

Assembly Bill No. 1620

CHAPTER 547

An act to amend Section 44830 of, to add Sections 44274, 44274.2, 44274.4, and 44274.5 to, and to repeal Section 44275 of, the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1998. Filed
with Secretary of State September 18, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1620, Scott. Education: teacher credentialing.

(1) Under existing law, the Commission on Teacher Credentialing (commission) is required to establish standards for the profession and to issue teaching credentials. Under existing law, the commission may issue a teaching credential to a person who possesses a baccalaureate or higher degree in professional education from an approved institution in another state if the person meets certain criteria.

This bill would delete this provision. This bill would establish alternative standards and procedures for the issuance of teaching credentials to applicants from other states, depending on their levels of experience and education.

This bill would require the commission to conduct periodic reviews, beginning in 1998, to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in California, and to initiate negotiations to provide reciprocity in teacher credentialing if this determination is made. The bill would require the commission to issue an equivalent teaching credential, permit, or certificate to an applicant holding or qualifying for a teaching credential, permit, or certificate awarded by a state that has entered into a reciprocity agreement with the commission. The bill would also require the commission to grant an appropriate credential to any applicant from another state who has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California if a reciprocity agreement with the other state is pending completion, or if the other state has declined to enter into a reciprocity agreement with California and the applicant has met the requirements of California for teacher fitness.

(2) Existing law requires out-of-state applicants for a clear multiple or single subject teaching credential to meet certain requirements, including a 5th year of study. Under existing law, the

minimum requirements for a professional multiple or single subject teaching credential include completion of an approved 5th-year program.

This bill would provide, notwithstanding these or other provisions of law, that an applicant who holds a valid teaching credential from a state other than California, and who has met, at a minimum, every requirement for a California professional multiple or single subject credential except the requirement of completion of a 5th year of study, may be issued an appropriate credential if certain conditions are met. The bill would require the commission to issue a 5-year preliminary specialist instruction credential authorizing instruction of pupils with disabilities to an applicant who holds a valid credential from another state and fulfills other criteria, and to issue a professional clear instruction credential to any applicant who fulfills the requirements for a professional clear Level II Education Specialist Instruction Credential.

(3) Existing law prohibits a school district governing board from initially hiring a certificated person unless that person has demonstrated basic skills or is exempted from the requirement. Under existing law, a school district may hire a teacher credentialed in another state who has not taken the state basic skills test if the school district governing board certifies that no qualified person is available. Existing law requires the board to include certain information in the certification and to submit the certification to the commission, and requires the commission to issue an emergency credential when the certification is received.

This bill would delete these provisions.

(4) The bill would appropriate \$90,000 from the Teacher Credentials Fund for the 1998–99 fiscal year for expenditure by the commission for the purpose of conducting the initial review to determine whether any state has established teacher preparation standards that meet or exceed teacher preparation standards in California.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 44274 is added to the Education Code, to read:

44274. (a) The commission shall conduct periodic reviews, beginning in 1998, to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in California.

(b) When the commission determines, pursuant to subdivision (a), that the teacher preparation standards established by any state



are at least comparable and equivalent to teacher preparation standards in California, the commission shall initiate negotiations with that state to provide reciprocity in teacher credentialing.

(c) The commission shall award a credential, permit, or certificate of eligibility to any applicant who holds or qualifies for an equivalent credential, permit, or certificate of eligibility awarded by a state that has established a reciprocity agreement with the commission pursuant to subdivision (b). The commission shall grant an appropriate credential to any applicant from another state who has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California, as determined by the commission pursuant to this section, if both of the following circumstances exist:

(1) A reciprocity agreement with the other state is pending completion, or the other state has declined to enter into a reciprocity agreement with California.

(2) The applicant has met the requirements of California for teacher fitness by obtaining a certificate of clearance or eligibility from the commission.

(d) No reciprocity agreement established pursuant to subdivision (b) shall exempt an out-of-state applicant from submitting an identification card pursuant to Section 44340 and obtaining a certificate of clearance, credential, permit, or certificate of eligibility from the commission.

SEC. 2. Section 44274.2 is added to the Education Code, to read:

44274.2. (a) Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, the commission shall issue a five-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom or a five-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:

(1) A minimum of five years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding elementary or secondary teaching credential from another state.

