

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

Proposed Amendments to California Code of Regulations, Title 5, Pertaining to The PK-3 Early Childhood Education Specialist Credential

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 Effect of the Proposed Action

The Commission on Teacher Credentialing (Commission) proposes amendments to Title 5 of the California Code of Regulations (CCR), 80067, 80067.1, 80067.2, 80067 to implement the updated PK-3 Early Childhood Education (ECE) Specialist Credential and the accompanying Program Preconditions, Program Standards, and Teaching Performance Expectations (TPEs).

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action by fax, through the mail, or by email. The written comment period closes March 27, 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: Christina Villanueva, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to Christina Villanueva (Christina.Villanueva@ctc.ca.gov) or Sandra Burwick (Sandra.Burwick@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(b) and (e), 44256(c), 44259.7, 44265, 44265.5, 44325(c)(4), 44227.7, 44373, pertaining to the PK-3 Early Childhood Education Specialist Credential.

Information Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

The Commission is required by Education Code section 44225(a) to “Establish professional standards, assessments, and examinations for entry and advancement in the education profession.” The Commission is also tasked with promulgating regulations that both clarify and specify the requirements associated with the various teaching and services credentials that it issues. When promulgating regulations, the Commission must ensure that it has the statutory authority to support the requirements and preparation pathways described within those regulations. Education Code section 44225(q) provides the Commission with clear authority to “propose appropriate rules and regulations” that support the sections of the Education Code that fall under Commission authority.

Education Code also authorizes the Commission to issue credentials in various teaching specialties, including but not limited to bilingual education, early childhood education, and special education in section 44265. The statute requires that these specialist teaching credentials shall be based upon 1) a baccalaureate degree from a regionally accredited institution of higher education, 2) completion of a program of professional preparation, and 3) any other standards which the Commission may establish. The authority to determine the content of such a program of professional preparation and any other standards required for the credential, is expressly authorized by this statute and is supported through the regulatory process.

This rulemaking action proposes amendments to the CCR relating to the early childhood education specialist credential established in 44265. These proposed amendments establish an updated version of this credential called the PK-3 ECE Specialist Credential and include the accompanying Program Preconditions, Program Standards, and TPEs. The amendments include the proposed requirements for earning the PK-3 ECE Specialist Credential and present pathways and options for candidates to complete each of the proposed credential requirements. This work is responsive both to the direction provided by the state’s Master Plan for Early Learning and Care and to the need for additional ECE teachers to support the statewide Universal Transitional Kindergarten (UTK) implementation as called for in the Governor’s budget.

In October 2020, California’s Health and Human Services Agency released the Master Plan for Early Learning and Care, establishing a vision of ensuring that all California children thrive physically, emotionally, and educationally in their early years through access to high-quality early learning and care resources; equitable opportunities for the workforce that advance equitable outcomes for children; and greater efficiencies through structures for continuous improvement. In addition, the Master Plan also called for establishing a PK-3 credential. The Governor’s 2022 budget provided significant investments for implementing universal transitional kindergarten (UTK) to serve all four-year-old’s as well as for moving forward towards implementing universal preschool (UPK) on a phased-in basis, potentially serving children as young as two years old in the future.

The proposed PK-3 ECE Specialist Credential has also been intentionally designed to recognize and provide pathways for those who hold a bachelor’s degree and have already gained experience and expertise in early childhood education through their work in programs within California’s mixed

delivery early childhood education system (e.g., California State Preschool Program, Head Start, private preschools, and others), to have an expedited pathway to earning the credential and beginning to teach in the PK-3 environment.

The PK-3 ECE Specialist Credential would also provide accelerated pathways for current Multiple Subject Credential holders as well as Child Development Teacher Permit (CDP) holders with a bachelor's degree to earn the credential and begin serving as quickly as possible in UPK/UTK settings. Although Multiple Subject Credential holders are already authorized by their credential to teach any of grades PK-12 in a self-contained setting, these teachers may also want to add the PK-3 authorization to document specific expertise in early childhood education as an option for meeting apportionment requirements under EC 48000(g)(4) for serving in a Transitional Kindergarten assignment.

In spring 2022, Senate Bill (SB) 488 was signed by the Governor, amending Education Code sections 44283 and 44283.2 and revising the definition of “study of effective means of teaching literacy” in Education Code sections 44259 (b)(4)(A) and (B), requiring the Commission to complete a series of actions related to literacy instruction. The Commission is required to update program standards and Teaching Performance Expectations (TPEs) to ensure alignment with the current State Board of Education (SBE) adopted English Language Arts/English Language Development Framework and incorporate the California Dyslexia Guidelines.

These proposed amendments incorporate the updated SB 488-mandated Literacy TPEs and program standard applicable to the PK-3 ECE Specialist Instruction Credential.

Objectives and Anticipated Benefits of the Proposed Regulations

The Commission anticipates that the proposed amendments will develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and credentialing of educators who have demonstrated the capacity to be effective practitioners. In addition, that the regulations will drive program quality and effectiveness for the preparation of the education workforce and are responsive to the needs of California's diverse student population.

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 the PK-3 ECE Specialist Credential 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 an educator preparation program for PK-3 ECE

Specialist Credentials 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

Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 1700 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 for PK-3 ECE Specialist Credentials that is aligned to the proposed regulations and is not required by law. A school district or institution of higher education has the choice to offer the PK-3 ECE Specialist Credential, however, it is not a mandate.

Cost or savings to any state agency

None. Sponsoring an educator preparation program for PK-3 ECE Specialist Credentials that 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 for PK-3 ECE Specialist Credentials that is aligned to the proposed regulations is not required by law and is voluntary.

Cost or savings in federal funding to the state

None. Sponsoring an educator preparation program for PK-3 ECE Specialist Credentials that is aligned to the proposed regulations is not required by law and is voluntary.

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. These regulations make clear the required components of preparation for the PK-3 ECE Specialist Instruction credential that must be addressed by program sponsors wanting to offer preparation for this credential.

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

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to the credentialing of PK-3 ECE specialists, that would authorize service in any grades PK-3. These amendments help to address the need for additional ECE teachers to support the statewide UTK

implementation and are necessitated by statutory changes. The Commission anticipates that the proposed amendments will 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 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 since the 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.

Expansion of Businesses Currently Doing Business within the California

The proposed amendments pertain to the credentialing of PK-3 early childhood education specialists. While there may be some slight expansion of enrollment at Commission-approved preliminary programs due to educators seeking the new PK-3 ECE credential, this is expected to be minimal. These amendments will not cause the elimination of existing businesses in California.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will help improve services to students in grades PK-3 by better preparing California educators to serve in early childhood education settings.

The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, or an increase in openness and transparency in business. To the extent that Education Specialists will be better prepared to address the needs of students in grades PK-3, the proposed regulations may lead to an increase in the prevention of social inequity.

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 business report to be made.

Effect on Small Business

The proposed regulations will not have a significant adverse economic impact upon small businesses. The proposed regulations apply only to individuals seeking a credential or authorization to teach in any grades PK-3 in California public schools.

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 Christina Villanueva by telephone at (916) 327-2967, by mail at Commission on Teacher Credentialing, Attn: Christina Villanueva, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to: Christina Villanueva (Christina.Villanueva@ctc.ca.gov) or Sandra Burwick (Sandra.Burwick@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 Christina Villanueva 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 Christina Villanueva at Christina.Villanueva@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>.