

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 6. Certified Personnel

4  
5 Add Subchapter 7, Article 1, Section 6100 to read:

6 **Subchapter 7. No Child Left Behind Teacher Requirements**

7 **Article 1. General**

8 **§ 6100. Definitions.**

9 For purposes of No Child Left Behind Teacher Requirements, the following definitions  
10 shall apply:

11 (a) Advanced Credentialing: A teacher who has achieved National Board Certification  
12 is considered to have Advanced Credentialing.

13 (b) Coursework Equivalent to Undergraduate Major: Thirty-two nonremedial semester  
14 units in a particular discipline from an accredited institution of higher education shall constitute  
15 coursework equivalent to an undergraduate major.

16 (c) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching  
17 credential issued under prior statutes, that authorizes a person to teach in California K-12  
18 schools.

19 (d) Elementary, Middle and High School: The local educational agency shall determine,  
20 based on curriculum taught, by school site, or by each grade at the school site, if appropriate,  
21 whether a teacher is hired to teach elementary, middle or high school.

22 (e) First Day of School: The first day of school is the first day of school that students  
23 report to the school per the district school calendar.

24 (f) Grade Span: The local educational agency shall determine, based on curriculum  
25 taught, which grades shall be included in the elementary, middle, or high school grade spans.

26 (g) Hired: A teacher is hired when they accept employment at the school district. The  
27 date a teacher is hired is not affected by a change of assignments or schools within the district.  
28 The date a teacher is hired in a district does not affect a teacher's "new" or "not new" to the  
29 profession status.

30 (h) Teacher New to the Profession: A teacher is new to the profession if they have  
31 graduated from an accredited institution of higher education and received a credential, or began  
32 an approved intern program, on or after July 1, 2002.

33 (i) Teacher Not New to the Profession: A teacher is not new to the profession if they

1 graduated from an accredited institution of higher education and received a credential, or were  
2 enrolled in, or had completed, an approved intern program before July 1, 2002.

3 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
4 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
5 Guidance December 19, 2002.

6  
7 *Add Article 2, Sections 6101 through 6104 to read:*

8 **Article 2. Elementary Level Teachers**

9  
10 **§ 6101. Elementary Teachers.**

11 A teacher who meets NCLB requirements at the elementary level is one who:

12 (1) Holds at least a bachelor's degree, and

13 (2) Is currently enrolled in an approved intern program for less than three years or has a  
14 credential, and

15 (3) Meets the applicable requirements in Section 6102 or 6103.

16 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
17 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
18 Guidance December 19, 2002.

19 **§ 6102. Elementary Teachers New to the Profession.**

20 A teacher who meets the NCLB requirements and is new to the profession at the  
21 elementary level, in addition to having at least a bachelor's degree and either being currently  
22 enrolled in an approved intern program for less than three years or holding a credential, must  
23 have passed a validated statewide subject matter examination certified by the Commission on  
24 Teacher Credentialing, including, but not limited to the California Subject Examination for  
25 Teachers (CSET) Multiple Subjects, Multiple Subject Assessment for Teachers (MSAT), and  
26 National Teaching Exams (NTE).

27 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
28 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
29 Guidance December 19, 2002.

30 **§ 6103. Elementary Teachers Not New to the Profession.**

31 A teacher who meets NCLB requirements and is not new to the profession at the  
32 elementary level, in addition to having at least a bachelor's degree and either being currently  
33 enrolled in an approved intern program for less than three years or holding a credential, must

1 have completed one of the following:

2 (1) A validated statewide subject matter examination that the Commission on Teacher  
3 Credentialing has utilized to determine subject matter competence for credentialing purposes.

4 (2) A high objective uniform state standard evaluation conducted pursuant to Section  
5 6104 and in conjunction with the teacher's evaluation and assessment pursuant to Education  
6 Code section 44662, to determine the teacher's subject matter competence in each of the  
7 academic subjects taught by the teacher.

8 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
9 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
10 Guidance December 19, 2002.

11 **§ 6104. High Objective Uniform State Standard Evaluation.**

12 (a) The high objective uniform state standard evaluation shall consist of two parts. The  
13 first **part** shall be a summation of (i) years of experience teaching in the grade span or subject,  
14 (ii) core academic coursework in assigned grade span or subject, (iii) in-depth standards aligned  
15 professional development, and (iv) service to the profession in the relevant core academic  
16 content area. In no event shall (i) years of experience account for more than half of the total  
17 necessary to demonstrate subject matter competency. The second part shall consist of direct  
18 observation and portfolio assessment in the grade span or subject taught. The second part of the  
19 high objective uniform state standard evaluation will only be conducted if Part One does not  
20 identify sufficient experience, coursework, professional development or service to demonstrate  
21 subject matter competence.

22 (b) The high objective uniform state standard evaluation observation and portfolio section  
23 (Part Two) may be conducted at the time and by the means utilized to satisfy Education Code  
24 Section 44662, except that (1) subject matter shall be defined as the State Academic Content  
25 Standards adopted by the State Board of Education pursuant to Education Code Section 60605  
26 for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily  
27 meeting standards 3 and 5.1 of the California Standards for the Teaching Profession adopted by  
28 the Commission on Teacher Credentialing pursuant to Education Code Section 44225(a). The  
29 demonstration of subject matter competence shall include one or more of the following:

30 (1) Classroom observation,

31 (2) Demonstration of knowledge of the appropriate grade-level and subject State  
32 Academic Content Standards, and

33 (3) Portfolio review of lesson plans and student work for one academic year.

