

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: September 9, 2003

From: William W. Vasey

Re: ITEM # 28

Subject No Child Left Behind Act of 2001 Teacher Requirements ("Highly Qualified Teacher") Including, but not limited to, Adoption of Proposed Title 5 regulations

Background

At the July 2003 meeting, the State Board initiated the permanent rulemaking process regarding the No Child Left Behind Teacher Requirements. The State Board directed that the public hearing for this rulemaking process be conducted by staff in accordance with subdivision (b) of Section 18460 of Title 5 of the California Code of Regulations.

Report on Public Hearing

Consistent with the requirements of the Administrative Procedure Act, the public hearing regarding the proposed regulations was scheduled for Tuesday, September 9, 2003, at the California Department of Education, 1430 N Street, Room 1101, Sacramento, California, beginning at 1:00 p.m. An audiotape of the public hearing was made, and Maryanna Rickner will provide a copy of the audiotape to any State Board member so desiring.

The public hearing was called to order at 1:10 p.m. on the prescribed date and at the prescribed location. Eight persons provided comments at the public hearing. The public hearing was adjourned at 2:15 p.m.

Twenty-two comments were received during the public comment period, which ended at 5:00 p.m. on Monday, September 8, 2003, and those recorded at the public hearing have been summarized and responses provided to the Board in this memorandum.

As of September 8, 2003 at 5:00 p.m., the department received a total of 22 public comments, including emails and letters, regarding the proposed Title 5 No Child Left Behind Teacher Requirements. The comments were received from K-12 assistant superintendents, a program director, a principal/superintendent, a retired superintendent, a county office of education administrator, a middle school principal, college and university faculty and administrators, credential students, a parent of a credential student, and K-12 teachers. Organizations submitting comments included the California Association for Bilingual Education, the Association of California School Administrators, the California Teachers Association, The California Federation of Teachers, the California Association of Community Organizations for Reform Now (ACORN), Californians for Justice Education Fund, and the National Council of La Raza. At the public hearing on September 9, 2003, testimony was heard from eight individuals, including three public comments that had not been previously submitted in writing during the 45-

day public comment period. These three individuals included a representative from the California Association for Bilingual Education, a school administrator, and a representative from the California Federation of Teachers.

Summary of Public Comments/Key Issues

- Two people expressed concern regarding the limited options for elementary teachers to demonstrate subject matter competence versus those available to secondary teachers.
- Two people expressed concern regarding implementation of the proposed HOUSSE regulations under Section 6104 and its impact on time constraints of teacher/principals in Necessary Small Schools and requested alternatives be considered.
- Three people requested a change in Title 5 regulation wording pertaining to persons knowledgeable to evaluate teachers under the HOUSSE
- Two people requested that Title 5 regulation wording make it clear that a teacher must demonstrate subject matter competency only once for each subject or grade span.
- Six people expressed concern regarding the proposed testing requirements, including requests that examinations prior to CSET be considered valid for the subject matter exam requirement (including the National Teachers Exam, the Multiple Subject Assessment for Teachers, and older exams that were previously acceptable).
- Two people expressed concern that the teacher qualifications include only subject matter competency and do not address pedagogy.
- Five people expressed concern that international teachers may not have been considered.
- Two people expressed concerns regarding the regulations as they apply to middle schools.
- Four people requested that the words “grade span” be substituted for “grade” or “grade level”.
- Two people expressed concern about language fluency of teachers of English Language Learners.
- One person included a comment regarding the need for review of the definition of highly qualified teachers by the Committee of Practitioners.
- Four people expressed concern that the individualized intern certificate would be acceptable.
- Five people included comments regarding the need for CLAD/BCLAD certification in the requirements for teachers.

A summary of the comments and responses by section number follows.

Staff Recommendation

Recommend that staff send out the revised proposed regulations for the 15-day public comment period, and if no objections to the revisions are received during the 15-day public comment period, direct staff to submit the revised rulemaking package to OAL for approval, and if objections to the revisions are received during the 15-day public comment period, direct staff to place the matter on the next State Board agenda for action following consideration of the objections.

