

# CSBA Sample Board Policy

## Certificated Personnel

BP 4112.2(a)

## CERTIFICATION

Note: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Language Learners, AR 4112.23 - Special Education Staff, **BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act**, and BP/AR 4113 - Assignment.

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.

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.22 - Staff Teaching English Language Learners)*

*(cf. 4112.23 - Special Education Staff)*

~~*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*~~

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4113 - Assignment)*

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6200 - Adult Education)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4131.1 - Teacher Support and Guidance)*

BP 4112.2(b)

**CERTIFICATION** (continued)

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

Note: When the district is unable to hire a "fully prepared" teacher who has completed a teacher preparation program (i.e., a teacher who holds a clear or preliminary teaching credential), Education Code 44225.7 permits the district to hire a teacher without those credentials. Education Code 44225.7 establishes a hierarchy for such hires, as provided in items #1-3 below.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. 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)

Note: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority must be given to employing an individual who is enrolled in an approved intern program, as provided in item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. A candidate who ~~is qualified to participate in and~~ enrolls in an approved intern program in the region of the district **and possesses an intern credential**

Note: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with an STSP when needed to immediately staff classrooms based on unforeseen circumstances, or a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher. ~~As amended by Register 2013, No. 28, 5 CCR 80021.1 provides that the PIP shall be issued for one year and is not renewable.~~ Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

Note: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the Governing Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

Attachment B  
Use CSBA Sample "As Is"

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

BP 4112.2(c)

**CERTIFICATION** (continued)

Note: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in items #1-2 above, it may request that the CTC issue a "variable term" credential waiver (Education Code 44225; 5 CCR 80120-80125) or a long-term emergency permit (Education Code 44300; 5 CCR 80023-80026.6), as provided in item #3 below.

The STSP and PIP have replaced multiple subject, single subject, and education specialist emergency permits, but the CTC continues to issue the emergency resource specialist permit (5 CCR 80024.3.1), emergency teacher librarian services permit (5 CCR 80024.6), emergency crosscultural, language and academic development permit (5 CCR 80024.8), and emergency bilingual authorization permit (5 CCR 80024.7). Pursuant to 5 CCR 80023.1, as amended by Register 2013, No. 28, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

3. ~~As a last resort,~~ An individual who holds an emergency permit ~~issued by the CTC~~ or for whom a credential waiver has been granted by the CTC

Note: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside his/her area of certification. The form for the Declaration of Need is available in the CTC's online Credential Information Guide, which may be accessed only by employers. Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, 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 public 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

Attachment B  
Use CSBA Sample “As Is”

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.

BP 4112.2(d)

**CERTIFICATION** (continued)

**National Board for Professional Teaching Standards Certification**

Note: The following **optional** section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to demonstrate professional accomplishment. Some districts provide fee support to teachers seeking this certification.

AB 97 (Ch. 47, Statutes of 2013) eliminated state categorical funding (Education Code 44395-44399.1) designated for providing one time incentive awards to NBPTS-certificated teachers who agree to teach at least 50 percent of a full time position at a high priority school (i.e., a school ranked in the bottom half of the Academic Performance Index) for at least four years.

~~The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.~~

Formatted: Strikethrough

~~The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.~~

Formatted: Strikethrough

Comment [mg1]: Deleted Not a PSD Practice.

(cf. 4161.3 - Professional Leaves)

**Parental Notifications**

Note: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at their discretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether or not they receive Title I funds. As amended by the Every Student Succeeds Act (P.L. 114-95), 20 USC 6312 no longer requires the notification to include the right of parents/guardians to request information about a teacher's baccalaureate major or graduate certification or degree held by the teacher.

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

BP 4112.2(e)

**CERTIFICATION** (continued)

3. Is teaching in the field of discipline of his/her certification

*(cf. 5145.6 - Parental Notifications)*

Note: As amended by P.L. 114-95, 20 USC 6312 requires the following notice to parents/guardians whenever a student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.
---

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

*Legal Reference: (see next page)*

BP 4112.2(f)

**CERTIFICATION** (continued)

*Legal Reference:*

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*  
32340-32341 *Unlawful issuance of a credential*  
35186 *Complaints regarding teacher vacancy or misassignment*  
44066 *Limitations on certification requirements*  
44200-44399.1 *Teacher credentialing, especially:*  
44250-44277 *Credential types; minimum requirements*  
44300-44302 *Emergency permit*  
44325-44328 *District interns*  
44330-44355 *Certificates and credentials*  
44420-44440 *Revocation and suspension of credentials*  
44450-44468 *University intern program*  
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*  
56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

~~6100-6126 Teacher qualifications, No Child Left Behind Act~~

80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

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

~~6319 Highly qualified teachers~~

~~7801 Definitions, highly qualified teacher~~

CODE OF FEDERAL REGULATIONS, TITLE 34

200.61 *Parent notification regarding teacher qualifications*

~~200.55-200.57 Highly qualified teachers~~

COURT DECISIONS

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

*Management Resources:*

Attachment B  
Use CSBA Sample “As Is”

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*CL-667 Basic Skills Requirement*

*CL-856 Provisional Internship Permit*

*CL 858 Short-Term Staff Permit*

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

*Subject Matter Authorization Guideline Book, 2012*

*Supplementary Authorization Guideline Book, 2012*

*California Standards for the Teaching Profession, 2009*

*The Administrator's Assignment Manual, rev. September 2007*

WEB SITES

CSBA: <http://www.csba.org>

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

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

<http://www.ctc.ca.gov/credentials/cig>

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

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

(11/08 8/14) 7/16

**Policy Reference UPDATE Service**

Copyright 2016 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.