

**ASSEMBLY BILL**

**No. 239**

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**Introduced by Assembly Member Brownley**

February 6, 2009

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An act to amend Sections 44253.3, 44325, 44326, 44328, 44398, 44399, and 44830.3 of, and to repeal Sections 44329 and 44329.5 of, the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as introduced, Brownley. Teacher credentialing.

(1) Existing law requires the Commission on Teacher Credentialing to issue an authorization to a teacher to provide specified services to limited-English-proficient pupils, and sets forth the minimum requirements for that authorization.

This bill would also authorize the commission to issue the authorization to an applicant who possesses a valid teaching credential and who holds certain certificates issued by the National Board of Professional Teaching Standards.

(2) Existing law requires the commission to issue district intern credentials authorizing persons employed by a school district to provide classroom instruction to pupils with mild and moderate disabilities in special education classes.

This bill would delete the provision specifying the authorization is only for pupils with mild and moderate disabilities.

(3) Existing law specifies persons holding district intern credentials that authorize the holder to teach in grades 1 to 8, inclusive, or in a self-contained bilingual class to either complete a commission-approved academic diversified or liberal arts subject matter program or pass a subject matter examination approved by the commission.

This bill would delete the option of completing a commission-approved academic diversified or liberal arts subject matter program.

(4) Existing law specifies that it is the intent of the Legislature that upon recommendation by the governing board, that district interns be issued professional credentials rather than preliminary credentials upon completion of successful service as a teacher pursuant to specified provisions.

This bill would instead specify that district interns be issued preliminary credentials pursuant to those provisions.

(5) Existing law requires the commission to issue a clear teaching credential to a teacher who is licensed to teach in a state other than California and who is certified by the National Board of Professional Teaching Standards, in the area in which the teacher has received the national certification.

This bill would also require the commission to issue a clear services credential authorizing service in the area in which the person has received national certification.

The bill would also delete obsolete provisions and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 44253.3 of the Education Code is  
 2 amended to read:  
 3 44253.3. (a) The commission shall issue an authorization for  
 4 a teacher to provide all of the following services to  
 5 limited-English-proficient pupils:  
 6 (1) Instruction for English language development in preschool,  
 7 kindergarten, grades 1 to 12, inclusive, and classes organized  
 8 primarily for adults, except when the requirement specified in  
 9 paragraph (1) of subdivision (b) is satisfied by the possession of  
 10 a children’s center instructional permit pursuant to Sections 8363  
 11 and 44252.7, a children’s center supervision permit pursuant to  
 12 Section 8363, or a designated subjects teaching credential in adult  
 13 education pursuant to Section 44260.2. If the requirement specified  
 14 in paragraph (1) of subdivision (b) is satisfied by the possession  
 15 of a children’s center instructional permit, or a children’s center

1 supervision permit, instruction for English language development  
2 is limited to the programs authorized by that permit. If the  
3 requirement specified in paragraph (1) of subdivision (b) is satisfied  
4 by the possession of a designated subjects teaching credential in  
5 adult education, instruction for English language development is  
6 limited to classes organized primarily for adults.

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

11 (b) The minimum requirements for the authorization, which  
12 may be completed at the same time as the initial preparation for  
13 the prerequisite credential or at a later date, shall include all of the  
14 following:

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

21 (A) Emergency credentials or permits.

22 (B) Exchange credentials as specified in Section 44333.

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

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

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

28 (2) Passage of one or more examinations, or by completing an  
29 approved program that consists of coursework or a combination  
30 of coursework and examinations, that the commission determines  
31 is necessary for demonstrating the knowledge and skills required  
32 for effective delivery of the services included in the authorization.

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

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

- 5 (1) The nature and content of culture.
- 6 (2) Cross-cultural contact and interactions.
- 7 (3) Cultural diversity in the United States and California.
- 8 (4) Providing instruction responsive to the diversity of the pupil  
 9 population.
- 10 (5) Recognizing and responding to behavior related to the  
 11 characteristics listed in Section 220.
- 12 (6) Techniques for the peaceful resolution of conflict.