FINAL STATEMENT OF REASONS
No Child Left Behind Teacher Requirements

UPDATE OF INITIAL STATEMENT OF REASONS

Subchapter 7, Article 1 — No Child Left Behind Teacher Requirements
Section 6100, 6101, 6103, 6104, 6110, 6112, 6115, 6120, and 6125

The proposed regulations are necessary to implement the requirements of the federal No Child Left Behind (NCLB) Act of 2001. Specifically, the proposed regulations are necessary to identify the “rigorous state test” that federal law requires each new to the profession elementary teacher pass, and outlines the “high objective uniform state standard of evaluation” that can be used to qualify not new to the profession teachers as “highly qualified.” The proposed regulations also define several key phrases to assist school districts in complying with the federal law. These details are necessary to assist school districts to meet the federal law and allow California to receive and retain federal funding under the federal Title I, Part A.

In addition to the public comment period and hearing pursuant to the Administrative Procedures Act, public discussion took place during nine meetings held by the AB 312 No Child Left Behind Liaison Team established to advise the State Superintendent of Public Instruction and the California State Board of Education on matters related to the federal No Child Left Behind Act. (Education Code Section 52058.1)

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 25, 2003 THROUGH SEPTEMBER 8, 2003 AND THE PUBLIC HEARING, SEPTEMBER 9, 2003.

6102. Elementary Teachers New to the Profession.

Comment: Yumi Soares, student, California State University, Stanislaus, via e-mail, and Mary Reynolds, parent of student, California State University, Sacramento, via letter, both commented that the regulations should not require current elementary credential students who elected to complete coursework in an approved CTC credential program to satisfy requirements for a multiple subject credential to now be required to pass a state test (CSET) as an additional requirement for receiving a multiple subject credential.

Comment: Kimberly Riley, student, California State University, Sacramento, via e-mail commented that the regulations should not require credentialed elementary teachers who have already satisfied subject matter requirements through a liberal studies major to pass a state test (CSET) to demonstrate subject matter competency.

Comment: Kerry Peterson, teacher, via e-mail, commented that as a newly credentialed teacher with a preliminary California CLAD Multiple Subject teaching credential received on February 12, 2003, he has just been informed that he will now need to pass a state test to demonstrate subject matter competency. He further states that these new requirements have caused him not to be eligible for hire at Title I schools this fall due to the availability of test dates.

Response: The proposed regulations comply with the provisions of federal law. The federal NCLB Act requires that elementary teachers new to the profession pass a rigorous State exam to demonstrate subject matter competence. The proposed regulations do not name the required test or limit it to one test. The proposed regulations clarify that the Commission on Teacher Credentialing will certify the test(s) in order to conform the NCLB Teacher Requirements with California's credentialing requirements.

Comment: Michael Weimer, President, California Federation of Teachers provided public and written comment stating that the proposed regulations offer fewer options for elementary teachers than middle or high school teachers. He proposed that the same options be available to both new and not new elementary teachers.

Comment: Karen Neufeld, Fresno Pacific University, via letter, commented that the proposed regulations unfairly provide fewer options for prospective elementary level teachers than secondary level teachers by requiring elementary teachers to pass a state test to demonstrate subject matter competency while prospective secondary level teachers are provided more options including passing a test or completing an undergraduate major or coursework equivalent to an undergraduate major.

Response: The proposed regulations comply with the provisions of the federal NCLB Act that allow more options for middle and high school teachers than elementary teachers. Federal law requires elementary teachers who are new to the profession to pass a rigorous State exam to demonstrate subject matter competence. The federal NCLB Act requires middle and high school teachers who are new to the profession to pass a validated statewide subject matter examination in the subjects taught or have an undergraduate major; a graduate degree; coursework equivalent to an undergraduate major, or advanced certification in the subjects taught. Teachers who are not new may qualify under the HOUSSE option.

Comment: Karen Neufeld, Fresno Pacific University, via letter, commented that the proposed regulations place little value on approved coursework in subject matter programs by allowing an option of only passing an examination to demonstrate subject matter competency. Elementary teachers will become increasingly focused on test prep which undermines the other valued aspects of approved subject matter programs such as early field experiences, application of technology, inclusion of critical thinking, and integration of diversity issues.

