

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4112.2

CERTIFICATED PERSONNEL

Certification

Verification of Credentials

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

Basic Skills Proficiency

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers (CSET) plus Writing Skills Examination

CERTIFICATED PERSONNEL

Certification

3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)
5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of a basic skills examination from another state
7. Qualifying coursework (Education Code 44252)
8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, the county office of education (COE), or is otherwise exempted by law.

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

CERTIFICATED PERSONNEL

Certification

Short-Term Staff Permit

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. Verification that the district has conducted a local recruitment for the permit being requested
2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

CERTIFICATED PERSONNEL

Certification

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.
2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated

CERTIFICATED PERSONNEL

Certification

retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at an open Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an intern program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, or family

CERTIFICATED PERSONNEL

Certification

care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may work with the COE to request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district in coordination with the COE, shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher:
(5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

CERTIFICATED PERSONNEL

Certification

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least

CERTIFICATED PERSONNEL

Certification

a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

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

CERTIFICATED PERSONNEL

Certification

Legal References (cont.):

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

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-E – Williams Uniform Complaint Procedures

CERTIFICATED PERSONNEL

Certification

Cross References (cf.) (cont.):

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
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
5145.6-E – Parent/Guardian Notifications
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)

CERTIFICATED PERSONNEL

Certification

Cross References (cf.) (cont.):

6178 – Career Technical Education

6178.1 – Work-Based Learning

6183 – Home And Hospital Instruction

6200 – Adult Education