13 (d) The commission shall establish alternative requirements for  
 14 a teacher to earn the authorization, which shall be awarded as a  
 15 supplementary authorization pursuant to subdivision (e) of Section  
 16 44225.

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

23 (f) *The commission may issue an authorization under this section*  
 24 *if the applicant possesses a valid California teaching credential*  
 25 *and holds either of the following certificates issued by the National*  
 26 *Board for Professional Teaching Standards:*

- 27 (1) *Early and Middle Childhood/English as a New Language*  
 28 *Certificate.*
- 29 (2) *Early Adolescence through Young Adulthood/English as a*  
 30 *New Language Certificate.*

31 (f)

32 (g) The authorization shall remain valid as long as the  
 33 prerequisite credential or permit specified in paragraph (1) of  
 34 subdivision (b) remains valid.

35 SEC. 2. Section 44325 of the Education Code is amended to  
 36 read:

37 44325. (a) The commission shall issue district intern  
 38 credentials authorizing persons employed by a school district that  
 39 maintains kindergarten and grades 1 to 12, inclusive, or that  
 40 maintains classes in bilingual education to provide classroom

1 instruction to pupils in those grades and classes in accordance with  
2 the requirements of Section 44830.3. The commission also shall  
3 issue district intern credentials authorizing persons employed by  
4 a school district to provide classroom instruction to pupils ~~with~~  
5 ~~mild and moderate disabilities~~ in special education classes, in  
6 accordance with the requirements of Section 44830.3.

7 (b) Each district intern credential is valid for a period of two  
8 years. A credential may be valid for three years if the intern is  
9 participating in a program that leads to the attainment of a specialist  
10 ~~credential to teach pupils with mild and moderate disabilities in~~  
11 *special education* or four years if the intern is participating in a  
12 program that leads to the attainment of both a multiple subject or  
13 single subject teaching credential and a specialist ~~credential to~~  
14 ~~teach pupils with mild and moderate disabilities in~~ *special*  
15 *education*. Upon the recommendation of the school district, the  
16 commission may grant a one-year extension of the district intern  
17 credential.

18 (c) The commission shall require each applicant for a district  
19 intern credential to demonstrate that he or she meets all of the  
20 following minimum qualifications for that credential:

21 (1) The possession of a baccalaureate degree conferred by a  
22 regionally accredited institution of postsecondary education.

23 (2) The successful passage of the state basic skills proficiency  
24 ~~test administered under~~ *requirement pursuant to* Sections 44252  
25 and 44252.5.

26 (3) The successful completion of the appropriate subject matter  
27 examination administered by the commission, or a  
28 commission-approved subject matter preparation program for the  
29 subject areas in which the district intern is authorized to teach.

30 (4) The oral language component of the assessment program  
31 leading to the bilingual-crosscultural language and academic  
32 development certificate for persons seeking a district intern  
33 credential to teach bilingual education classes.

34 (d) The commission shall apply the requirements of Sections  
35 44339, 44340, and 44341 to each applicant for a district intern  
36 credential.

37 ~~(e) The commission shall, until January 1, 2010, participate in~~  
38 ~~a pilot program, which may include the San Joaquin County Office~~  
39 ~~of Education and up to five school districts or consortia approved~~  
40 ~~by the commission, to provide teacher preparation programs for~~

1 ~~teachers of pupils with disabilities in special education classes.~~  
 2 ~~Notwithstanding subdivision (a), the commission shall issue district~~  
 3 ~~intern credentials authorizing participants in the approved programs~~  
 4 ~~to provide classroom instruction to pupils with disabilities in~~  
 5 ~~special education classes, in accordance with the requirements of~~  
 6 ~~Section 44830.3.~~

7 (f)

8 (e) The commission shall ensure that each district internship  
 9 program in California provides program elements to its interns as  
 10 required by the federal No Child Left Behind Act of 2001 (20  
 11 U.S.C. Sec. 6301 et seq.) and its implementing regulations.