Comment: Mary Berliner Cabral, Early Education Systems Engineer, Marian Wright Edelman Institute, San Francisco State University, via e-mail, commented that the use of CSET, the

assessment instrument California uses to measure Highly Qualified teachers, assesses content knowledge only and is a concern because it does not assess pedagogy.

Response: The proposed regulations comply with the provisions of the federal NCLB Act that require teachers to have obtained full state certification. To receive a credential, teachers are required to complete a California Commission on Teacher Credentialing approved college or university teacher preparation or internship program that includes coursework in subject, pedagogy, developing English language skills, computer technology in educational settings; laws, methods, and requirements related to special populations, and field experiences including student teaching.

6103. Elementary Teachers Not New to the Profession.

Comment: J. Rusty Vardy, via e-mail, commented that the regulations should include the National Teachers Exam (NTE); previously approved Commission on Teacher Credentialing subject matter exams; liberal studies degrees, coursework, and years of experience as meeting the subject matter competency requirement for NCLB.

Comment: Dawn Snell, teacher, via e-mail, commented that she hoped the regulations for teacher requirements will include the National Teachers Exam (NTE), coursework taken, and years of experience as counting toward the NCLB teacher requirements.

Response: The proposed regulations comply with the provisions of the federal NCLB Act that allow elementary, middle and high school teachers not new to the profession to satisfy subject matter competency by passing a current or past validated State test or by completing a high objective uniform state standard of evaluation (HOUSSE). The proposed regulations do not name the required tests or limit to one test. Proposed revisions to the regulations include recognition of coursework taken and years of experience in the HOUSSE.

6104. High Objective Uniform State Standard Evaluation.

Comment: Mary McKee, Ed.D. Assistant Superintendent, Educational Services, via letter, commented that the proposed regulation for item (b), page 3, line 8 which states that demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State academic Content Standards for the grade and subject for which the teacher is demonstrating competency appears to be somewhat ambiguous. The regulation should state that the one-time demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State Academic Content Standards who is trained and approved to complete the teacher evaluation process, as defined by Education Code Sections 44660-44661. (Evaluation and Assessment of Performance of Certificated Employees). In most districts, teacher evaluation is a part of collective bargaining, per this Education Code.

Comment: J. Rusty Vardy, via e-mail, commented that the proposed regulations should include an alternative methodology for providing evidence of subject matter competence for the

approximately 152 Necessary Small School Districts throughout the state because it will be difficult and costly for those schools as many have one teaching principal/superintendent and may be required to contract for outside evaluators to complete the NCLB teacher evaluation.

Response: The proposed regulations for teacher requirements comply with the provision of the federal NCLB Act. The regulations state that the HOUSSE is to be conducted at the time and by the means utilized to satisfy Education Code section 44662 (Evaluation and assessment guidelines). A teacher's supervising administrator shall be responsible for overseeing the high objective uniform state standard evaluation. The administrator may consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject in which the teacher is demonstrating subject matter competency. The addition of Part One of HOUSSE in the revisions is intended to be a more time efficient means of demonstrating subject matter competence.

Comment: Barbara Kerr, President, California Teachers Association, via letter, commented that subsection (a) of section 6104 defines subject matter as the State Academic Content Standards for the grades and subjects taught could imply, for elementary teachers not new to the profession, that they must pass the HOUSSE requirement for each grade that they may teach. Ms. Keer suggests that the State Board clarify that "grades" as used in Section 6104 refer to the grade range described in the multiple subject credential to avoid unnecessary burdens on both school districts and teachers in having to re-certify elementary teachers every time they are reassigned to a new grade.

Comment: Sherry Skelly Griffith, Governmental Relations, Association of California School Administrators, via e-mail, commented that ACSA recommends that wherever it is found in the proposed regulations, the term "grade" be changed to "grade span" i.e., K-5 or 6, Middle grades, secondary)

Comment: Michael Weimer, President, California Federation of Teachers provide public and written comment stating that in the proposed regulations, the term "grade level" is ambiguous. He suggested that a definition of "grade level" be included in Section 6100, and that "grade level" refer to any grade in an elementary school, any grade in a middle school, or any grade in a high school.

Response: The State Board agrees with the recommendation. The regulations will be changed to reflect language for "grade spans".

