

Senate Bill No. 859

CHAPTER 723

An act to amend Sections 44253.3 and 44253.4 of, to add Sections 44274.3 and 44274.4 to, and to add and repeal Section 44300.1 of, the Education Code, relating to teacher credentialing.

[Approved by Governor October 14, 2007. Filed with
Secretary of State October 14, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 859, Scott. Teacher credentialing: visiting faculty permits.

(1) Existing law authorizes the Commission on Teacher Credentialing to issue various types of teaching and services credentials, including preliminary and clear multiple and single subject teaching credentials. The commission is also authorized to issue emergency teaching and specialist permits that correspond to specified credential types. Statutory provisions specify the requirements with which applicants for those credentials and permits are required to comply.

This bill would, until July 1, 2015, authorize the commission to issue and renew visiting faculty permits that would be valid for one year and renewable 2 times and authorize instruction in departmentalized classes to individuals who satisfy specified requirements, including having a minimum of 3 years, as specified, of full-time teaching experience at, or the full-time equivalent of that experience at, an accredited California community college, a campus of the California State University or the University of California, or a regionally accredited private, nonprofit postsecondary institution. Before issuing a visiting faculty permit, the commission would be required to review and approve the justification for the permit submitted by the employing school district. The commission would be authorized to deny a request for a visiting faculty permit that does not include the requisite justification.

The commission would be required to issue 5-year preliminary single subject teaching credentials authorizing instruction in departmentalized classes to individuals who satisfy specified requirements, including possession of a visiting faculty permit and completion of a course in teaching methodology. These individuals would be eligible for professional clear single subject teaching credentials if they submit verification that they have completed individualized professional development plans that include mentoring, support, and assistance provided by a credentialed, experienced teacher and verification that addresses the health education requirement that other candidates for professional clear credentials must satisfy.

(2) Existing law requires the commission to issue certificates that authorize the holder to provide specified instructional services to English learners and sets forth the minimum requirements for those certificates,

including, among others, possession of a valid California teaching credential, services credential, children's center instructional permit, or children's center supervision permit.

This bill would include possession of a visiting faculty permit within the credentials and permits that satisfy the minimum requirements for the issuance of a certificate that authorizes the provision of instructional services to English learners.

(3) This bill would incorporate additional changes in Section 44253.3 of the Education Code, proposed by SB 777, to be operative only if SB 777 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.

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

SECTION 1. Section 44253.3 of the Education Code is amended to read: 44253.3. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit, or a children's center supervision permit, instruction for English language development is limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a designated subjects teaching credential in adult education, instruction for English language development is limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b).

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, visiting faculty permit, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for any of the following:

(A) Emergency credentials or permits.

(B) Exchange credentials as specified in Section 44333.

(C) District intern credentials as specified in Section 44325.

(D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(3) Completion of at least six semester units, or nine quarter units, of coursework in a second language at a regionally accredited institution of postsecondary education. The commission shall establish minimum standards for scholarship in the required coursework. The commission shall also establish alternative ways in which the requirement can be satisfied by language learning experience that creates an awareness of the challenges of second language acquisition and development.

(c) Completion of coursework in human relations in accordance with the commission's standards of program quality and effectiveness that includes, at a minimum, instruction in the following:

(1) The nature and content of culture.

(2) Crosscultural contact and interactions.

(3) Cultural diversity in the United States and California.

(4) Providing instruction responsive to the diversity of the pupil population.

(5) Recognizing and responding to behavior related to bias based on race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation.

(6) Techniques for the peaceful resolution of conflict.

(d) The commission shall establish alternative requirements for a teacher to earn the certificate, which shall be awarded as a supplementary authorization pursuant to subdivision (e) of Section 44225.

(e) A teacher who possesses a credential or permit described in paragraph (1) of subdivision (b) and is able to present a valid out-of-state credential or certificate that authorizes the instruction of English language learners may qualify for the certificate issued under this section by submitting an application and fee to the commission.

