

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

### **Proposed Amendments to California Code of Regulations, Title 5, Pertaining to Requirements and Authorization for the Adapted Physical Education Added 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 amend the California Code of Regulations, Title 5, §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. Faculty members with experience offering Commission-approved APE Specialist programs collaborated in the development of 13 APEAA program standards and in 2011 the Adapted Physical Education Specialist Credential (APESC) was revised to become the Adapted Physical Education Added Authorization (APEAA).

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 teachers. 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, Deaf-Blind, 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

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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.

### **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 September 15, 2025. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may 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 [WHatrick@ctc.ca.gov](mailto:WHatrick@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."

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

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

Education Code §Sections 44225, 44265, 56363(b)(5) and 56100(f), established the authority for the Commission to initially enact 5, CCR, §80046.1. In 2011 the titles of several specialist credentials were revised to be "added authorizations" as it was believed that special education teachers should be eligible to earn added authorizations including one in Adapted Physical Education. As a result, APESC was revised to become the APEAA.

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

Revising the title of the APEAA back to the APESC 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.

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*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 Adapted Physical Education Added Authorization.

**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.

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.

*Cost or savings to any state agency.*

None. This will not create a cost or savings to any state agency. Adapted Physical Education regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer a teacher preparation program.

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

None. Sponsoring an educator preparation program is not required by law.

*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. These regulations only pertain to currently approved educator preparation programs, to institutions seeking approval to offer a teacher preparation program, and to institutions expanding their business into education preparation in California.

### **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*

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to the change of title of the APEAA to APESC.

#### *Creation of New Businesses or Elimination of Existing Business within California*

These amendments will not create or eliminate existing businesses in California. The proposed amendments pertain to the change of title of the APEAA to APESC.

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

These amendments will not cause the expansion or elimination of existing businesses in California.

The proposed amendments pertain to the change of title of the APEAA to APESC.

#### *Benefits of the Regulations*

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents by providing clarity and consistency for educator preparation programs and their constituents when identifying APE teachers who have the specialized training required to serve an array of students with disabilities.

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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 affect 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 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, or by email to [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or to William Hattrick, (916) 323-6512 or [WHattrick@ctc.ca.gov](mailto:WHattrick@ctc.ca.gov). Additionally, inquiries may be made by mail at Commission on Teacher Credentialing: Attn: Regulations, 651 Bannon St., Suite 600 Sacramento, CA 95811,. 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

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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) or [chickey@ctc.ca.gov](mailto:chickey@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>.