Comment: Barbara Kerr, President, California Teachers Association, via letter, commented that the wording in subsection (a) of section 6104 is ambiguous. In the section describing requirements for "demonstration of subject matter competence, the use of the words "some combination of" and the use of the conjunctive "and" between items 2 and 3 should be resolved to clarify that the teacher will be permitted to demonstrate competence through one of these vehicles, not some combination of all three—1) Classroom observation, 2) Demonstration of

knowledge of appropriate grade level subject State Academic Content Standard, 3) Portfolio review of lesson plans and student work for one academic year

Comment: Michael Weimer, President, California Federation of Teachers provided public and written comment stating that the term “demonstration of knowledge” is ambiguous and should be clarified. The regulations do not state how the demonstration of knowledge is to occur, i.e., what the teacher is required to do to demonstrate the knowledge or what one should look for in the demonstration.

Comment: Sherry Skelly Griffith, Governmental Relations, Association of California School Administrators, via e-mail, commented that it may not be necessary to conduct the HOUSSE evaluation and assessment pursuant to Education Code section 44662 (Stull Act) as proposed in the regulations if experience, coursework, professional development, and service are used.

Response: The State Board agrees with the recommendation. The regulation will be changed to add a part to HOUSSE that recognizes experience coursework, professional development and service. The regulations will also be changed to clarify that the demonstration of subject matter competency will include one or more of the following: 1) Classroom observation, 2) Demonstration of knowledge of appropriate grade level subject State Academic Content Standard, 3) Portfolio review of lesson plans and student work for one academic year.

Comment: Sherry Skelly Griffith, Governmental Relations, Association of California School Administrators (ACSA), via e-mail, commented that the proposed regulations for section 6104. (HOUSSE) should identify that the supervising administrator will be the individual certifying compliance when administering the HOUSSE evaluations. ACSA recommends the following changes:

The high objective uniform state standard evaluation may be conducted at the time and by the means utilized to satisfy Education Code section 44662. Competency can be demonstrated by a combination of prior experience, core academic coursework, standards-aligned professional development, service to the profession in core academic content area(s) and/or direct observation and portfolio assessment. If competency is demonstrated through observation and portfolio assessment it shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence shall include two or more of the following: Interview; written response; observation of instruction; use of student achievement data; lesson and unit plans; teacher analysis of student academic achievement data or other options as determined by the Department of Education. The teacher’s supervising administrator shall consult as necessary with a person or persons knowledgeable in the State Academic Content Standards for the grade span and subject for which the teacher is demonstrating competency. This shall be a one-time demonstration of subject matter competence. If there are no content experts in the subject to be evaluated and the supervising administrator deems it necessary to consult with an expert, then the administrator

shall consult with the Department of Education content experts in the subject or the Department shall refer the administrator to other options funded by the state.

Comment: Tom Addington, Director of Human Resources, Central Union School District, provided public and written comment and asked whether an administrative evaluation that focuses on California Teacher Standards 3 and 5.1 is sufficient or must the evaluator also possess subject matter competence in the academic areas.

Response: The proposed regulations for teacher requirements comply with the provision of the federal NCLB Act. The State Board agrees with the recommendation that the HOUSSE may be conducted at the time and by the means utilized to satisfy Education Code section 44662 (Evaluation and assessment guidelines) and that a teacher's supervising administrator shall be responsible for overseeing the high objective uniform state standard evaluation. The administrator may consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject in which the teacher is demonstrating subject matter competency.

6111. Middle and High School Teachers New to the Profession.

Comment: Juan Ortiz, teacher, via e-mail, commented that it is important for teachers to take classes that prepare them for the subject and grade levels taught. In particular preparation for teaching algebra at middle school level is important. He recommends regulations for the following three areas: 1. An approved program in any subject area in which the emphasis is to teach at a certain level. For example, it is not the same to teach algebra vs. pre-algebra. 2. Pre-practical experiences for teaching. 3. Standardize supplementary credential requirements for all districts and school levels.