(3) A baccalaureate degree from a regionally accredited institution of higher education.

(4) Completion of teacher preparation at a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations on which applicant received ratings of satisfactory or better.

(6) In the case of an applicant for a five-year preliminary single subject teaching credential, completion of an academic major in the subject area of the credential sought as determined by the commission.



(7) Passage of the state basic skills proficiency test administered pursuant to Section 44252. The commission may issue a one-year nonrenewable multiple or single subject teaching credential pursuant to paragraph (3) of subdivision (b) of Section 44252 prior to issuance of this preliminary credential to an applicant who has not passed the state basic skills proficiency test.

(b) The commission shall issue a professional clear multiple or single subject teaching credential to any applicant who documents, in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary five-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed 150 clock hours of activities that contribute to his or her competence, performance, and effectiveness in the education profession, and that assist the applicant in meeting or exceeding standards for professional preparation established by the commission.

(c) The commission shall issue a five-year preliminary specialist instruction credential authorizing instruction of pupils with disabilities to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:

(1) A minimum of five years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding special education credential from another state.

(3) Completion of a professional preparation program in the requested education specialist category.

(4) A baccalaureate or higher degree from a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations on which the applicant received ratings of satisfactory or better.

(6) Passage of the state basic skills proficiency test administered pursuant to Section 44252.

(d) The commission shall issue a professional clear instruction credential to any applicant who fulfills the requirements for the professional clear Level II Education Specialist Instruction Credential, as established by the commission.

SEC. 3. Section 44274.4 is added to the Education Code, to read:

44274.4. (a) Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, the commission shall issue a three-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom or a three-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to any applicant who has not been awarded a credential pursuant to Section 44274 and who fulfills all of the following requirements:



(1) A minimum of three years of full-time teaching experience in the subject of the credential sought.

(2) A valid corresponding elementary or secondary teaching credential from another state.

(3) A baccalaureate degree from a regionally accredited institution of higher education.

(4) Completion of teacher preparation at a regionally accredited institution of higher education.

(5) Submission of evidence of rigorous performance evaluations for which the applicant received ratings of satisfactory or better.

(6) In the case of an applicant for a three-year preliminary single subject teaching credential, completion of an academic major in the subject area of the credential sought as determined by the commission.

(7) Passage of the state basic skills proficiency test administered pursuant to Section 44252. The commission may issue a one-year nonrenewable multiple or single subject teaching credential pursuant to paragraph (3) of subdivision (b) of Section 44252 prior to issuance of this preliminary credential to an applicant who has not passed the state basic skills proficiency test.

(b) The commission shall issue a professional clear multiple or single subject teaching credential to any applicant who documents, in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary three-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed either of the following:

(A) A program of beginning teacher support and assessment established pursuant to Article 4.5 (commencing with Section 44279.1) of Chapter 2 of Part 25.

(B) An alternative program of beginning teacher induction that the commission determines, in collaboration with the Superintendent of Public Instruction, meets state standards for teacher induction.

SEC. 4. Section 44274.5 is added to the Education Code, to read:

44274.5. Notwithstanding Section 44227, Section 44259, or any other provision of this chapter, an applicant who holds a valid teaching credential from a state other than California, and who has met, at a minimum, every requirement for a California professional multiple or single subject credential except the requirement of completion of a fifth year of study, may request the commission to determine whether the applicant has completed at least equivalent coursework. If the commission determines that the applicant has completed at least equivalent coursework, the commission shall issue the applicant an appropriate credential, if the applicant has submitted a fingerprint card and has met the requirements of



California for teacher fitness by obtaining a certificate of clearance or eligibility, a credential, or a permit from the commission.

SEC. 5. Section 44275 of the Education Code is repealed.

SEC. 6. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) (1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the



school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures



established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

SEC. 7. The amount of ninety thousand dollars (\$90,000) is hereby appropriated from the Teacher Credentials Fund for the 1998-99 fiscal year for expenditure by the Commission on Teacher Credentialing for the purpose of conducting the initial review required by Section 44274 of the Education Code.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that proper educational services are provided for California pupils, it is necessary that this act take effect immediately.