12 SEC. 3. Section 44326 of the Education Code is amended to  
 13 read:

14 44326. (a) Persons holding district intern credentials issued  
 15 by the commission under Section 44325 to teach in grades 9 to  
 16 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized  
 17 program, or in departmentalized bilingual classes, shall be  
 18 authorized to teach in the subject area in which they have met the  
 19 subject matter requirement.

20 (b) Persons holding district intern credentials issued by the  
 21 commission under Section 44325 to teach in kindergarten and  
 22 grades 1 to 8, inclusive, in a self-contained program or in  
 23 self-contained bilingual classes who have ~~completed a commission~~  
 24 ~~approved academic diversified or liberal arts subject matter~~  
 25 ~~program that includes the subject matter coursework prescribed~~  
 26 ~~in Section 44314 or who have met the subject matter requirements~~  
 27 by passing the subject matter examination approved by the  
 28 commission for this purpose, shall be authorized to teach in those  
 29 grades or classes.

30 (c) Before being assigned to teach *special education* pupils ~~with~~  
 31 ~~mild and moderate disabilities~~, persons holding district intern  
 32 credentials issued by the commission under Section 44325 to teach  
 33 those pupils shall meet the requirements of subdivision (b).

34 (d) Each district intern is required to teach with the assistance  
 35 and guidance of certificated employees selected through a  
 36 competitive process adopted by the governing board after  
 37 consultation with the exclusive teacher representative unit or by  
 38 personnel employed by institutions of higher education to supervise  
 39 student teachers.

1 (e) A certificated employee who assists the district intern shall  
2 possess valid certification at the same level or of the same type of  
3 credential as the district interns they serve.

4 SEC. 4. Section 44328 of the Education Code is amended to  
5 read:

6 44328. (a) Unless the commission determines that substantial  
7 evidence exists that a person is unqualified to teach, upon the  
8 completion of successful service as a district intern pursuant to  
9 subdivision (b) of Section 44325, and upon the recommendation  
10 of the school district governing board, the commission shall award  
11 ~~professional~~ *clear* credentials to district interns in the same manner  
12 as applicants recommended for credentials by institutions that  
13 operate approved programs of professional preparation.

14 (b) Notwithstanding paragraphs (1) and (2) of subdivision (a)  
15 of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision  
16 (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision  
17 (c) of Section 44259, and Sections 44261, 44265, and 44335, ~~it is~~  
18 ~~the intent of the Legislature that~~, upon recommendation by the  
19 governing board, district interns shall be issued ~~professional~~  
20 ~~credentials, rather than~~ preliminary credentials, upon the  
21 completion of successful service as a teacher pursuant to  
22 subdivision (b) of Section 44325, unless the governing board  
23 recommends, and the commission finds substantial evidence, that  
24 the person is not qualified to teach. A school district may require  
25 a district intern who is pursuing a ~~professional~~ *clear* credential to  
26 complete an approved induction program if funds are available or  
27 approved coursework in accordance with paragraph (5) of  
28 subdivision (c) of Section 44259. Pursuant to Article 11  
29 (commencing with Section 44380), teachers participating in an  
30 induction program pursuant to Article 4.5 (commencing with  
31 Section 44279.1) are no longer eligible for funding under the  
32 district intern program.

33 ~~(e) Notwithstanding subdivisions (a) and (b), the governing~~  
34 ~~board of a school district may request the commission to issue a~~  
35 ~~preliminary teaching credential to an intern who has met the~~  
36 ~~requirements for a preliminary teaching credential, as specified in~~  
37 ~~subdivision (b) of Section 44259, but who has not successfully~~  
38 ~~completed the requirements for a professional clear credential~~  
39 ~~pursuant to subdivision (c) of Section 44259.~~

40 (d)

1 (c) Notwithstanding Section 44261, the preliminary credential  
 2 awarded to any district intern holding a district intern credential  
 3 to teach bilingual education classes shall be a basic teaching  
 4 credential with a bilingual-crosscultural language and academic  
 5 development emphasis. Notwithstanding Section 44265, the  
 6 preliminary credential awarded to any district intern who holds a  
 7 district intern credential to teach special education pupils with mild  
 8 and moderate disabilities shall be a special education specialist  
 9 instruction credential that authorizes the holder to teach special  
 10 education pupils with mild and moderate disabilities.

