

# **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 PK-3 ECE Specialist Instruction Credential U.S. Constitution Requirement Initial Statement of Reasons**

### **Problem Statement**

Pursuant to Education Code section 44335 and Title 5 section 80415, each applicant for a teaching credential, except the designated subjects teaching credential authorizing part-time employment only, shall provide the Commission evidence that the applicant has completed either (1) an examination or (2) two semester units of work covering the provisions and principals of the U.S. Constitution in a regionally accredited institution of higher education. Currently, the regulations pertaining to the minimum requirements for applicants seeking to obtain the preliminary PK-3 Early Childhood Education (ECE) Specialist Instruction credential do not include the U.S. Constitution requirement because it was inadvertently left out when this credential was adopted into the California Code of Regulation (CCR).

### **Statement of Purpose**

The regulation proposed in this rulemaking action would add the U.S. Constitution requirement as the sixth minimum requirement for applicants seeking to obtain the preliminary PK-3 ECE Specialist Instruction credential. This change is necessary for continuity and consistency with requirements made by Education Code section 44335 and Title 5 section 80415.

### **Necessity and Rationale for Proposed Provisions**

#### *Amend 80067(a)*

This section is amended to add a sixth minimum requirement for applicants seeking to obtain the preliminary PK-3 Early Childhood Education (ECE) Specialist Instruction credential. In addition to the previous five minimum requirements, applicants must now include:

*“Verification of knowledge of the Constitution of the United States, as specified in Education Code §44335, by one of the means described in §80415.”*

This change is necessary for continuity and consistency with requirements made by Education Code section 44335 and Title 5 section 80415. This change also clarifies and makes specific the requirements for applicants of this credential.

### **Anticipated Benefits**

The broad objectives of this regulation are to ensure integrity, relevance, and high quality in the preparation and certification of the educators who serve all of California’s diverse students. In addition, since verification of Constitutional knowledge is required in law for all teachers, the benefit is that there is consistency in the qualifications of teachers in California. Specifically, aligning the PK-3 ECE regulations with statute and the requirements for other credentials, ensures parity.

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 proposed amendments will create jobs within the State of California. The proposed amendments pertain to the credentialing of PK-3 ECE specialists, that would authorize service in any grades PK-3. These amendments implement a more appropriate measure of the readiness of individuals already entering the education profession as new PK-3 teachers.

### Creation of new businesses or the elimination of existing businesses within the state

The Commission concludes that it is unlikely that the proposed amendments will create any new businesses or eliminate any existing businesses within the State of California since the proposed amendments pertain to applicants seeking a PK-3 Early Childhood Education Specialist Instruction credential and who are enrolled in a PK-3 Early Childhood Education Specialist program. In addition, the requirements outlined in this regulation can only be obtained through educational institutions such as California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for a business.

### Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposed amendments would cause the expansion of businesses currently doing business within the State of California since the proposed amendments pertain to applicants seeking a PK-3 Early Childhood Education Specialist Instruction credential and who are enrolled in a PK-3 Early Childhood Education Specialist program. 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.

### 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.

### Significant Adverse Economic Impact on Business

The Commission has concluded there is no significant adverse impact on business. These

regulations make clear the required components for candidates seeking a PK-3 Early Childhood Education Specialist Instruction Credential and who are enrolled in a PK-3 Early Childhood Education Specialist 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 help improve services to students in grades PK-3 by better preparing California educators to serve in early childhood education settings by ensuring that these new teachers meet the same requirement as all other public school teachers.

The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and welfare of California residents, worker safety, or the environment, or an increase in openness and transparency in business.

**Documents Relied Upon**

Commission Agenda Item 2C: Approval of the June 2025 Consent Calendar, Item: Proposed Regulatory Amendments Pertaining to the PK-3 Early Childhood Education Specialist Instruction Credential U.S. Constitution Requirement.

**Reasonable Alternatives to the Regulations and the Department's Reasons for Rejecting Those Alternatives**

Pursuant to Government Code Section 11346.9(a)(4), the Department has determined that no alternative considered by the agency would be more effective and less burdensome or costly to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative is 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.

Pursuant to Government Code section 11346.9(a)(5), if anyone proposes an alternative that would lessen the adverse economic impact on small businesses, the final statement of reasons must include an explanation setting forth the Department's reasons for rejecting any proposed alternatives.