STATE OF CALIFORNIA GRAY DAVIS, Governor

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING
DIVISION OF PROFESSIONAL PRACTICES
1900 Capitol Avenue
Sacramento, California 95814-4213

(916) 445-0243
FAX (916) 323-6735

OFFICE OF THE EXECUTIVE DIRECTOR

RECEIVED
NOV 07 2003
COMMISSION ON
STATE MANDATES

November 6, 2003

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Commission on Teacher Credentialing
Comments regarding Complete Test Claim Filing

Dear Ms. Higashi:

The Commission on Teacher Credentialing has prepared the enclosed comments regarding the test claim filed by the San Diego County Office of Education. Please contact the Commission's General Counsel, Mary Armstrong if you have any question regarding this matter.

Very truly yours,

Sam W. Swofford, Ed.D.
Executive Director

Enclosure

cc: Attached Mailing List

Commission on Teacher Credentialing

November 6, 2003

Response to the Test Claim of San Diego County Office of Education

Page Reference	Code/Reg * Reference	Comments
98/8-12	44200 & 44800	Both of these sections are the beginning sections of teacher credentialing and school employment. Since these are the basic requirements of doing business, it appears that the normal funding stream for the county and district would cover these responsibilities.
98/13-16	44225(m)	This section is the waiver authority of the Commission. LEAs are not required to request waivers. This is an optional process for LEAs.
98/17-18 99/1-8	44225.7(a)	This section establishes a hierarchy for hiring non-credentialed teachers and that LEAs are required to make a diligent search. This is not a required process for districts that only hire credentialed teachers.
99/9-11	44225.7(b)	This is only a requirement when districts are unable to hire credentialed teachers.
99/12-20	44300(a)(3)	An LEA is only required to file a Declaration of Need if they are employing emergency permit teachers. LEAs hiring credentialed teachers do not need to file this document.
99/21-23	44300(g)	LEAs must provide training to emergency permit teachers. LEAs are not required to hire emergency permit teachers.
99/24-25 100/1-8	44301(b)	LEAs are not required to hire emergency permit teachers.
100/9-13	44326(d)	Mentors for district intern programs. LEAs are not required to offer district intern programs.
100/14-15	44327(a)	LEAs are not required to offer district intern programs.
100/16-19	44332(b)	County offices are not mandated to issue Temporary County Certificates. Counties have the option to issue TCCs.
100/20-22	44830(a)	Employment (local) not licensing issue
100/23-25 101/1-11	44830(b)	Employment (local) not licensing issue
101/12-14	44830(i)	Employment (local) not licensing issue

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
101/15-18	44830(j)	Employment (local) not licensing issue
101/19-21	44830.3(a)	LEAs are not required to offer district intern programs.
101/22-25	44830.3(b)	LEAs are not required to offer district intern programs.
102/1-25 103/1-20	44830.3(b)	LEAs are not required to offer district intern programs
103/21-25	44842(a)	Employment (local) not licensing issue
104/1-4	44842(b)	Employment (local) not licensing issue
104/5-8	44842(c)	Employment (local) not licensing issue
104/9-14	44885.5(a)	Employment (local) not licensing issue
104/15-19	44885.5(b)	Employment (local) not licensing issue
104/20-24	44901(b)	Employment (local) not licensing issue
104/25 105/1-3	45307	This is a CDE audit.
105/4-7	45307(c)	This is a CDE audit.
105/13-15	80005	This determination exists only for classes where a credential does not exist. The county receives mandate funds to conduct LEA assignment monitoring.
105/16-20	80016(a)(3)	There was no mandate on districts or counties to offer Certificate of Completion of Staff Development training.
105/21-24	80020.4.1(e)	This requirement is part of the assignment monitoring process which county offices receive mandate funds to perform these duties.
106/1-3	80023.1(b)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
106/4-7	80023.2(d)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
106/8-18	80025(c)	LEAs are not required to employ 30-day substitute emergency permit teachers, consequently the process to employ 30-day substitute emergency permits teachers is not a mandate.
106/19-25 107/1-10	80025.1(a)	LEAs are not required to employ Emergency Career Substitute permit teachers, consequently the process to employ Emergency Career Substitute permits teachers is not a mandate.

