

AMENDED IN SENATE JUNE 16, 2009

AMENDED IN ASSEMBLY MARCH 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 239

Introduced by Assembly Member Brownley
(Coauthor: Senator Romero)

February 6, 2009

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 amended, 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 authorizes persons holding district intern credentials to teach in kindergarten and grades 1 to 8, inclusive, in a self-contained program or in self-contained bilingual classes if they have either completed a commission-approved academic diversified or liberal arts subject matter program or have met the subject matter requirement by passing the subject matter examination approved by the commission.

This bill would instead authorize those district intern credentialholders to teach in those grades and classes if they have met the subject matter requirement.

(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

1 a children's center instructional permit pursuant to Sections 8363
2 and 44252.7, a children's center supervision permit pursuant to
3 Section 8363, or a designated subjects teaching credential in adult
4 education pursuant to Section 44260.2. If the requirement specified
5 in paragraph (1) of subdivision (b) is satisfied by the possession
6 of a children's center instructional permit, or a children's center
7 supervision permit, instruction for English language development
8 is limited to the programs authorized by that permit. If the
9 requirement specified in paragraph (1) of subdivision (b) is satisfied
10 by the possession of a designated subjects teaching credential in
11 adult education, instruction for English language development is
12 limited to classes organized primarily for adults.

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

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

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

27 (A) Emergency credentials or permits.

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

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

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

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

34 (2) Passage of one or more examinations, or by completing an
35 approved program that consists of coursework or a combination
36 of coursework and examinations, that the commission determines
37 is necessary for demonstrating the knowledge and skills required
38 for effective delivery of the services included in the authorization.

39 (3) Completion of at least six semester units, or nine quarter
40 units, of coursework in a second language at a regionally accredited

1 institution of postsecondary education. The commission shall
2 establish minimum standards for scholarship in the required
3 coursework. The commission also shall establish alternative ways
4 in which the requirement can be satisfied by language-learning
5 experience that creates an awareness of the challenges of
6 second-language acquisition and development.

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

- 11 (1) The nature and content of culture.
- 12 (2) Cross-cultural contact and interactions.
- 13 (3) Cultural diversity in the United States and California.
- 14 (4) Providing instruction responsive to the diversity of the pupil
15 population.

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

- 18 (6) Techniques for the peaceful resolution of conflict.

19 (d) The commission shall establish alternative requirements for
20 a teacher to earn the authorization, which shall be awarded as a
21 supplementary authorization pursuant to subdivision (e) of Section
22 44225.

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

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

- 33 (1) Early and Middle Childhood/English as a New Language
34 Certificate.

- 35 (2) Early Adolescence through Young Adulthood/English as a
36 New Language Certificate.

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

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

3 44325. (a) The commission shall issue district intern
4 credentials authorizing persons employed by a school district that
5 maintains kindergarten and grades 1 to 12, inclusive, or that
6 maintains classes in bilingual education to provide classroom
7 instruction to pupils in those grades and classes in accordance with
8 the requirements of Section 44830.3. The commission also shall
9 issue district intern credentials authorizing persons employed by
10 a school district to provide classroom instruction to pupils in special
11 education classes, in accordance with the requirements of Section
12 44830.3.

13 (b) Each district intern credential is valid for a period of two
14 years. A credential may be valid for three years if the intern is
15 participating in a program that leads to the attainment of a specialist
16 credential in special education or four years if the intern is
17 participating in a program that leads to the attainment of both a
18 multiple subject or single subject teaching credential and a
19 specialist credential in special education. Upon the recommendation
20 of the school district, the commission may grant a one-year
21 extension of the district intern credential.

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

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

27 (2) The successful passage of the state basic skills proficiency
28 requirement pursuant to Sections 44252 and 44252.5.

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

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

37 (d) The commission shall apply the requirements of Sections
38 44339, 44340, and 44341 to each applicant for a district intern
39 credential.

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

5 SEC. 3. Section 44326 of the Education Code is amended to
6 read:

7 44326. (a) Persons holding district intern credentials issued
8 by the commission under Section 44325 to teach in grades 9 to
9 12, inclusive, or in grades 6 to 8, inclusive, in a departmentalized
10 program, or in departmentalized bilingual classes, shall be
11 authorized to teach in the subject area in which they have met the
12 subject matter requirement.

13 (b) Persons holding district intern credentials issued by the
14 commission under Section 44325 to teach in kindergarten and
15 grades 1 to 8, inclusive, in a self-contained program or in
16 self-contained bilingual classes and who have met the subject
17 matter requirement shall be authorized to teach in those grades or
18 classes.

19 (c) Before being assigned to teach special education pupils,
20 persons holding district intern credentials issued by the commission
21 under Section 44325 to teach those pupils shall meet the
22 requirements of subdivision (b).