11 (e)  
 12 (d) It is the intent of the Legislature that institutions of higher  
 13 education that operate approved programs of professional  
 14 preparation work cooperatively with school districts that offer  
 15 district intern programs for a special education specialist credential  
 16 to apply the regular education coursework and fieldwork from the  
 17 special education district intern program toward earning a multiple  
 18 or single subject teaching credential through the institution.

19 SEC. 5. Section 44329 of the Education Code is repealed.  
 20 ~~44329. On or before January 1, 2007, the commission shall~~  
 21 ~~prepare and submit a report to the Legislature that summarizes the~~  
 22 ~~regulations adopted by the commission to expand statewide the~~  
 23 ~~issuance of district intern certificates that authorize classroom~~  
 24 ~~instruction to pupils with mild and moderate disabilities. The report~~  
 25 ~~shall also analyze the effectiveness of persons who hold those~~  
 26 ~~certificates.~~

27 SEC. 6. Section 44329.5 of the Education Code is repealed.  
 28 ~~44329.5. On or before January 1, 2009, the commission shall~~  
 29 ~~prepare and submit a report to the Legislature on the effectiveness~~  
 30 ~~of the pilot program established by subdivision (e) of Section~~  
 31 ~~44325.~~

32 SEC. 7. Section 44398 of the Education Code is amended to  
 33 read:  
 34 44398. Notwithstanding any provision of law except Sections  
 35 44332.6, 44340, 44346.1, and 44830.1, a *teacher person* who is  
 36 licensed to teach *or provide services in the public schools of a state*  
 37 other than California and who is certified by the National Board  
 38 for Professional Teaching Standards shall be issued a clear teaching  
 39 *or services* credential authorizing ~~the teacher to teach~~ *teaching or*

1 *service* in the ~~subject~~ area, *as determined by the commission*, in  
2 which the ~~teacher person~~ has received national certification.

3 SEC. 8. Section 44399 of the Education Code is amended to  
4 read:

5 44399. Notwithstanding any provision of law, except Sections  
6 44332.6, 44340, 44346.1, and 44830.1, the commission shall issue  
7 a ~~professional~~ clear credential to the holder of a preliminary  
8 ~~multiple subject, single subject, or education specialist~~ teaching  
9 *or services* credential who attains certification from the National  
10 Board for Professional Teaching Standards. The ~~professional~~ clear  
11 credential issued pursuant to this section shall authorize the holder  
12 to teach *or provide services* in the area that the commission  
13 determines is equivalent to the certificate field in which the teacher  
14 *or services provider* received certification from the National Board  
15 for Professional Teaching Standards.

16 SEC. 9. Section 44830.3 of the Education Code is amended to  
17 read:

18 44830.3. (a) The governing board of any school district that  
19 maintains prekindergarten, kindergarten, or grades 1 to 12,  
20 inclusive, classes in bilingual education, or special education  
21 ~~programs for pupils with mild and moderate disabilities~~, may, in  
22 consultation with an accredited institution of higher education  
23 offering an approved program of pedagogical teacher preparation,  
24 employ persons authorized by the Commission on Teacher  
25 Credentialing to provide service as district interns to provide  
26 instruction to pupils in those grades or classes as a classroom  
27 teacher. The governing board shall require that each district intern  
28 be assisted and guided by a certificated employee selected through  
29 a competitive process adopted by the governing board after  
30 consultation with the exclusive teacher representative unit or by  
31 personnel employed by institutions of higher education to supervise  
32 student teachers. These certificated employees shall possess valid  
33 certification at the same level, or of the same type of credential,  
34 as the district interns they serve.