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
107/11-17	80025.1(b)	LEAs are not required to employ Emergency Career Substitute permit teachers, consequently the process to employ Emergency Career Substitute permits teachers is not a mandate.
107/18-25 108/1-4	80025.5	LEAs are not required to employ Designated Subjects Vocational Education Permit teachers, consequently the process to employ Designated Subjects Vocational Education Permit teachers is not a mandate.
108/5-25 109/1-23	80026	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
109/24-25 110/1-3	80026.5(a)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/4-6	80026.5(b)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/7-9	80026.6(a)	LEAs are not required to employ emergency permit teachers, consequently the process to employ emergency permits teachers is not a mandate.
110/10-15	80027(a)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
110/16-18	80027(a)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
110/19-25 111/1-5	80027(b)	LEAs are not required to employ limited assignment teachers, consequently the process to employ limited assignment teachers is not a mandate.
111/6-14	80035(a)	**The regulations require an LEA to apprise a candidate of the requirements for both the preliminary and professional clear credentials. The Commission issued 1424 full-time vocational education credentials in 2002-2003.**
111/15-19	80035(b)	**The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 1424 full-time vocational education credentials in 2002-2003.**
111/20-25 112/1	80035(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
112/2-11	80035(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
112/12-14	80035.5	Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
112/15-19	80036(a)	**The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 1392 full-time adult education credentials in 2002-2003.**
112/21-25	80036(b)	**The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 1392 full-time adult education credentials in 2002-2003.**
113/1-7	80036(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.
113/8-17	80036(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
113/18-25	80036.1(a)	**The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 330 part-time adult education credentials in 2002-2003.**
114/1-5	80036.1(b)	**The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 330 part-time adult education credentials in 2002-2003.**
114/6-12	80036.1(c)	This process exists for candidates who do not complete two years of successful teaching experience so the LEA is only required to complete this process for candidates who do not complete the requirements for the professional clear credential.
114/13-19	80036.1(d)	LEAs are required to verify two years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
114/20-22	80036.3(a)	Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
114/23-25 115/1-4	80037(a)	**The regulations require an LEA to apprise a candidate of the requirements the both the preliminary and professional clear credentials. The Commission issued 101 special subjects teaching credentials in 2002-2003.**
115/5-13	80037(b)	**The regulations require a Commission-approved LEA to verify successful completion of Level I requirements to the ESD. The Commission issued 101 special subjects teaching credentials in 2002-2003.**
115/14-18	80037.5(b)	LEAs have the option of developing a Driver Education and Training program. There is no mandate for an LEA to offer this program.
115/19-25 116/1	80038(a)	LEAs are required to verify three years of successful teaching experience. Commission-approved LEAs are voluntary, there is no mandate to be a Commission-approved LEA. Many of the Commission-approved LEAs charge for their services.
116/2-7	80040(a)	This is a voluntary process.
116/8-18	80043(a)	Eminence Credentials are voluntary. LEAs are not required to request Eminence Credentials.
116/19-22	80045(a)	**The regulations require the ESD to support the renewal of an Eminence Credential. The Commission issued 2 Eminence Credentials in 2002-2003.**
116/23-25 117/1-2	80045(b)	**The regulations require the ESD to support the issuance of a Professional Clear Eminence Credential. The Commission issued 2 Eminence Credentials in 2002-2003.**
117/3-6	80047.2(a)	**The regulations require documenting experience in this instance.**
117/7-10	80047.4(a)(4)	**The regulations require documenting experience in this instance.**
117/11-15	80048.2(a)	**The regulations require the LEA to inform the applicant of the requirements to clear the Specialist Credential. The Commission stopped issuing these documents June 30, 1998.**
117/16-20	80048.2(f)	There is an either or requirement in this section. The candidate can complete a course or 45 clock hours. This is not a mandate.

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
117/21-24	80048.3(a)	**The regulations require a verification of employment.** The second portion is required only if the LEA states that the Education Specialist credential is required yet the duties are special education. This second portion is an option the LEA chooses and probably should not be considered a mandate. The Commission issued 2445 Education Specialist Credentials in 2002-2003.
117-25 118/1-5	80048.3(b)	There is an either or requirement in this section. The candidate can complete a course or 45 clock hours. This portion is not a mandate. There is another option that is required only if the LEA states that the Education Specialist credential is required yet the duties are special education. This second portion is an option the LEA chooses and probably should not be considered a mandate. **The regulations require a verification of employment.** The Commission issued 2445 Education Specialist Credentials in 2002-2003.
118/6-25 119/1-2	80048.3(c)	**The regulations do require the steps stated on these pages. This process is for out-of-state trained teachers, the LEA does have an option to hire California trained teachers and this process is not required.**
119/3-9	80048.3.1(a)	This process is for out-of-state LEAs and not California LEAs.
119/10-14	80048.4(a)	This one out of three options, the other two do not require this verification so there is a choose for the district and candidate for the Education Specialist Credential.
119/15-20	80054(a)	**The regulations require that the LEA verify three years of experience on a credential.**
119/21-23	80054(d)	**The regulations require the LEA to verify two years of administrative experience. The Commission issued 3631 Administrative Services Credentials in 2002-2003.**
119/24-25 120/1-16	80055.1(a)	There is no mandate for an LEA to employ an Exchange Teacher, that is at the discretion of the employer.
120/17-25	80055.2(a)	LEAs are not required to employ Sojourn Credential holders, this is at the discretion of the employer.
121/1-3	80058.2(a)	The request for continuance is based on a teacher's preliminary credential expiring prior to the end of the year. This is based on a teacher not completing requirements for a credential. There is no mandate that employers must keep these teachers. The Commission is proposing deleting this section at a November public hearing.
121/4-7	80058.2(b)	There is no mandate that LEAs need to continue to employ substitutes if their permit has expired. The Commission is proposing deleting this section at a November public hearing.

