

Administrative Regulation

Personnel

AR 4112.2 (a)

Certification

Registration

Note: To receive authorization to work in a school district, credential holders must register their credentials with either the county office of education or the district. Option 1 below is for use when the county office of education provides for the registration of credentials pursuant to Education Code 44330. Option 2 is for use by unified districts or districts with over 10,000 ADA which provide for the registration of credentials pursuant to Education Code 42647 and 44332.5.

OPTION 1: (County office registration)

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)

Basic Skills Proficiency Test

Note: Pursuant to Education Code 44252, the Commission on Teacher Credentialing (CTC) generally may not issue a credential until the credential applicant has passed the state basic skills proficiency test (the CBEST). In addition, Education Code 44830 provides that a district cannot employ an individual who has not passed a basic skills proficiency test, unless that person is exempted from this requirement by law.

Prior to being hired by the Governing Board, all certificated persons, whether hired on a permanent, temporary or substitute basis, shall demonstrate basic skills proficiency in reading, writing and mathematics, unless specifically exempted from this requirement by Education Code 44830. (Education Code 44830)

Note: Pursuant to Education Code 44252 and 44830, the local assessment described below may be developed by individual districts, a consortium of districts, or a joint powers agreement.

Certificated persons who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the district. Such employees shall subsequently take the state test within one year of employment. (Education Code 44830)
(cf. 4121 - Temporary/Substitute Personnel)

Persons holding a designated subjects/special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with district proficiency criteria established by the Board for these credentials, which shall be at least equivalent to the district test required for graduation from high school. (Education Code 44252, 44830)

Note: The following optional paragraph is for use by districts that choose to charge a fee for the locally developed test as allowed by Education Code 44252 and 44830.

Persons holding a designated subjects/special subjects credential or a vocational designated subject credential shall be charged a fee to take the district proficiency test.

Out-of-State Credentials

***Note: Education Code 44274.2, 44275.3, and 44275.4 require the CTC to issue a preliminary or professional clear credential to applicants from outside California or the United States who have met specified requirements. ***

The district may employ an out-of-state applicant who has met the requirements of Education Code 44274.2, 44275.3, or 44275.4 and obtained a preliminary or professional clear credential from the Commission on Teacher Credentialing (CTC).
(cf. 4112.5/4312.5 - Criminal Record Check)

Note: As amended by AB 3001 (Ch. 902, Statutes of 2004), Education Code 44274 and 44275.3 provide that a teacher with an out-of-state credential may not be required to pass the state basic skills proficiency test if the CTC determines that the state in which the teacher completed his/her preparation requires demonstration of a comparable level of basic skills proficiency.

A teacher prepared out of the state who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching, unless the CTC has determined that the teacher licensing body of the state in which the teacher completed his/her preparation requires an applicant to demonstrate a level of basic skills proficiency that is at least comparable and equivalent to passage of the state basic skills proficiency test. (Education Code 44274, 44275.3)

A teacher prepared in a country other than the United States who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching. (Education Code 44275.4)

To be eligible for a professional clear credential, teachers prepared out of state or out of the country must also meet legal requirements for subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers. (Education Code 44274, 44275.3, 44275.4)

Emergency Substitute Teaching Permits

The district may employ persons with an emergency 30-day substitute permit for 30 school days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 school days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025, 80025.4)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025)

Note: 5 CCR 80025.1 provides for the issuance of emergency career substitute teaching permits which allow individuals with specified qualifications to substitute teach for up to 60 days for one teacher during the school year. State regulations also provide for the issuance of emergency substitute teaching permits for prospective teachers, with limited authorization to substitute for no more than 30 days for any one teacher and no more than 90 days total during the school year (5 CCR 80025.2), and the issuance of emergency designated subjects vocational education permits for 30-day substitute teaching service.

