

## **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 Requirements and Authorization for the Adapted Physical Education Added Authorization**

#### **Initial Statement of Reasons**

##### **Background**

Education Code §§44225, 44265, 56363(b)(5) and 56100(f), established the authority for the Commission to initially enact Title 5 of the CCR §80046.1.

In the mid-2000's work began on revising the Adapted Physical Education Specialist Credential to be an "added authorization" as it was believed that special education teachers should be eligible to earn added authorizations including one in Adapted Physical Education (APE). Faculty members with experience offering Commission-approved APE specialist programs collaborated in the development of 13 APE Added Authorization program standards and in 2011 the Adapted Physical Education Specialist Credential (APESC) was revised to become the Adapted Physical Education Added Authorization (APEAA).

##### **Necessity for Proposed Regulation**

Since 2011 the title of Adapted Physical Education Added Authorization has become a concern amongst programs. The Commission has received numerous requests to change the authorization back to a specialist credential in order to better reflect the scope of preparation required and services delivered by APE candidates. A large number of individuals in the field argue that the title of Specialist Credential better represents the academic preparation and educational experiences APE candidates have before they can teach in public schools. When compared to other Added Authorization programs (e.g., Autism Spectrum Disorders, Deafblind, Emotional Disturbance, etc.), the Adapted Physical Education Added Authorization requires greater preparation and has a broader authorization than the other added authorizations.

Revising the title of the APEAA back to the APE specialist credential will better reflect the specialized training required for APE teachers to serve an array of students with disabilities. It will also result in better alignment with federal policies and allow programs to seek additional funding opportunities and feasibly help to increase the number of APE teachers credentialed in California. These proposed regulations do not propose to change any of the requirements, including the requirement for individuals to earn a base credential as a prerequisite to earning this specialist credential.

Revise CCR, § 80046.1. Requirements and Authorization for the Adapted Physical Education Added Authorization. Proposed revisions to California Coded Section 80046.1 will change the term Adapted Physical Education Added Authorization (APEAA) back to Adapted Physical Education Specialist Credential (APESC). This proposed revision amends the title of the APE

credential without altering any of the necessary requirements. APE teachers will continue to be required to earn a Single Subject Physical Education, Education Specialist, or Multiple Subject Credential and complete all requirements of the current Adapted Physical Education preparation programs. Once approved, teachers who renew the Adapted Physical Education Added Authorization will automatically be granted the Adapted Physical Education Specialist Credential.

Revise of CCR, § 80046.1(a), §80064.1(a)(2), §80064.1(b), §80064.1(c). Amending the Adapted Physical Education Added Authorization designation back to a specialist credential addresses multiple concerns that have been expressed by the field, specifically that the added authorization is not an apt descriptor for the following reasons:

- 1) Preparation Required and Services Provided: The APEAA does not adequately reflect the preparation required and the services provided by individuals with this authorization and differs from other areas titled “added authorizations”. The original APE credential was swept into the group of special education and special service programs that were approved to be added authorizations. It is now believed that this was an error. The APEAA allows an individual to teach students with disabilities who are precluded from participating in a general education physical education program or a specially designed physical education program as determined by the local level special education assessment. As a result, the APEAA covers teachers who serve students aged birth-21 and have a range of disabilities. The APEAA is thus distinct from other added authorizations that focus on one specific disability category/area such as Autism Spectrum Disorders, Deaf-Blind, or Traumatic Brain Injury.
- 2) Academic Content for APEAA: Since the APEAA covers teachers who serve students in a variety of age ranges and disabilities, the academic content that must be covered is more wide-ranging than the other added authorizations and the number of units required is generally over 20 semester units which is higher than those of other added authorization programs.
- 3) Federal Funding Opportunities: The designation as an “added authorization” does not allow for institutions with APEAA programs to compete for federal funding opportunities. Since 2011 when APE was changed to an “added authorization,” it has become increasingly clear that institutions offering APEAA teacher preparation programs have struggled with the effects of the revision. Of particular concern is that the term “added authorization” does not align with federal policies thus making it difficult for institutions that offer APE teacher preparation programs to compete for federal grant funding to support personnel development. For example, institutions report that they have been unable to compete for US DOE Office of Special Education Programs grants due solely to the title/designation as an “added authorization.” [US Department of Education Grant 84.325K](#): Personnel Development to Improve Services and Results for Children with Disabilities states that, “The purpose of this priority is to increase the number and improve the quality of personnel...who are fully credentialed to serve children who have high-intensity needs.” Reference to fully credentialed personnel is found throughout the grant summary. Additionally, “The Department will fund high-quality projects that