23 (d) Each district intern is required to teach with the assistance
24 and guidance of certificated employees selected through a
25 competitive process adopted by the governing board after
26 consultation with the exclusive teacher representative unit or by
27 personnel employed by institutions of higher education to supervise
28 student teachers.

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

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

34 44328. (a) Unless the commission determines that substantial
35 evidence exists that a person is unqualified to teach, upon the
36 completion of successful service as a district intern pursuant to
37 subdivision (b) of Section 44325, and upon the recommendation
38 of the school district governing board, the commission shall award
39 preliminary credentials to district interns in the same manner as

1 applicants recommended for credentials by institutions that operate
2 approved programs of professional preparation.

3 (b) Notwithstanding paragraphs (1) and (2) of subdivision (a)
4 of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision
5 (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision
6 (c) of Section 44259, and Sections 44261, 44265, and 44335, upon
7 recommendation by the governing board, district interns shall be
8 issued preliminary credentials, upon the completion of successful
9 service as a teacher pursuant to subdivision (b) of Section 44325,
10 unless the governing board recommends, and the commission finds
11 substantial evidence, that the person is not qualified to teach. A
12 school district may require a district intern who is pursuing a clear
13 credential to complete an approved induction program if funds are
14 available or approved coursework in accordance with paragraph
15 (5) of subdivision (c) of Section 44259. Pursuant to Article 11
16 (commencing with Section 44380), teachers participating in an
17 induction program pursuant to Article 4.5 (commencing with
18 Section 44279.1) are no longer eligible for funding under the
19 district intern program.

20 (c) Notwithstanding Section 44261, the preliminary credential
21 awarded to any district intern holding a district intern credential
22 to teach bilingual education classes shall be a basic teaching
23 credential with a bilingual-crosscultural language and academic
24 development emphasis. Notwithstanding Section 44265, the
25 preliminary credential awarded to any district intern who holds a
26 district intern credential to teach special education pupils shall be
27 a special education specialist instruction credential that authorizes
28 the holder to teach special education pupils.

29 (d) It is the intent of the Legislature that institutions of higher
30 education that operate approved programs of professional
31 preparation work cooperatively with school districts that offer
32 district intern programs for a special education specialist credential
33 to apply the regular education coursework and fieldwork from the
34 special education district intern program toward earning a multiple
35 or single subject teaching credential through the institution.

36 SEC. 5. Section 44329 of the Education Code is repealed.

37 SEC. 6. Section 44329.5 of the Education Code is repealed.

38 SEC. 7. Section 44398 of the Education Code is amended to
39 read:

1 44398. (a) Notwithstanding any provision of law except
2 Sections 44332.6, 44340, 44346.1, and 44830.1, a person who is
3 licensed to teach or provide services in the public schools of a state
4 other than California and who is certified by the National Board
5 for Professional Teaching Standards shall be issued a clear teaching
6 or services credential authorizing teaching or service in the area,
7 as determined by the commission, in which the person has received
8 national certification.

9 (b) *Nothing in this section shall be construed to supersede the*
10 *requirements of Section 44253.3.*

11 SEC. 8. Section 44399 of the Education Code is amended to
12 read:

13 44399. Notwithstanding any provision of law, except Sections
14 44332.6, 44340, 44346.1, and 44830.1, the commission shall issue
15 a clear credential to the holder of a preliminary teaching or services
16 credential who attains certification from the National Board for
17 Professional Teaching Standards. The clear credential issued
18 pursuant to this section shall authorize the holder to teach or
19 provide services in the area that the commission determines is
20 equivalent to the certificate field in which the teacher or services
21 provider received certification from the National Board for
22 Professional Teaching Standards.

23 SEC. 9. Section 44830.3 of the Education Code is amended to
24 read:

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

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

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

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

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

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

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

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in prekindergarten, kindergarten, or any of grades 1 to 6, inclusive, including bilingual education classes and special education programs.

(5) Instruction in the culture and methods of teaching bilingual pupils during the first year of service for district interns teaching

1 pupils in bilingual classes and, for persons holding district intern
2 certificates issued by the commission pursuant to Section 44325,
3 instruction in the etiology and methods of teaching pupils with
4 disabilities.

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

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

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

20 (9) The professional development plan for district interns
21 teaching in special education programs shall be based on the
22 standards adopted by the commission as provided in subdivision
23 (a) of Section 44327.

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

30 (d) Upon completion of service sufficient to meet program
31 standards and performance assessments, the governing board may
32 recommend to the Commission on Teacher Credentialing that the
33 district intern be credentialed in the manner prescribed by Section
34 44328.