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AB-2473 English Language Learner Acquisition and Development Pilot Program repeal: teacher credentialing authorizations: fingerprints and related information: high school coursework and graduation requirements for pupils participating in a newcomer program. (2023-2024)

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Assembly Bill No. 2473

CHAPTER 831

An act to amend Sections 44256 and 44274.2 of, to add Sections 44346.6 and 51225.25 to, and to repeal Chapter 5 (commencing with Section 420) of Part 1 of Division 1 of Title 1 of, the Education Code, relating to pupil instruction, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2473, Committee on Education. English Language Learner Acquisition and Development Pilot Program repeal: teacher credentialing authorizations: fingerprints and related information: high school coursework and graduation requirements for pupils participating in a newcomer program.

(1) Existing law establishes the English Language Learner Acquisition and Development Pilot Program, under the administration of the State Department of Education, as a 3-year competitive grant pilot project of 25,000 or more English language learners to be conducted during the 2007–08 to 2009–10, inclusive, school years. Under the program, grants are made to local educational agencies, as defined, to identify existing best practices regarding topics including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language acquisition and development. The program requires the Superintendent of Public Instruction to establish a 13-to-20 member advisory committee, with specified responsibilities.

This bill would repeal the statutes that establish the program.

(2) Existing law requires the Commission on Teacher Credentialing to, among other duties, establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law requires the commission to issue only teaching and service credentials, with specified authorizations. Existing law provides authorization to the holder of a multiple subject or single subject teaching credential who has completed certain coursework at an institution of higher education in another commonly taught subject than the one for which they are currently certificated for, to teach that subject, as provided. Existing law requires, as a minimum requirement for a preliminary multiple subject, single subject, or education specialist teaching credential, verification of subject matter competence that is demonstrated through any one of a list of specified methods.

This bill would also provide authorization to the holder of a multiple or single subject teaching credential who has met subject matter competence, demonstrated through one of those methods referenced above, in another commonly taught subject than the one for which they are currently credentialed for, without taking the above-described coursework, to teach that subject, as provided.

(3) Existing law requires the commission to issue a preliminary multiple subject, single subject, or education specialist teaching credential to an out-of-state teacher who satisfies specified requirements, including having earned a valid corresponding elementary, secondary, or special education authorization based upon the out-of-state teacher preparation program.

If an out-of-state teaching credential authorizes the credentialholder to teach a commonly taught subject, in addition to the credentialholder having earned a valid corresponding teaching authorization based upon the out-of-state teacher preparation program, this bill would require the commission to issue a preliminary multiple subject or single subject teaching credential along with an authorization to teach that commonly taught subject, as provided.

(4) Existing law requires the commission to submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all noncertificated candidates seeking an Activity Supervisor Clearance to assume a paid or volunteer position in a pupil activity program, for the purposes of obtaining information on the existence and content of a record of state or federal convictions and arrests, as provided.

This bill would require the commission to submit to the Department of Justice fingerprint images and related information required by the Department of Justice of specified commission-related individuals, including employees, prospective employees, and contractors, as provided. The bill would require the Department of Justice to provide a state- or federal-level response to the commission, as provided.

(5) Existing law requires local educational agencies to exempt a newcomer pupil, as defined, and who is in their 3rd or 4th year of high school from all coursework and other requirements adopted by the governing body of the local educational agency that are in addition to the statewide coursework requirements necessary to receive a diploma of graduation from high school, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's 4th year of high school. Existing law requires local educational agencies to comply with other procedures in relation to newcomer pupils, including, among other things, pupil consultation and notice requirements. Existing law requires local educational agencies to issue, and new local educational agencies to accept, full or partial credit for all full or partial coursework satisfactorily completed by a newcomer pupil while attending a public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school, as provided.

This bill would require local educational agencies to comply with the above-described coursework exemptions, pupil consultation and notice requirements, acceptance of coursework completed at other schools, and other requirements for pupils participating in a newcomer program, as defined, who were enrolled before January 1, 2024, and would authorize local educational agencies to extend these provisions to other pupils participating in a newcomer program, as specified. By imposing new duties on local educational agencies, the bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Chapter 5 (commencing with Section 420) of Part 1 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Section 44256 of the Education Code is amended to read:

44256. Authorization for teaching credentials shall be of four basic kinds, as defined below:

(a) (1) "Single subject instruction" means the practice of assignment of teachers and students to specified subject matter courses, as is commonly practiced in California high schools and most California junior high schools. The holder of a single subject teaching credential or a standard secondary credential or a special secondary teaching credential, as defined in this subdivision, who either (A) has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework approved by the commission at a regionally accredited institution of higher education in any subject commonly taught in grades 7 to 12, inclusive, other than the subject for which the credentialholder is already certificated to teach, or (B) has been verified as having subject matter competence pursuant to paragraph (5) of subdivision (b) of Section 44259 for any subject commonly taught in grades 7 to 12, inclusive, other than the subject for which the credentialholder is already certificated to teach, shall be eligible to have this subject appear on the credential as an authorization to teach this subject. The commission, by regulation, may

require that evidence of additional competence is a condition for instruction in particular subjects, including, but not limited to, world languages. The commission may establish and implement alternative requirements for additional authorizations to the single subject credential on the basis of specialized needs. For purposes of this subdivision, a special secondary teaching credential means a special secondary teaching credential issued on the basis of at least a baccalaureate degree, a student teaching requirement, and 24 semester units of coursework in the subject specialty of the credential.

(2) For purposes of this subdivision, coursework completed at a community or junior college that is regionally accredited by an accrediting agency listed in subparagraph (A) of paragraph (1) of subdivision (g) of Section 44203 or by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges may count toward the 20 semester hours requirement.