prepare personnel in adapted physical education at the bachelor's degree, certification, master's degree, or educational specialist levels." Due to the current categorization of added authorization, California's APE program candidates would need to be pursuing a Master's degree or a Physical Education credential to be eligible for federal funding, thus eliminating access for the majority of candidates who obtain the authorization after completing a Preliminary credential program.

Update of CCR 80046.1(a)(2). The incorporation by reference of the *Education Specialist Teaching and Other Related Services Credentials Program Standards (rev.3/11)* will be updated to reflect the newly revised *Adapted Physical Education Program Standards (rev.3/11)* document that can be found on the Commission website.

Update of CCR, § 80692 (a)(1)(D)(2). The revision is to update the term Adapted Physical Education Added Authorization to Adapted Physical Education Specialist Credential. It is currently in the Initial Program Review category of cost recovery fees for other professional preparation programs leading to added authorizations which there is a \$1,000 flat fee assessed. Updating the term to a Specialist Credential will require the newly titled Adapted Physical Education Specialist Credential to be moved to the cost recovery fee category for initial program review of specialist credential programs to be consistent with the arguments made in this item that the preparation and services provided by this credential is more akin to those of a Specialist credential. This category assesses a \$1500 flat fee for professional preparation programs that lead to specialist credentials. This addition is being submitted to the Department of Finance for approval.

### **Anticipated Benefits**

As noted earlier, revising the title of the APEAA back to the APE specialist credential will better reflect the specialized training required for APE teachers to serve an array of student with disabilities. It will also better align with federal policies and allow programs to seek additional funding opportunities and may help to increase the number of APE teachers credentialed in California.

### **Fiscal and Economic Impacts of the Regulation**

#### *Economic Impact Assessment*

The Adapted Physical Education Added Authorization is currently a part of the Initial Program Review category of cost recovery fees for which there is a \$1,000 flat fee assessed for professional preparation programs that lead to the authorization. Updating the term to a Specialist Credential will require the newly titled Adapted Physical Education Specialist Credential to be moved to the cost recovery fee category of specialist credential programs. This category assesses a \$1500 flat fee for professional preparation programs that lead to specialist credentials. This fee change is due to the amount of work required to complete an initial

review of a program that includes the breadth and depth of academic preparation such as the APE Specialist Credential.

*Creation or elimination of jobs within the state*

The Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California since updating the Adapted Physical Education Added Authorization to become the Adapted Physical Education Specialist Credential does not change any requirements of the credential. Further, the regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer educator preparation program in California.

*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 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 state*

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California since the proposed amendment does not alter the requirements for the Adapted Physical Education credential programs. The proposed regulations update the title of the Adapted Physical Education Added Authorization to Specialist Credential.

*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 regulations will continue to benefit the health and welfare of California residents by ensuring that updating the title of the Adapted Physical Education Added Authorization to Specialist Credential better represents the academic preparation and educational experiences APE candidates have before they can teach in public schools. The Commission does not anticipate that the amendments to the Adapted Physical Education Added Authorization 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 business report to be made.

*Effect on Small Business*

The proposed amendments to the Adapted Physical Education regulations will not affect small business. The proposed amendments 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. 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 or not they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations.

### **Documents Relied Upon**

Commission Agenda Items

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### **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. As previously stated, these regulation amendments apply to teacher credential programs 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 or local education agencies. The vast majority are non-profit educational organizations with a few for profit colleges or universities. These changes would not add an additional burden to Commission approved credential programs.