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
121/8-10	80070.2(a)	**An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.**
121/11-15	80070.3(a)	**An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.**
121/16-18	80070.4(a)	**An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.**
121/19-23	80070.6(a)	**An LEA is required to verify experience for the Resource Specialist Certificate. The Commission issued 286 Resource Specialist Certificates in 2002-2003.**
121/25 122/1-25 123/1-11	80071.4(h)	CBEST is administered six times a year and this process exists if an LEA wishes to request a special administration beyond the six times. There is nothing in state law that requires a district to request a special administration.
123/14-19	80413.3(a)	**The regulations do require an LEA to sign a written justification for an out-of-state trained teacher to qualify for a professional clear credential.**
123-20-25 124/1-2	80413.3(b)	***The regulations require an LEA to verify an offer of employment for an out-of-state trained teacher.***
124/4-10	80435(b)	An LEA can submit official transcripts and avoid this process.
124/11-14	80441(a)	County Offices of Education are not required to issue Temporary County Certificates, consequently this process is only required if a TCC is issued.
124/15-25 125/1-4	80441(c)	County Offices of Education are not required to issue Temporary County Certificates, consequently this process is only required if a TCC is issued.
125/5-7	80466	This process is for out-of-state trained teachers and is not a process for California LEAs. This Commission is proposing deleting this section at a November public hearing.
125/11-14	80556(a)	**The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.**
125/15-18	80556(c)	**The statute and regulation require LEAs to adopt policies and procedures for the selection of professional growth advisors.**
125/19-22	80556(j)	**The statute and regulation require LEAs to remove professional growth advisors.**
125/23-25 126/1	80556.1(a)	**The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.**

*All statutory references are to the Education Code

Page Reference	Code/Reg * Reference	Comments
126/2-5	80556.1(e)	**The statute and regulation require LEAs to designate one or more certificated persons to be professional growth advisors.**
126/6-9	80556.1(h)	**The statute and regulation require LEAs to remove professional growth advisors.**
126/12-16	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.
126/17-19	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.
126/20-23	80601	There is no requirement for an LEA to complete the validation of service request. This process exists when an LEA employs a teacher whose credential has expired yet kept them in the classroom.

*All statutory references are to the Education Code

Original List Date: 9/30/2003
Last Updated:
List Print Date: 10/07/2003
Claim Number: 03-TC-09
Issue: Teacher Credentialing

Mailing Information: Completeness Determination

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

Mr. Keith B. Petersen
SixTen & Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Claimant Representative
Tel: (858) 514-8605
Fax: (858) 514-8645

Ms. Lora Duzyk
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7309

Claimant
Tel: (858) 292-3537
Fax: (858) 541-0697

Dr. Carol Berg
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

Tel: (916) 446-7517
Fax: (916) 446-2011

Mr. Paul Minney
Spector, Middleton, Young & Minney, LLP
7 Park Center Drive
Sacramento, CA 95825

Tel: (916) 646-1400
Fax: (916) 646-1300

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350
Fax: (916) 727-1734

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 987
Sun City, CA 92586

Tel: (909) 672-9964
Fax: (909) 672-9963

Mr. Arthur Palkowitz
San Diego Unified School District
4100 Normal Street, Room 3159
San Diego, CA 92103-8363
Tel: (619) 725-7565
Fax: (619) 725-7569

Mr. Steve Smith
Mandated Cost Systems, Inc.
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670
Tel: (916) 669-0888
Fax: (916) 669-0889

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816
Tel: (916) 454-7310
Fax: (916) 454-7312

Ms. Beth Hunter
Centration, Inc.
8316 Red Oak Street, Suite 101
Rancho Cucamonga, CA 91730
Tel: (866) 481-2642
Fax: (866) 481-5383

Mr. Gerald Shelton
California Department of Education (E-08)
Fiscal and Administrative Services Division
1430 N Street, Suite 2213
Sacramento, CA 95814
Tel: (916) 445-0554
Fax: (916) 327-8306

Mr. Michael Havey
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816
Tel: (916) 445-8757
Fax: (916) 323-4807

Mr. Keith Gmeinder
Department of Finance (A-15)
915 L Street, 8th Floor
Sacramento, CA 95814
Tel: (916) 445-8913
Fax: (916) 327-0225

Mr. Sam Swofford
Commission on Teacher Credentialing (A-09)
1900 Capitol Avenue
Sacramento-County, CA 95814-4213
Tel: (916) 000-0000
Fax: (916) 000-0000