

# MODESTO CITY SCHOOLS

## Board Policy

BP 4112.2

### CERTIFICATED PERSONNEL

#### Certification

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide direction, assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

#### Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved intern program in the region of the district and possesses an intern credential
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit (STSP) issued by the CTC
3. The Board shall approve, as an action item at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

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4. An individual who has been granted a credential waiver by the CTC

Prior to requesting that the CTC issue an emergency permit or a limited assignment permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

### **National Board for Professional Teaching Standards Certification**

The Superintendent or designee may promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may include:

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1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification
2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students
3. Providing substitute teachers to provide release time for participating teachers
4. Providing stipends for teacher participation that match other professional development stipends
5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

### **Parental Notifications**

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of the teacher's certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state

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certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

#### **Legal References:**

##### **CALIFORNIA CODE OF REFERENCES, TITLE 5**

*80001-80674.6 Commission on Teacher Credentialing*

##### **EDUCATION CODE**

*32340-32341 Unlawful issuance of a credential*

*35186 Complaints regarding teacher vacancy or misassignment*

*44066 Limitations on certification requirements*

*44200-44418 Teacher credentialing*

*44250-44277 Credentials and assignment of teachers*

*44300-44302 Emergency permit*

*44325-44328 District interns*

*44330-44355 Certificates and credentials*

*44420-44440 Revocation and suspension of credentials*

*44450-44468 University internship program*

*44830-44929 Employment of certificated persons; requirement of proficiency in basic skills*

*56060-56063 Substitute teachers in special education*

*8295-8305 Child development program; personnel qualifications*

##### **UNITED STATES CODE, TITLE 20**

*6312 Title I local educational agency plans; notifications regarding teacher qualifications*

##### **CODE OF FEDERAL REGULATIONS, TITLE 34**

*200.61 Parent notification regarding teacher qualifications*

#### **Management Resources:**

##### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

*Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021*

*Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification*

*Purposes, Credential Information Alert 22-02, March 1, 2022*

*Waiver Requests Guidebook, 2015*

*Credential Information Guide*

*Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013*

*Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016*

*California Standards for the Teaching Profession (CSTP), 2009*

*CL-667 Basic Skills Requirement*

*CL-856 Provisional Internship Permit*

*CL-858 Short-Term Staff Permit*

*Subject Matter Authorization Guideline Book, December 2019*

*Supplementary Authorization Guideline Book, December 2019*

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#### **Management Resources (cont.):**

*The Administrator's Assignment Manual, 2021*

#### **COURT DECISION**

*Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534*

#### **NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS PUBLICATIONS**

*Using Federal Funds for National Board Activities: An Action-Planning Guide*

*Considerations for Using Federal Funds to Support National Board Certification*

#### **WEB SITES**

*CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>*

*California Department of Education, CA NBPTS Certification Incentive Program 2021-26:*

*<https://www.cde.ca.gov/pd/ps/nbptsprogram.asp>*

*National Board Resource Center: <https://nbcalistrong.net/>*

*National Board for Professional Teaching Standards: <https://www.nbpts.org/>*

*Commission on Teacher Credentialing: <https://www.ctc.ca.gov/>*

*Commission on Teacher Credentialing, Credential Information Guide (for employers' use only):*

*<https://www.ctc.ca.gov/credentials/cig>*

*CSBA: <https://www.csba.org/>*

*U.S. Department of Education: <https://www.ed.gov/>*

#### **Cross References (cf.):**

*0460 – Local Control And Accountability Plan (N/A)*

*1312.4 – Williams Uniform Complaint Procedures*

*1312.4 – Williams Uniform Complaint Procedures*

*1312.4-E – Williams Uniform Complaint Procedures SPANISH*

*3580 – District Records*

*4111/4211/4311 – Recruitment And Selection*

*4112 – Appointment And Conditions Of Employment*

*4112.21 – Interns*

*4112.22 – Staff Teaching English Learners*

*4112.5/4212.5/4312.5 – Criminal Record Check*

*4112.5-E(1) – Criminal Record Check (N/A)*

*4112.6/4212.6/4312.6 – Personnel Files*

*4113 – Class Assignments*

*4114 – Transfers (N/A)*

*4117.14 – Postretirement Employment (N/A)*

*4117.3 – Personnel Reduction (N/A)*

*4119.21/4219.21/4319.21 – Professional Standards – Code of Ethics*

*4119.21-E(1) – Professional Standards (N/A)*

*4121 – Temporary/Substitute Personnel (N/A)*

*4121 – Hourly and Substitute Employees – Paid Sick Leave*

*4131 – Staff Development*

*4131.1 – Teacher Support And Guidance*

*4161.1 – Personal Illness/Injury Leave*

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#### *Cross References (cf.) (cont.):*

*4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave*

*4161.3 – Professional Leaves (N/A)*

*4161.8/4261.8/4361.8 – Family Care And Medical Leave*

*4212.5-E(1) – Criminal Record Check (N/A)*

*4219.21-E(1) – Professional Standards (N/A)*

*4222 – Teacher Aides/Paraprofessionals (N/A)*

*4312.5-E(1) – Criminal Record Check (N/A)*

*4317.14 – Postretirement Employment (N/A)*

*4319.21-E(1) – Professional Standards (N/A)*

*4361.1 – Personal Illness/Injury Leave (N/A)*

*5145.6 – Parent/Guardian Notifications*

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*5148 – Child Care And Development (N/A)*

*6142.7 – Physical Education And Activity*

*6146.1 – High School Graduation Requirements*

*6146.2 – Certificate Of Proficiency/High School Equivalency*

*6146.2-E – Certificate Of Proficiency/High School Equivalency*

*6158 – Independent Study*

*6162.51 – State Academic Achievement Tests*

*6163.1 – Library Media Centers*

*6164.2 – Guidance/Counseling Services*

*6170.1 – Transitional Kindergarten*

*6172 – Gifted And Talented Student Program (N/A)*

*6178 – Career Technical Education*

*6178.1 – Work-Based Learning*

*6183 – Home And Hospital Instruction*

*6200 – Adult Education*