

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

## Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Bilingual Authorization

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

The proposed action would add to the California Code of Regulations, Title 5, section 80615, 80615.1, 80615.2 and 80615.3. Specifically, section 80615 is a glossary of definitions, section 80615.1 is a precondition, section 80615.2 includes standard language, and section 80615.3 includes performance expectation language. 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.

### 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 March 13, 2023. 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](mailto:Lynette.robby@ctc.ca.gov) or Miranda Gutierrez at [mgutierrez@ctc.ca.gov](mailto:mgutierrez@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

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.”

### **Information Digest/Policy Statement Overview**

#### *Summary of Existing Laws and Regulations*

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. In addition to Prop 58, statewide initiatives, such as Global 2030 involve expanding bilingual education in California. Since the prior Bilingual Authorization program standards were originally adopted in 2008.

#### *Objectives and Anticipated Benefits of the Proposed Regulations*

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 Educator Preparation Programs are aware of the standards for operating a program.

The prior Bilingual Authorization program standards were originally adopted in 2008. In 2016 Proposition 58 (Prop 58) was passed by California voters. This Proposition allows for flexibility in how California public schools offer bilingual education and programs for English learners. Additionally, statewide initiatives, such as Global 2030 involve expanding bilingual education in California.

In response to the policy changes, the Commission adopted revised Bilingual Authorization Educator Preparation Program Standards in December 2021 and in October 2022 the Commission adopted additional language to be added to the program standards. These revised standards include a precondition, program standards, a glossary with definitions for Bilingual Authorization educator preparation programs and the 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. They include the continuous support of students’ connection to their home language to sustain their home culture. 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.

#### *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.

*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 Bilingual Authorization 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. This will not create a cost or savings to any state agency. 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.

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

None. Sponsoring an educator preparation program is not a requirement.

*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.

### **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 preparation of prospective bilingual educators. These amendments will not create or eliminate jobs in California. 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 preparation of prospective bilingual educators. These amendments will not create or eliminate existing businesses in California.

#### *Expansion of Businesses Currently Doing Business within the California*

The proposed amendments pertain to the preparation of prospective bilingual educators. These amendments will not cause the expansion or elimination of existing businesses in California.

#### *Benefits of the Regulations*

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 TK-12 students in California in the coming decade.

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents, as high quality Bilingual educators will result in a health and welfare benefit to students, colleagues, and parents. The Commission does not anticipate that these regulations will result in a direct benefit to worker safety or the state's environment.

### **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 preparation 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.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or Miranda Gutierrez at [mgutierrez@ctc.ca.gov](mailto:mgutierrez@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](mailto: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>.