January 2021-October 2022

Staff solicited feedback from the broader educational community on the standards and teaching performance expectations. Feedback was provided to the workgroup and a finalized set of standards was presented to the Commission and adopted in December of 2021. At the October 2022 meeting the Commission adopted the proposed regulatory language and directed staff to notice the public regarding the regulations.

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.

While proposing regulations for the Bilingual Authorization Educator Preparation Program Standards does not create or eliminate additional jobs, the direct, indirect, and induced benefits from the proposed regulations focuses on ensuring that new and existing institutions are preparing candidates to meet the needs of today’s public-school students as well as align with the 2016 legislation allowing for bilingual instruction.

Forty-eight approved institutions in California are currently offering Bilingual Authorization Educator Preparation Programs.

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. The proposed regulations incorporate by reference the most recently adopted Bilingual Authorization Educator Preparation Program Standards. This will not create or eliminate existing businesses in California. Further, the regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer a Bilingual Authorization program and those institutions must already have regional accreditation and are only expanding their business into educator preparation in California. Finally, the current shortage of educators in the state leads the Commission to believe that no businesses would be eliminated as a result of this proposal.

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. The proposed regulations ensure that the most current adopted Bilingual Authorization Educator Preparation Program

Standards adopted by the Commission have been added into regulation. Adding the most current standards will likely not cause the expansion or elimination of existing businesses in California. The proposed regulations apply to currently approved programs or to institutions seeking program approval for the first time. The Commission is unable to determine whether or not any significant number of businesses would expand into California for the purposes of operating a Bilingual Authorization Educator Preparation Program.

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 to ensure high quality educator preparation programs which result in effective Bilingual educators for California students. Successful programs prepare teachers who are better able to address the current needs of K-12 students in California in the coming decade.

Cost impacts on a representative private person or business

Non-Commission approved private/independent education entities elect to offer a program(s) and may allocate staffing and budget in any manner deemed appropriate by the business. The Commission is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

Business Report

Regardless of their status as a for profit or not for profit educational institution programs seeking accreditation must provide the Commission with a written document which describes how the programs meet the standards. All Commission approved programs leading to licensure must provide documentation demonstrating that its programs are in accordance with Commission adopted standards in order to operate an accredited educator preparation program.

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 of the 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.

Documents Incorporated by Reference

Documents Relied Upon

[Bilingual Authorization Program Standards Content Analysis White Paper](#)

[ACTFL Proficiency Guidelines](#)

[Bilingual Authorization Program Standards](#)

Commission Agenda Items

[5H September 2019](#)

[2D June 2020](#)

[3B February 2021](#)

[3C August 2021](#)

[3B December 2021](#)

[3C October 2022](#)

Anticipated Benefits

The state’s educational system, schools, and K-12 students will continue to benefit greatly from updated standards and their promulgation into regulation. Since the standards were last updated in 2008, there has been a significant statewide policy shift in bilingual education and initiatives aimed at increasing the number of prepared bilingual educators. These standards will ensure that new bilingual educators are prepared to educate today’s students in California.

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. These regulations apply to educator preparation program offered by those educational institutions that have been approved by the Commission. These institutions are regionally accredited institutions of higher education such as California State University, the University of California, and private and independent colleges and universities. The vast majority are non-profit educational organizations with a few for profit colleges or universities. Additionally, the regulations would only apply to those institutions that elect to seek Commission approval to offer a program leading to licensure.