(f) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) remains valid.

SEC. 1.5. Section 44253.3 of the Education Code is amended to read:

44253.3. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential

in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit, or a children's center supervision permit, instruction for English language development is limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a designated subjects teaching credential in adult education, instruction for English language development is limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b).

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, visiting faculty permit, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for any of the following:

(A) Emergency credentials or permits.

(B) Exchange credentials as specified in Section 44333.

(C) District intern credentials as specified in Section 44325.

(D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(3) Completion of at least six semester units, or nine quarter units, of coursework in a second language at a regionally accredited institution of postsecondary education. The commission shall establish minimum standards for scholarship in the required coursework. The commission shall also establish alternative ways in which the requirement can be satisfied by language-learning experience that creates an awareness of the challenges of second-language acquisition and development.

(c) Completion of coursework in human relations in accordance with the commission's standards of program quality and effectiveness that includes, at a minimum, instruction in the following:

(1) The nature and content of culture.

(2) Crosscultural contact and interactions.

(3) Cultural diversity in the United States and California.

(4) Providing instruction responsive to the diversity of the pupil population.

(5) Recognizing and responding to behavior related to the characteristics listed in Section 220.

(6) Techniques for the peaceful resolution of conflict.

(d) The commission shall establish alternative requirements for a teacher to earn the certificate, which shall be awarded as a supplementary authorization pursuant to subdivision (e) of Section 44225.

(e) A teacher who possesses a credential or permit described in paragraph (1) of subdivision (b) and is able to present a valid out-of-state credential or certificate that authorizes the instruction of English language learners may qualify for the certificate issued under this section by submitting an application and fee to the commission.

(f) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) remains valid.

SEC. 2. Section 44253.4 of the Education Code is amended to read:

44253.4. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit, or a children's center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for English language development shall be limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b).

(3) Content instruction delivered in the pupil's primary language in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b).

(4) Instruction for primary language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit, a children's center supervision permit, or a designated subjects teaching credential in adult education. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a children's center instructional permit or a children's center supervision permit, then instruction for primary language development is limited to the programs authorized by

that permit. If the requirement specified in paragraph (1) of subdivision (b) is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for primary language development is limited to classes organized primarily for adults.

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, visiting faculty permit, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for the following:

(A) Emergency credentials or permits.

(B) Exchange credentials as specified in Section 44333.

(C) District intern certificates as specified in Section 44325.

(D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(c) To earn the certificate, teachers who hold the certificate described in Section 44253.3, or in Article 3.5 (commencing with Section 44475) of Chapter 3, as that section and that article existed on December 31, 1992, shall not be required to pass examinations that primarily assess the skills and knowledge necessary for effective delivery of the services authorized by the certificates they possess.

(d) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) remains valid.

(e) The commission shall initially issue certificates for languages spoken by the largest numbers of limited-English-proficient pupils for which there are reasonable numbers of teachers or potential teachers who speak those languages. The commission shall explore alternative ways to make certificates available for other languages.

SEC. 3. Section 44274.3 is added to the Education Code, to read:

44274.3. (a) Notwithstanding any other provision of this chapter, the commission shall issue a five-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to an individual who satisfies all of the following requirements:

(1) Possesses a valid visiting faculty permit issued pursuant to Section 44300.1.

(2) Submits evidence of two years of recent satisfactory or better performance evaluations from the district while teaching pursuant to a visiting faculty permit.

(3) Satisfies the standards and requirements regarding the instruction of English language learners pursuant to subdivision (c) of Section 44259.5.

(4) Satisfies the methodology course requirement in paragraph (5) of subdivision (a) of Section 44300.1.

(b) An applicant for a credential pursuant to this section is exempt from the basic skills proficiency requirement in Section 44252.