Emergency Teaching or Specialist Permits

***Note: Although state law currently allows for employment of persons with emergency permits, districts should be aware that the federal No Child Left Behind Act of 2001 (20 USC 6319) and 5 CCR 6115 prohibit any new hires with emergency permits from teaching core academic subjects in programs supported by Title I funds. 20 USC 6319 also requires that all teachers of core academic subjects be "highly qualified" (i.e., they must not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis) by the end of the 2005-06 school year. See BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. ***

Note: In December 2003, the CTC took action to discontinue the issuance of emergency permits at the end of the 2005-06 school year. It is anticipated that an alternative process will be available beginning in the 2005-06 school year to replace emergency permits as a way to address unanticipated staffing needs. In anticipation of this phase-out, SB 1658 (Ch. 55, Statutes of 2004) amended Education Code 44251 to permit the CTC to issue or reissue emergency permits for less than one year, so that permits can be issued for a shorter duration, including during the 2005-06 school year.

No person with an emergency teaching permit or credential waiver shall be newly hired to teach core academic subjects in programs supported by federal Title I funds. By the end of the 2005-06 school year, such persons shall not be assigned to teach core academic subjects in any classroom. (20 USC 6319, 7801; 5 CCR 6115)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4113 - Assignment)

Before employing persons with emergency teaching or specialist permits for more than 20 school days in special education positions or for more than 30 school days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. (Education Code 44300; 5 CCR 80026)

The district's diligent search shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching as a Priority block grant pursuant to Education Code 44735, participating in the state and regional recruitment centers established pursuant to Education Code 44751 and 90530, and participating in job fairs in the state. (Education Code 44300)

(cf. 4111 - Recruitment and Selection)

The Board shall certify by an annual resolution that it has made reasonable efforts to recruit a certificated teacher for the position. (Education Code 44225.7)

For any assignment for which a certificated teacher is not available, the district shall make reasonable efforts to recruit an individual in the following priority order: (Education Code 44225.7)

1. A candidate who is scheduled to complete initial preparation requirements within six months
2. A candidate who is qualified to participate in an approved internship program in the region of the district

(cf. 4112.21 - Interns)

If a person who meets these priorities is not available, the district may, as a last resort, request that the CTC approve the assignment of a person who does not meet the above criteria. (Education Code 44225.7)

Note: The CTC will approve an emergency permit only if the district has submitted a "declaration of need for fully qualified educators" pursuant to Education Code 44300 and 5 CCR 80026. The Board must submit a declaration every 12 months, unless the CTC agrees to a longer term, and must be required to revise the declaration whenever the number of emergency permits and limited assignment permits exceeds the estimate by 10 percent. Pursuant to 5 CCR 80026, the declaration must include a statement as to whether the district has considered developing a Plan to Develop Fully Qualified Educators pursuant to 5 CCR 80026.4. However, pursuant to 5 CCR 80026.4, a district can no longer use such a plan as a means to renew long-term emergency permits or waivers. The CTC notes that the elimination of this option does not preclude a district from continuing to offer training as an ongoing support or as a hiring enhancement.

In the year of need, the district shall submit to the CTC, on a form provided by the commission, a declaration of need for fully qualified educators. The declaration of need shall be made in the form of a motion adopted by the Board during a regularly scheduled public Board meeting. The motion shall not be part of the consent agenda. (Education Code 44300; 5 CCR 80026)

The Superintendent or designee shall provide an orientation for teachers who are obtaining emergency teaching or specialist permits for the first time. This orientation shall include at least an overview of the curriculum that the teacher is expected to teach and effective techniques of classroom instruction and management at the teacher's assigned level. (Education Code 44300; 5 CCR 80026.5)

Whenever possible, the orientation shall occur before the teacher begins his/her teaching assignment. The Superintendent or designee shall also assign an experienced educator to guide and assist the teacher. This person shall be a certificated district employee or a certificated retiree of a California school district or county office of education and must have completed at least three full years of full-time classroom teaching experience or the equivalent. (Education Code 44300; 5 CCR 80026.5)

Note: When the CTC took action in December 2003 to continue to make emergency permits available through 2005-06, it did so with the understanding that districts would ensure that permit holders are aware that the time to complete their work for a credential must be completed by June 30, 2006.

The Superintendent or designee shall inform all emergency permit holders that, in accordance with rules established by the CTC, they must complete their work for a credential by June 30, 2006, and will not be able to get an emergency permit renewed after that date.

(3/03 3/04) 11/04

Adopted: 2-9-05

GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California