1           (c) Local educational agencies shall conduct the high objective uniform state standard  
2 evaluation by completing Form 1 – NCLB Teacher Requirements: Certificate of Compliance  
3 (revised November 12, 2003), Form 2 – California High Objective Uniform State Standard of  
4 Evaluation, CALIFORNIA HOUSSE, Part 1 – Assessment of Qualifications and Experience  
5 (revised November 12, 2003), and Form 3 - California High Objective Uniform State Standard  
6 of Evaluation, CALIFORNIA HOUSSE, Part 2 – Assessment of Current Qualifications through  
7 Classroom Observation and/or Portfolio Development (revised November 12, 2003), as  
8 appropriate. Forms 1, 2, and 3 are hereby incorporated by reference into this section. Local  
9 education agencies may attach completed local forms containing the same information as Forms  
10 1, 2 and/or 3 to those forms rather than transcribing that information onto the applicable Form 1,  
11 2, and 3.

12           (d) A teacher’s supervising administrator shall be responsible for overseeing the high  
13 objective uniform state standard evaluation, and shall consult, if necessary, with a person or  
14 persons knowledgeable in the State Academic Content Standards for the grade span or subject  
15 for which the teacher is demonstrating subject matter competency. A teacher must demonstrate  
16 subject matter competency only once for each grade span or subject taught.

17           (e) If the teacher does not satisfactorily meet standards 3 and 5.1 of the California  
18 Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter  
19 competency shall be demonstrated through completion of the Peer Assistance and Review  
20 Program for Teachers or other individualized professional development plan, pursuant to  
21 Education Code section 44664, aimed at assisting the teacher to meet standards 3 and 5.1 of the  
22 California Standards for the Teaching Profession.

23 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
24 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
25 Guidance December 19, 2002.

26

27 *Add Article 3, Section 6110 to read:*

28

**Article 3. Middle and High School Level Teachers**

29 **§ 6110. Middle and High School Teachers.**

30 A teacher who meets NCLB requirements at the middle and secondary levels is one who:

31 (1) Holds at least a bachelor’s degree, and

32 (2) Is currently enrolled in an approved intern program for less than three years or has a  
33 credential, and

1           (3) Meets the applicable requirements in Section 6111 or 6112.

2   NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
3   6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
4   Guidance December 19, 2002.

5   **§ 6111. Middle and High School Teachers New to the Profession.**

6           A teacher who meets NCLB requirements and is new to the profession at the middle and  
7   high school levels, in addition to having at least a bachelor's degree and either being currently  
8   enrolled in an approved intern program for less than three years or holding a credential in the  
9   subject taught, must have passed or completed one of the following for every core subject  
10   currently assigned:

11           (1) A validated statewide subject matter examination certified by the Commission on  
12   Teacher Credentialing,

13           (2) University subject matter program approved by the Commission on Teacher  
14   Credentialing,

15           (3) Undergraduate major in the subject taught,

16           (4) Graduate degree in the subject taught, or

17           (5) Coursework equivalent to undergraduate major.

18   NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
19   6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
20   Guidance December 19, 2002.

21   **§ 6112. Middle and High School Teachers Not New to the Profession.**

22           A teacher who meets NCLB requirements and is not new to the profession at the middle  
23   and high school levels, in addition to having at least a bachelor's degree and either being  
24   currently enrolled in an approved intern program for less than three years or holding a credential,  
25   must have passed or completed one of the following for every core subject currently assigned:

26           (1) A validated statewide subject matter examination that the Commission on Teacher  
27   Credentialing has utilized to determine subject matter competence for credentialing purposes,

28           (2) University subject matter program approved by the Commission on Teacher  
29   Credentialing,

30           (3) Undergraduate major in the subject taught,

31           (4) Graduate degree in the subject taught,

32           (5) Coursework equivalent to undergrad major,

33           (6) Advanced certification or credentialing (National Board Certification), or

1           (7) The high objective uniform state standard evaluation pursuant to Article 2, Section  
2 6104.

3 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
4 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
5 Guidance December 19, 2002.

6  
7 *Add Article 4, Section 6115 to read:*

8                           **Article 4. Teachers Not Meeting NCLB Teacher Requirements**

9           **§ 6115. Teachers Not Meeting NCLB Teacher Requirements.**

10           A teacher does not meet the NCLB teacher requirements for the core academic subject  
11 taught if:

12           (1) Teaching with an Emergency Permits, or

13           (2) Teaching with a supplemental authorization (except where the supplemental  
14 authorization is based on a major or a major equivalent in the subject taught) or a local  
15 authorizations for the subject taught, or

16           (3) Teaching with state or local waivers for the grade or subject taught, or

17           (4) Teaching as a pre-intern pursuant to Education Code Section 44305 et seq.

18 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
19 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
20 Guidance December 19, 2002.

21  
22 *Add Article 5, Section 6120 to read:*

23                           **Article 5. One-Time Compliance**

24           **§ 6120. One-Time Compliance.**

25           Once a school district has determined that a teacher meets the NCLB Teacher  
26 Requirements for the grade span and/or subject taught, that teacher will not be required to  
27 demonstrate that they meet the requirements again for the same grade span and/or subject taught,  
28 even if they are later hired by another school district in California.

29 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
30 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
31 Guidance December 19, 2002.

1 *Add Article 6, Section 6125 to read:*

2 **Article 6. Teachers from Out-of-State**

3 **§ 6125. Teachers from Out-of-State.**

4 Teachers who have been found to meet subject matter competency requirements of  
5 NCLB outside of California shall also be considered to have met those requirements for that  
6 particular subject and/or grade span in California. California's credentialing reciprocity is not  
7 affected by the requirements of NCLB.

8 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC  
9 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft  
10 Guidance December 19, 2002.

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