Comment: Tom Addington, Director of Human Resources, Central Union School District, provided public and written comment that the proposed regulations for NCLB teacher requirements need to provide small middle and high schools with flexibility in assigning teachers and determining the manner in which each of those teachers meets the NCLB Teacher Requirements. He is concerned about new teachers at small junior high settings that are qualified to teach one subject such as social studies will be unable to be assigned to teach another subject such as one period of language arts.

Response: The proposed regulations comply with the provisions of the federal NCLB Act. The federal NCLB Act requires middle and high school teachers who are new to the profession to pass a validated statewide subject matter examination in the subjects taught or have an undergraduate major; a graduate degree; coursework equivalent to an undergraduate major, or advanced certification in the subjects taught.

Comment: Michael Weimer, President, California Federation of Teachers provide public and written comment stating that the word "full" at the end of the line 26, page three should be

stricken because it does not occur anywhere else in the document. The definition of “credential” is provided on page 1.

Response: The State Board agrees with the recommendation. The word “full credential” will be changed to “credential”.

6112. Middle and High School Teachers Not New to the Profession.

Comment: Sue Kennerly, Middle School Teacher, via e-mail, commented that she has concerns about how the No Child Left Behind legislation is to be implemented at the middle school level. She teaches history with a multiple subject credential and a supplementary authorization in history and to obtain a single subject credential she would have to quit her job and return for more methodology classes and student teach all over again. She feels this requirement will drive proven teachers into other fields.

Response: The proposed regulations comply with the provisions of the federal NCLB Act. Teachers who are not new to the profession may demonstrate subject matter competency in the same manner as new teachers or through the HOUSSE option outlined in the proposed regulations section 6104.

6120. One Time Compliance.

Comment: Mary McKee, Ed.D., Assistant Superintendent, Educational Services, Glendale Unified School District, via letter, commented that the regulation for One-Time Compliance, Section 6120, page 5, lines 8-11, indicating a teacher will not be required to demonstrate [subject matter] requirements for the same grade level and/or subject even if they are hired by another school district, imposes an unnecessary and additional burden on local educational agencies.

Comment: Barbara Kerr, President, California Teachers Association, via letter, commented that this section 6120 should be clarified in a subsequent guidance letter for the reasons discussed in comments for section 6104 HOUSSE, to clarify that the term grade level refers to the elementary grades and the term subjects as defined for single subject credential refers to a subject matter authorization for a given grade span, e.g., English K-12.

Response: The proposed regulations comply with the provisions of the federal NCLB Act. Districts decide, based on curriculum taught by school site or by each grade at the school site whether a teacher is hired to teach elementary, middle, or high school. Teachers hired to teach in self-contained elementary classrooms must meet the NCLB teacher requirements for the elementary grade span. Teachers hired to teach single subjects in schools designated as middle or high schools must meet the NCLB requirements for middle and high school teachers.

6125. Teachers from Out-of-State

Comment: Sherry Skelly Griffith, Governmental Relations, Association of California School Administrators, via e-mail, commented that the proposed regulations be revised to include California credentialing reciprocity with other states and countries because there may be cases where California enters into a teacher exchange program with another country. ACSA recommends the following changes to section 6125—“California’s credentialing reciprocity with other States and countries is not affected by the requirements of NCLB”.

Comment: Alan J. Young, Chief Executive Officer, on behalf of the Visiting International Faculty Program, vial email, commented that the proposed regulations do not appear to include international exchange teachers wishing to participate in a teaching exchange program in California. Currently, VIF international exchange teachers meet subject matter competency through the formal documentation of their teaching degrees, university subject coursework, years of experience, and lesson plan review during their interviews as well as verified references from their principals of their home country schools. They propose that Article 6 or a similar article include language that allows international educators to be evaluated by a HOUSSE similar to the one they have developed that will allow US students to continue to be taught by highly qualified and experienced international exchange teachers.

Comment: Norm Kirschenbaum, retired California superintendent, via e-mail, commented on the need to include consideration for the hundreds of International Teachers who come to California each year. Regulations must take into account a district’s ability to access international talent in a reasonable and expedient manner.

Response: The proposed regulations comply with the provisions of the federal NCLB Act. Elementary middle and high school teachers of core academic subjects who have been found to meet subject matter competency requirements of NCLB outside of California shall also be considered to have met those requirements for that particular subject or grade span in California.

