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SB-1397 Teacher credentialing: emergency teaching permits. (2021-2022)

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Date Published: 09/16/2022 02:00 PM

Senate Bill No. 1397

CHAPTER 335

An act to amend Section 44300 of the Education Code, relating to teacher credentialing.

[Approved by Governor September 15, 2022. Filed with Secretary of State September 15, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1397, Borgeas. Teacher credentialing: emergency teaching permits.

Existing law requires the Commission on Teacher Credentialing to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law authorizes the commission to issue or renew emergency teaching and specialist permits if certain conditions are met, including that the applicant passes the state basic skills proficiency test.

This bill would require the commission to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute permit until July 1, 2024. The bill would also delete obsolete references and update cross-references.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44300 of the Education Code is amended to read:

44300. (a) Commencing January 1, 1990, the commission may issue or renew emergency teaching or specialist permits in accordance with regulations adopted by the commission corresponding to the credential types specified in subparagraphs (A), (B), and (C) of paragraph (1) of subdivision (b) of Section 44225, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate degree conferred by a regionally accredited institution of higher education and has fulfilled the subject matter requirements of Section 44301.

(2) (A) The applicant passes the state basic skills proficiency test as provided for in Section 44252.

(B) Until July 1, 2024, the commission shall waive the basic skills proficiency requirement set forth in subparagraph (A) for the issuance of an emergency 30-day substitute teaching permit issued pursuant to Section 80025 of Title 5 of the California Code of Regulations. A waiver that is issued pursuant to this subparagraph may not be used to satisfy an applicable basic skills proficiency requirement for any other teaching credential, permit, or certificate.

(3) The commission approves the justification for the emergency permit submitted by the school district in which the applicant is to be employed. The justification shall include all of the following:

(A) Annual documentation that the district has implemented in policy and practices a process for conducting a diligent search that shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in this state, but has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

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

(b) The commission may deny a request for an emergency permit that does not meet the justification set forth in subparagraph (A) of paragraph (3) of subdivision (a).

(c) It is the intent of the Legislature that the commission continue to issue emergency teaching permits to individuals employed by school districts defined in regulations as remote from regionally accredited institutions of higher education.

(d) The commission may issue and reissue emergency permits corresponding to the credential types specified in subparagraph (D) of paragraph (1) of subdivision (b) of Section 44225. The commission shall establish appropriate standards for each type of emergency permit specified in subparagraph (D) of paragraph (1) of subdivision (b) of Section 44225.

(e) The exclusive representative of certificated employees, if any, as provided under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, may submit a written statement to the commission agreeing or disagreeing with the justification submitted to the commission pursuant to paragraph (3) of subdivision (a).

(f) A person holding an emergency teaching or specialist permit shall attend an orientation to the curriculum and to techniques of instruction and classroom management, and shall teach only with the assistance and guidance of a certificated employee of the district who has completed at least three years of full-time teaching experience, or the equivalent thereof. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.

(g) The holder of an emergency permit shall participate in ongoing training, coursework, or seminars designed to prepare the individual to become a fully credentialed teacher or other educator in the subject area or areas in which the individual is assigned to teach or serve. The employing agency shall verify that employees applying to renew their emergency permits are meeting these ongoing training requirements.

(h) Emergency permits for pupil personnel services shall not be valid for the purpose of determining pupil eligibility for placement in a special education class or program.

(i) This section shall not apply to the issuance of an emergency substitute teaching permit, or of an emergency permit to a teacher who has consented to teach temporarily outside of their field of certification, for which the commission shall establish minimum requirements.

(j) The commission may issue a one-year emergency specialist teaching permit in early childhood education that authorizes teaching all subjects in a self-contained transitional kindergarten general education classroom, as defined in Section 48000, provided that all of the following conditions are met:

(1) The applicant possesses a baccalaureate or higher degree conferred by a regionally accredited institution of higher education and holds a valid commission-issued child development permit at the teacher or higher level.

(2) The applicant satisfies the subject matter requirement by one of the following options:

(A) Commencing July 1, 2022, completes 24 semester units of coursework in child development or early childhood education at a regionally accredited institution of higher education.

(B) Commencing July 1, 2022, holds a baccalaureate or higher degree conferred by a regionally accredited institution of higher education where the major is in child development, or early childhood education, or a similar major.

(C) Commencing July 1, 2023, has three or more years of full-time teaching experience in a transitional kindergarten setting, or preschool age early childhood or child development program, or a combination thereof. Experience may include, but shall not be limited to, teaching experience in a public or private preschool or transitional kindergarten setting, Head Start program, or state-funded preschool program. For the purposes of this subparagraph, "teaching" shall mean the lead or primary classroom teacher, and not teaching done in support of another lead or primary classroom teacher.

(3) The commission approves the justification for the emergency permit submitted by the local employing agency in which the applicant is to be employed. The justification shall include all of the following:

(A) Annual documentation that the local employing agency has implemented in policy and practices a process for conducting a diligent search that shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers or online webpages, and participating in job fairs in this state, but has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by the commission.

(B) A declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) and made in the form of a motion adopted by the governing board of the charter school, district, or the county board of education at a regularly scheduled meeting of the governing body or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(C) (i) Verification that the employing charter school, district, or county shall provide the required orientation, mentoring, and support to the applicant.

(ii) The local employing agency shall report to the governing board of the charter school, district, or the county board of education at a regularly scheduled meeting of the governing body or the county board of education on the required orientation, mentoring and support provided to the applicants.

(k) The commission may renew an emergency specialist teaching permit in early childhood education for one additional year, provided all of the following conditions are met:

(1) The applicant verifies current enrollment in a commission-approved teacher preparation program that will result in a credential authorizing teaching transitional kindergarten.

(2) The local employing agency submits a subsequent declaration of need for fully qualified educators based on the documentation set forth in subparagraph (A) of paragraph (3) of subdivision (j) made in the form of a motion adopted by the governing board of the charter school, district, or the county board of education at a regularly scheduled meeting of the governing body or the county board of education. The motion may not be part of the consent agenda and shall be entered in the minutes of the meeting.

(3) The local employing agency verifies that the applicant continues to successfully serve in the assignment on the basis of the emergency permit.

(4) (A) The local employing agency verifies that continued orientation, mentoring, and support shall be provided to the applicant.

(B) The local employing agency shall report to the governing board of the charter school, district, or the county board of education at a regularly scheduled meeting of the governing body or the county board of education on the required orientation, mentoring, and support provided to the applicant.