35 (b) The governing board of each school district employing  
36 district interns shall develop and implement a professional  
37 development plan for district interns in consultation with an  
38 accredited institution of higher education offering an approved  
39 program of pedagogical preparation. The professional development  
40 plan shall include all of the following:

1 (1) Provisions for an annual evaluation of the district intern.

2 (2) As the governing board determines necessary, a description  
3 of courses to be completed by the district intern, if any, and a plan  
4 for the completion of preservice or other clinical training, if any,  
5 including student teaching.

6 (3) Mandatory preservice training for district interns tailored to  
7 the grade level or class to be taught, through either of the following  
8 options:

9 (A) One hundred twenty clock hours of preservice training and  
10 orientation in the aspects of child development, classroom  
11 organization and management, pedagogy, and methods of teaching  
12 the subject field or fields in which the district intern will be  
13 assigned, which training and orientation period shall be under the  
14 direct supervision of an experienced permanent teacher. In addition,  
15 persons holding district intern certificates issued by the commission  
16 pursuant to Section 44325 shall receive orientation in methods of  
17 teaching pupils with ~~mild and moderate~~ disabilities. At the  
18 conclusion of the preservice training period, the permanent teacher  
19 shall provide the district with information regarding the area that  
20 should be emphasized in the future training of the district intern.

21 (B) The successful completion, prior to service by the intern in  
22 any classroom, of six semester units of coursework from a  
23 regionally accredited college or university, designed in cooperation  
24 with the school district to provide instruction and orientation in  
25 the aspects of child development and the methods of teaching the  
26 subject matter or matters in which the district intern will be  
27 assigned.

28 (4) Instruction in child development and the methods of teaching  
29 during the first semester of service for district interns teaching in  
30 prekindergarten, kindergarten, or grades 1 to 6, inclusive, including  
31 bilingual education classes and, ~~for persons holding district intern~~  
32 ~~certificates issued by the commission pursuant to Section 44325,~~  
33 special education programs ~~for pupils with mild and moderate~~  
34 ~~disabilities at those levels.~~

35 (5) Instruction in the culture and methods of teaching bilingual  
36 pupils during the first year of service for district interns teaching  
37 pupils in bilingual classes and, for persons holding district intern  
38 certificates issued by the commission pursuant to Section 44325,  
39 instruction in the etiology and methods of teaching pupils with  
40 ~~mild and moderate~~ disabilities.

1 (6) Any other criteria that may be required by the governing  
2 board.

3 (7) In addition to the requirements set forth in paragraphs (1)  
4 to (6), inclusive, the professional development plan for district  
5 interns teaching in special education programs ~~for pupils with mild~~  
6 ~~and moderate disabilities~~ shall also include 120 clock hours of  
7 mandatory training and supervised fieldwork that shall include,  
8 but not be limited to, instructional practices, and the procedures  
9 and pedagogy of both general education programs and special  
10 education programs that teach pupils with disabilities.

11 (8) In addition to the requirements set forth in paragraphs (1)  
12 to (6), inclusive, the professional development plan for district  
13 interns teaching bilingual classes shall also include 120 clock hours  
14 of mandatory training and orientation, which shall include, but not  
15 be limited to, instruction in subject matter relating to  
16 bilingual-crosscultural language and academic development.

17 (9) The professional development plan for district interns  
18 teaching in special education programs ~~for pupils with mild and~~  
19 ~~moderate disabilities~~ shall be based on the standards adopted by  
20 the commission as provided in subdivision (a) of Section 44327.

21 (c) Each district intern and each district teacher assigned to  
22 supervise the district intern during the preservice period shall be  
23 compensated for the preservice period required pursuant to  
24 subparagraph (A) or (B) of paragraph (3) of subdivision (b). The  
25 compensation shall be that which is normally provided by each  
26 district for staff development or in-service activity.

27 (d) Upon completion of service sufficient to meet program  
28 standards and performance assessments, the governing board may  
29 recommend to the Commission on Teacher Credentialing that the  
30 district intern be credentialed in the manner prescribed by Section  
31 44328.