(b) (1) "Multiple subject instruction" means the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and as is commonly practiced in early childhood education.

(2) The holder of a multiple subject teaching credential or a standard elementary credential who either (A) has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework approved by the commission at a regionally accredited institution of higher education in any subject commonly taught in grades 9 and below, or (B) has been verified as having subject matter competence pursuant to paragraph (5) of subdivision (b) of Section 44259 for any subject commonly taught in grades 9 and below, shall be eligible to have that subject appear on the credential as authorization to teach the subject in departmentalized classes in grades 9 and below. The governing board of a school district by resolution may authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class or group of pupils below grade 9, provided that the teacher has completed at least 12 semester units, or 6 upper division or graduate units, of coursework at a regionally accredited institution of higher education in each subject to be taught. The authorization shall be with the teacher's consent. However, the commission, by regulation, may provide that evidence of additional competence is necessary for instruction in particular subjects, including, but not limited to, world languages. The commission may establish and implement alternative requirements for additional authorizations to the multiple subject credential on the basis of specialized needs.

(3) For purposes of this subdivision, coursework completed at a community or junior college that is regionally accredited by an accrediting agency listed in subparagraph (A) of paragraph (1) of subdivision (g) of Section 44203 or by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges may count toward the 20 semester hours or 12 semester units requirements.

(c) "Specialist instruction" means any specialty requiring advanced preparation or special competence, including, but not limited to, reading specialist, mathematics specialist, specialist in special education, or early childhood education, and such other specialties as the commission may determine.

(d) "Designated subjects" means the practice of assignment of teachers and pupils to designated technical, trade, or career technical courses which courses may be part of a program of trade, technical, or career technical education.

SEC. 3. Section 44274.2 of the Education Code is amended to read:

44274.2. (a) Notwithstanding any provision of this chapter, the commission shall issue a five-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom, a five-year preliminary single subject teaching credential authorizing instruction in departmentalized classes, or a five-year preliminary education specialist credential authorizing instruction of special education pupils to an out-of-state prepared teacher who meets all of the following requirements:

(1) Possesses a baccalaureate degree from a regionally accredited institution of higher education.

(2) Has completed a teacher preparation program at a regionally accredited institution of higher education or a state-approved teacher preparation program offered by a local educational agency.

(3) Meets the subject matter knowledge requirements for the credential. If the subject area listed on the out-of-state credential does not correspond to a California subject area, as specified in Sections 44257 and 44282, the commission may require the applicant to meet California subject matter requirements before issuing a clear credential.

(4) Has earned a valid corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program. For the education specialist credential, the commission shall determine the area of concentration based on the special education program completed out of state, or shall allow the candidate to demonstrate the area of concentration based on two years of experience in California, while the candidate holds the preliminary credential.

(5) Has successfully completed a criminal background check conducted under Sections 44339, 44340, and 44341 for credentialing purposes.

(b) The commission shall issue a clear multiple subject, single subject, or education specialist teaching credential to an applicant who satisfies the requirements of subdivision (a), provides verification of two or more years of teaching experience, including, but not necessarily limited to, two satisfactory performance evaluations, and documents, in a manner prescribed by the commission, that the applicant has met the state requirements for teaching English learners, including, but not necessarily limited to, the requirements in Section 44253.3 or 44259.5.

(c) For applicants who do not meet the experience requirement described in subdivision (b), the commission shall issue a clear multiple subject, single subject, or education specialist teaching credential upon verification of the following requirements:

(1) The commission has issued to the applicant a preliminary five-year teaching credential pursuant to subdivision (a). However, an out-of-state prepared applicant in both special education and general education, who has earned a clear California education specialist credential, shall be granted a clear multiple subject or clear single subject teaching credential without first holding a preliminary multiple subject or single subject teaching credential, unless the commission determines that the applicant does not meet the other requirements of this subdivision.

(2) The applicant has completed a beginning teacher induction program pursuant to paragraph (2) of subdivision (c) of Section 44259.

(3) The applicant has met the requirements for teaching English learners, including, but not necessarily limited to, the requirements in Section 44253.3 or 44259.5.

(d) If an out-of-state teaching credential authorizes the credentialholder to teach a commonly taught subject, in addition to the authorization described in paragraph (4) of subdivision (a), the commission shall issue the multiple subject or single subject teaching credential along with an authorization to teach that subject consistent with subdivisions (a) and (b) of Section 44256.

SEC. 4. Section 44346.6 is added to the Education Code, to read:

44346.6. (a) Pursuant to subdivision (u) of Section 11105 of the Penal Code, the commission shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all commission employees, prospective employees, contractors, appointees pursuant to Section 44210, and volunteers.

(b) The Department of Justice shall provide a state- or federal-level response to the commission pursuant to subdivision (p) of Section 11105 of the Penal Code.

SEC. 5. Section 51225.25 is added to the Education Code, to read:

51225.25. (a) A "pupil participating in a newcomer program," as defined in Section 51225.2, as that section read on January 1, 2023, who was enrolled before January 1, 2024, is entitled to the rights in Sections 51225.1 and 51225.2.

(b) Except as provided in subdivision (a), a local educational agency may, in its discretion, extend the rights in Sections 51225.1 and 51225.2 to a "pupil participating in a newcomer program," as defined in Section 51225.2, as that section read on January 1, 2023.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that "a pupil participating in a newcomer program," as defined in Section 51225.2 of the Education Code, as that section read on January 1, 2023, maintains certain educational rights in the 2024–25 school year as provided in Section 5 of this act, it is necessary that this act take effect immediately.