6115. Teachers Not Meeting NCLB Requirements.

Comment: Raul Yzaguirre, President, National Council of La Raza (NCLR), via e-mail, commented on behalf of NCLR that the State Board of Education should reject the proposed definition of “highly qualified teachers being adopted pursuant to the federal No Child Left Behind Act NCLB). The NCLB defines highly qualified teacher as a teacher who has obtained full state certification or passed the State teacher licensing exam and hold a license to teach in the state. With respect to teachers instructing English Language Learner (ELL) students, states must certify that all teachers in language instruction educational programs for ELL students are fluent in English and any other language used by that program, including written and oral communication skills. California’s plan does neither. The plan does not require local educational agencies to certify that all teachers are fluent in any other language used in instructing ELL students. Teachers should possess the CLAD and BLCLAD credentials. Additionally, the plan includes individual on emergency permits to count as “highly qualified

teachers” under a new certificate issued by the Commission on Teacher Credentialing called the individualized intern certificate.

Comment: Jenny Huang, Abdi Soltani and Chris Jones on behalf of the California for Justice Education (CFJ) and the California Association of Community Organizations for Reform Now (ACORN), provided public and written comment stating that the California State Board of Education reject the definition of highly qualified teachers pursuant to the No Child Left Behind Act and modify the proposed regulations accordingly. The following three reasons were provided:

- I. The definition will have a disproportionately harmful impact on students of color and poor students by allowing teachers who are interns and those with provisional interns certificates and emergency permit teachers to teach in schools serving predominately low-income students and students of color;
- II. The definition has not been reviewed by a committee of practitioners as required by federal law; and
- III. The proposed definition fails to incorporate within its definition additional qualities that made a teacher highly qualified including ability teach and a passion for teaching, training in pedagogy, and the ability to motivate students and foster relationships, and experience working with diverse communities and students. In addition to possessing a full credential, teachers should have the additional requirements of CLAD and BCLAD certification depending on the teaching setting. The CFJ and ACORN urge the State Board to reject the proposed definition of “highly qualified” teachers and modify the proposed regulations accordingly.

Comment: Martha Diaz, provided public comment and Maria Quezada, Ed., D., Executive Director, provided written comment on behalf of the California Association for Bilingual Education (CABE) stating that the State Board of education disapprove and reject the proposed definition of highly qualified teachers proposed for adoption pursuant to the federal No Child Left Behind Act due to the following reasons:

- The proposed NCLB teacher requirement does not include a BCLAD certificate for those teachers instructing English Learners in an alternative bilingual program
- Certification that all teachers teaching in language instruction educational programs for English Learners are fluent in English and any other language used by that program (including written and oral communication skills) is not included as required by federal law.
- Interns who have not completed their training would be deemed as “highly qualified teachers”.
- CABE is opposed to including in the definition teachers with “emergency credentials” or “interns”. We believe they should only be deemed highly qualified after they have completed their intern program.

Response: The proposed regulations comply with the provisions of the federal NCLB Act that requires local educational agencies to ensure that teachers have obtained full state certification as

a teacher (including certification obtained through alternative routes to certification) and have not had certification or licensing waived on an emergency, temporary, or provisional basis. Sections 6100-6125 of the Title 5 regulations address the federal requirements in Title I, Part A for demonstrating subject matter competence and do not address Title III subgrant requirements. Each eligible entity receiving Title III funds must include in its plan, a certification that all teachers in any language instruction educational program for limited English proficient children are fluent in English and any other language used for instruction.