SEC. 4. Section 44274.4 is added to the Education Code, to read:

44274.4. Unless the commission determines that substantial evidence exists that the individual is unqualified to teach, upon the recommendation of the governing board of the school district employing the individual, and notwithstanding any other provision of this chapter, the commission shall issue a five-year professional clear single subject teaching credential authorizing instruction in departmentalized classes to an individual who satisfies all of the following requirements:

(a) Possesses a valid preliminary single subject teaching credential issued pursuant to Section 44274.3.

(b) Submits verification by the employing school district that the individual has completed an individualized professional development plan tailored to the needs of the individual teacher and the district that includes mentoring, support, and assistance provided by a credentialed, experienced teacher who teaches the same subject as the applicant. The individualized professional development plan shall include instruction and information about the appropriate academic content standards and curriculum frameworks to enable candidates to provide standards-based instruction and shall also include instruction on working with special populations. For purposes of satisfying the requirements of this section, an applicant may complete a beginning teacher induction program as described in paragraph (2) of subdivision (c) of Section 44259.

(c) Submits verification of experience that addresses subparagraph (A) of paragraph (4) of subdivision (c) of Section 44259.

SEC. 5. Section 44300.1 is added to the Education Code, to read:

44300.1. (a) The commission may issue or renew a visiting faculty permit authorizing instruction in departmentalized classes to an individual who satisfies all of the following requirements:

(1) Has a minimum of three years of full-time teaching experience or the full-time equivalent of that experience at an accredited California community college, a campus of the California State University or the University of California, or a regionally accredited private, nonprofit postsecondary institution. The three years of teaching experience shall be within five years of the date of application for a visiting faculty permit.

(2) Possesses a master's degree or higher from a regionally accredited institution of postsecondary education in a subject area closely related, as determined by the commission, to the subject he or she proposes to teach.

(3) Submits evidence of two years of the most recent performance evaluations, student evaluations, or other evaluations that indicate teacher effectiveness while teaching in an accredited California community college, a campus of the California State University or the University of California, or a regionally accredited private, nonprofit postsecondary institution in which the applicant received ratings of satisfactory or higher based on

criteria determined by the commission. An applicant for the renewal of a visiting faculty permit shall submit evidence of satisfactory or higher performance evaluations while serving on a current, valid visiting faculty permit.

(4) Satisfies the requirements for teacher fitness pursuant to Sections 44339 to 44341, inclusive.

(5) Completes, within the first year of serving on the visiting faculty permit, a three-semester unit course or a four-quarter unit course in methodology directly related to teaching in a departmentalized setting offered by a teacher preparation program that is accredited by the commission.

(b) To the extent that a school district chooses to employ an individual who possesses a visiting faculty permit, prior to issuing a visiting faculty permit, the commission shall review and approve the justification for the permit submitted by the employing school district. The justification shall include both of the following:

(1) Annual documentation that the school district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in this state, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach.

(2) A declaration of need for fully qualified certificated teachers based on the documentation set forth in paragraph (1) and made in the form of a motion adopted by the governing board of the school district or the county board of education at a regularly scheduled meeting of the governing board or county board. The motion shall not be part of the consent agenda and shall be entered in the minutes of the meeting.

(c) The commission may deny a request for a visiting faculty permit that does not include a justification as set forth in subdivision (b).

(d) A visiting faculty permit is valid for one year. The commission shall not renew the visiting faculty permit of an individual more than two times.

(e) Notwithstanding any other provision of law, the commission shall not issue a visiting faculty permit pursuant to this section on or after July 1, 2013.

(f) The commission shall incorporate data on visiting faculty permits into the report required pursuant to Section 44225.6. It is the intent of the Legislature that this data be used to determine if participation rates warrant extending the authority of the commission to issue visiting faculty permits.

(g) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 1.5 of this bill incorporates amendments to Section 44253.3 of the Education Code proposed by both this bill and SB 777. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2008, (2) each bill amends Section 44253.3 of the

Education Code, and (3) this bill is enacted after SB 777, in which case Section 1 of this bill shall not become operative.

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