

Assembly Bill No. 2302

Passed the Assembly May 1, 2008

Chief Clerk of the Assembly

Passed the Senate June 19, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend and repeal Section 44265.1 of the Education Code, relating to teacher credentialing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 2302, Bass. Teacher credentialing: specialist credential: pupils with autism.

(1) Existing law requires the Commission on Teacher Credentialing, by December 1, 2007, to report to the Legislature and the Governor on the current existing process and requirements for obtaining a specialist credential in special education and recommend modifications to enhance and expedite those procedures.

This bill would authorize a local educational agency or school to assign a teacher who holds a level 1 education specialist credential, or a previously issued credential, that authorizes him or her to provide instruction to individuals with mild and moderate disabilities to provide instruction to pupils with autism, as defined, if the teacher consents to the assignment and satisfies certain criteria, as determined by the local educational agency or school. Local educational agencies and schools that assign teachers to provide instruction to pupils with autism pursuant to the bill would be required to report teacher assignments made pursuant to that authority as part of their annual assignment monitoring pursuant to a specified statutory provision. These provisions would become inoperative 2 years after the commission adopts regulations to implement the recommended modifications regarding specialist credentials, or on August 31, 2011, whichever occurs first, and would be repealed on January 1, 2012.

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

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

SECTION 1. Section 44265.1 of the Education Code is amended to read:

44265.1. (a) By December 1, 2007, the commission shall report to the Legislature and the Governor on the current existing process and requirements for obtaining a specialist credential in special education and recommend modifications to enhance and expedite these procedures.

(b) Notwithstanding any other provision of law, a local educational agency or school may assign a teacher who holds a level 1 education specialist credential, or a previously issued credential, that authorizes him or her to provide instruction to individuals with mild and moderate disabilities to provide instruction to pupils with autism, as defined by Section 300.8(c)(1) of Title 34 of the Code of Federal Regulations if the teacher consents to the assignment and satisfies the criteria described in subdivision (c).

(c) The local educational agency or school shall determine that a teacher described in subdivision (b) has satisfied either of the following prior to allowing the teacher to provide instruction to pupils with autism:

(1) He or she has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves pupils with autism pursuant to their individualized education programs and received a favorable evaluation or recommendation to teach pupils with autism from the local educational agency or school.

(2) He or she has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education. The local educational agency or school shall maintain the certificate or other verification of completion of the coursework on file in its office.

(d) Local educational agencies and schools shall report teacher assignments made pursuant to this section as part of their annual assignment monitoring pursuant to Section 44258.9.

(e) This section shall become inoperative two years after the commission adopts regulations to implement the recommended modifications described in subdivision (a), or on August 31, 2011, whichever occurs first, and is repealed on January 1, 2012, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. 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 allow local educational agencies and public and nonpublic, nonsectarian schools to hire and retain more credentialed special education teachers to provide instruction to pupils with autism at the earliest possible time, it is necessary that this act take effect immediately.

Approved _____, 2008

Governor