A teacher does not meet the NCLB teacher requirements for the core academic subject taught if the teacher is (1) Teaching with an Emergency Permit, (2) Teaching with a supplemental authorization (except where the supplemental authorization is based on a major in the subject taught) or a local authorization for the subject taught, or (3) Teaching with state or local waivers for the grade or subject taught, or (4) Teaching as a pre-intern. All of California's Intern credentials and certificates meet the requirements of NCLB legislation. Section 200.56 Definition of "highly qualified teacher," (B) (2) (ii) states that a teacher meets the NCLB requirements if the teacher is participating in an alternative route to certification program. In California, internships allow an individual to be the teacher of record while completing an organized professional preparation program. There are two distinct types of internship programs. University internships are cooperative programs between a university and an employing district that are administered by the university. District internships are administered by employing school districts. Both types of internship programs result in a preliminary or professional clear credential. Intern credential and Intern certificate holders must meet the following requirements: 1) A bachelor's degree, 2) subject matter competence as defined by the Commission on Teacher Credentialing, 3) pass the California Basic Educational Skills Test (CBEST) and 4) be enrolled in a Commission-accredited teacher preparation program at the time of application for the Credential or Certificate. The same set of program standards and candidate outcomes govern both Intern and Traditional Teacher Preparation Program. Individualized Internship Certificates are granted to individuals who have completed subject matter competence and are admitted to a teacher preparation program. The college or university and the employer are required to provide supervision for those individuals on the Individualized Internship Certificate.

General Comments.

Comment: Marci Jenkins, Ed.D., Administrator, Sonoma County Office of Education, via e-mail, commented that it is unclear whether the proposed regulations have a provision for administrators with clear life or renewable teaching credentials to return to teaching prior to retirement or after retirement.

Response: The proposed regulations provide the options for not new elementary, middle and high school teachers holding current or prior California credentials to meet the NCLB teacher requirements through the HOUSSE option outlined in section 6104.

Comment: Christine Williams, teacher, via e-mail commented that what do training and education matter if there are overcrowded classrooms or schools, limited library sources, materials, and support staff. It is difficult for teachers who are having to be re-educated for every new trend. They are exhausted by the demands on their time and money outside the classroom. Mandates for improving education should be backed up with money necessary both to implement them and bring them to fruition.

Comment: Carole Hiltman, Middle School Principal, via e-mail, commented that although the number one factor in raising student achievement is qualified personnel (teachers), some teachers who have degrees and credentials and possess content knowledge, are not highly qualified due to other important factors related to successful teaching such as classroom management, professional growth, curriculum implementation, and rapport with students, parents, and colleagues. To disallow credentialed teachers the opportunity to obtain an authorization or waiver to teach in a new subject area while completing coursework for that subject would be devastating to education, would rob students of the opportunity to work with many highly qualified teachers, and would make running a secondary school a nightmare for both small remote districts and for inner city district staffing of schools.

Response: The proposed regulations are presented to comply with the provisions of federal NCLB Act which requires elementary, middle and high school teachers to meet the NCLB highly qualified teacher requirements as a condition of State and local educational agency funding.

Comment: Karen Valdez, for Dr. Joanne Cameron, Assistant Superintendent for Human Resources, Santa Maria-Bonita School District via e-mail forwarded a copy of the district's evaluation procedures and asked if the district could use the procedures to qualify teachers under the NCLB HOUSSE option.

Response: The requirements for the uniform state standard of evaluation (HOUSSE) for verification of subject matter competency for teachers who are not new to the profession is indicated in section 6104 of the proposed regulation.

Title 5. EDUCATION
Division 1. State Department of Education
Chapter 6. Certificated Personnel

Add Subchapter 7, Article 1, Section 6100 to read:

Subchapter 7. No Child Left Behind Teacher Requirements

Article 1. General

§ 6100. Definitions.

For purposes of No Child Left Behind Teacher Requirements, the following definitions shall apply:

(a) Advanced Credentialing: A teacher who has achieved National Board Certification is considered to have Advanced Credentialing.

(b) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching credential issued under prior statutes, that authorizes a person to teach in California K-12 schools.

(c) Elementary, Middle and High School: The local educational agency shall determine, based on curriculum taught, by school site, or by each grade at the school site, if appropriate, whether a teacher is hired to teach elementary, middle or high school.

(d) First Day of School: The first day of school is the first day of school that students report to the school per the district school calendar.

(e) Hired: A teacher is hired when they accept employment at the school district. The date a teacher is hired is not affected by a change of assignments or schools within the district. The date a teacher is hired in a district does not affect a teacher's "new" or "not new" to the profession status.

(f) Teacher New to the Profession: A teacher is new to the profession if they have graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002.

(g) Teacher Not New to the Profession: A teacher is not new to the profession if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 2, Sections 6101 through 6104 to read:

Article 2. Elementary Level Teachers

§ 6101. Elementary Teachers.

A teacher who meets NCLB requirements at the elementary level is one who:

(1) Holds at least a bachelor's degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a credential, and

(3) Meets the applicable requirements in Section 6102 or 6103.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6102. Elementary Teachers New to the Profession.

A teacher who meets the NCLB requirements and is new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6103. Elementary Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed one of the following:

(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing.

~~(2) In lieu of the high objective uniform state standard evaluation in subsection 3, National Board Certification.~~

~~(2)~~(3) A high objective uniform state standard evaluation conducted pursuant to Section 6104 and in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6104. High Objective Uniform State Standard Evaluation.

(a) The high objective uniform state standard evaluation shall consist of two parts. The first shall be a summation of (i) years of experience teaching in the grade span or subject, (ii) core academic coursework in assigned grade span or subject, (iii) in-depth standards aligned professional development, and (iv) service to the profession in the relevant core academic content area. In no event shall (i) years of experience account for more than half of the total necessary to demonstrate subject matter competency. The second part shall consist of direct observation and portfolio assessment in the grade span or subject taught. The second part of the high objective uniform state standard evaluation will only be conducted if Part One does not identify sufficient experience, coursework, professional development or service to demonstrate subject matter competence.

(b)(a) The high objective uniform state standard evaluation **observation and portfolio section (Part Two) may shall be conducted at the time and by the means utilized to satisfy Education Code section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence shall include ~~some combination~~ **one or more** of the following:**

(1) Classroom observation,

(2) Demonstration of knowledge of the appropriate grade-level and subject State Academic Content Standards, and

(3) Portfolio review of lesson plans and student work for one academic year.

(b) This one time demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State Academic Content Standards for the grade and subject for which the teacher is demonstrating competency.

(c) A teacher's supervising administrator shall be responsible for overseeing the high objective uniform state standard evaluation, and shall consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject for which the teacher is demonstrating subject matter competency. A teacher must demonstrate subject matter competency only once for each grade span or subject taught.

(d)(e) If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan, pursuant to Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 3, Section 6110 to read:

Article 3. Middle and High School Level Teachers

§ 6110. Middle and High School Teachers.

A teacher who meets NCLB requirements at the middle and secondary levels is one who:

- (1) Holds at least a bachelor's degree, and
- (2) Is currently enrolled in an approved intern program for less than three years or has a full credential, and
- (3) Meets at least one of the applicable requirements in Section 6111 or 6112.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6111. Middle and High School Teachers New to the Profession.

A teacher who meets NCLB requirements and is new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

- (1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,
- (2) University subject matter program approved by the Commission on Teacher Credentialing,
- (3) Undergraduate major in the subject taught,
- (4) Graduate degree in the subject taught, or
- (5) Coursework equivalent to undergrad major.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6112. Middle and High School Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an

approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

(4) Graduate degree in the subject taught,

(5) Coursework equivalent to undergrad major,

(6) Advanced certification or credentialing (National Board Certification), or

(7) The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 4, Section 6115 to read:

Article 4. Teachers Not Meeting NCLB Teacher Requirements

§ 6115. Teachers Not Meeting NCLB Teacher Requirements.

A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

(1) Teaching with an Emergency Permits, or

(2) Teaching with a supplemental authorization (except where the supplemental authorization is based on a major in the subject taught) or a local authorizations for the subject taught, or

(3) Teaching with state or local waivers for the grade or subject taught, or

(4) Teaching as a pre-intern.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 5, Section 6120 to read:

Article 5. One Time Compliance

§ 6120. One Time Compliance.

Once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade level ~~span~~ and/or subject taught, that teacher will not be required to demonstrate that they meet

the requirements again for the same grade **span** level and/or subject taught, even if they are later hired by another school district in California.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 6, Section 6125 to read:

Article 6. Teachers from Out-of-State

§ 6125. Teachers from Out-of-State.

Teachers who have been found to meet subject matter competency requirements of NCLB ~~in another State~~ **outside of California** shall also be considered to have met those requirements for that particular subject and/or grade span in California. California's credentialing reciprocity ~~with other States~~ is not affected by the requirements of NCLB.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.