

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 312 (Seyarto) – As Introduced January 25, 2021

SUBJECT: Teacher credentialing: basic skills proficiency test: exemption

SUMMARY: Authorizes a teacher credential applicant to demonstrate basic skills proficiency by earning a grade of “B” or better in qualifying coursework, or through a combination of qualifying coursework and existing exams, in lieu of passing a basic skills proficiency exam. Specifically, **this bill:**

- 1) Authorizes a teacher credential applicant to demonstrate proficiency in basic reading, writing, and mathematics skills in the English language by earning at least a letter grade of “B” in qualifying coursework determined by a credential preparation program to sufficiently serve as an alternative indicator of proficiency in basic skills.
- 2) Defines “qualifying coursework” to mean a course or courses of a semester length of at least three units, or the equivalent number of quarter units taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate’s degree, baccalaureate degree, or higher degree.
- 3) Establishes the following courses as sufficient to serve as alternative indicators of proficiency in basic reading, writing, and mathematics skills:
 - a) For reading proficiency, a course in the subjects of critical thinking, literature, logic, philosophy, reading, rhetoric, or textual analysis.
 - b) For writing proficiency, a course in the subjects of composition, English, rhetoric, written communications, or writing.
 - c) For mathematics proficiency, a course in the subjects of geometry, mathematics, quantitative reasoning, or statistics.
- 4) Specifies a course that does not fall within a subject described above may also serve as an alternative indicator of proficiency if the applicant provides documentation in writing from the registrar or relevant department chair of the regionally accredited institution of higher education where the course was taken. Requires the documentation to state that the course is an indicator of proficiency in the applicable skill or skills.
- 5) States that qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate’s degree, baccalaureate degree, or higher degree.
- 6) Authorizes a teacher credential applicant to demonstrate proficiency in basic skills through a combination of qualifying coursework and other existing exemptions.

EXISTING LAW:

- 1) Suspends the requirement for credential program applicants to complete the basic skills proficiency test before admission to a credential program approved by the Commission on Teacher Credentialing for applicants who, between March 19, 2020, and August 31, 2021, are unable to complete the basic skills proficiency test due to testing center closures related to COVID-19. Requires an applicant for whom the basic skills proficiency test requirement is suspended to complete the basic skills proficiency test during the credential program before recommendation for a preliminary credential. (Education Code (EC) 44252)
- 2) Prohibits the Commission on Teacher Credentialing (CTC) from issuing a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language. (EC 44252)
- 3) Requires the CTC to exempt the following persons from the basic skills proficiency test requirement:
 - a) A person credentialed solely for the purpose of teaching adults in an apprenticeship program;
 - b) An applicant for an adult education designated subject credential for other than an academic subject;
 - c) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination administered by the state where the person is credentialed;
 - d) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination that has been developed and administered by the school district offering that person employment, by cooperating school districts, or by the appropriate county office of education. Requires that the applicant be granted a nonrenewable credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement;
 - e) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped if the holder of the permit is not required to have a baccalaureate degree;
 - f) The holder of a credential, permit, or certificate to teach, other than an emergency permit, who seeks an additional authorization to teach;
 - g) An applicant for a credential to provide service in the health profession;
 - h) An applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University; and
 - i) An applicant for an eminence credential. (EC 44252)

- 4) Requires the CTC to administer the California basic skills proficiency test (CBEST) in accordance with rules and regulations adopted by the CTC. Requires a fee to be charged to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test. Requires the amount of the fee to be established by the CTC to recover the cost of examination administration and development. (EC 44252.5)
- 5) States that an individual who passes the state basic skills proficiency test, as adopted by the Superintendent, is considered proficient in the skills of reading, writing, and mathematics, and is not be required to be retested by this test for purposes of meeting the proficiency requirements. (EC 44252.5)
- 6) States that an individual who passes one or more components of the CBEST in the subjects of basic reading, writing, or mathematics shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations. (EC 44252.5)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 312 is a common sense bill that allows talented teachers, who have clearly demonstrated proficiency in reading, writing, and mathematics, to enter the teaching profession with fewer hurdles. By simply allowing the State’s basic skills requirement to be satisfied with qualifying college coursework, AB 312 will not only attract more talented teachers, but create greater access to teaching and expand our teaching pool during a time that we so desperately need them.”

What is the California Basic Educational Skills Test (CBEST)? The CBEST is designed to test basic reading, mathematics, and writing skills found to be important for the job of an educator. The test is not designed to measure the ability to teach those skills. There are exemptions from passage of the CBEST exam for certain types of teachers and for applicants who have passing scores on other exams, such as Advanced Placement exams and college admissions exams. All teacher candidates must demonstrate basic skills by passing the CBEST or through one of the existing exemptions. There are currently no coursework options to satisfy the basic skills requirement.

COVID-19 implications. Many schools in California closed for in-person instruction as a result of COVID-19. On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of the COVID-19 virus. An Executive Order (EO) issued on March 13, 2020 authorized, but did not require, LEAs to close schools for in-person instruction as a result of the threat of COVID-19. The state subsequently began using a color-coded tiered system to determine when schools could reopen for in-person instruction. Except for local educational agencies (LEAs) located in the highest tier of virus spread, the decision regarding whether to close or re-open schools was left to each LEA, in consultation with local public health officials.

The vast majority of California public schools were closed for in-person instruction through the end of the 2019-20 school year, and many also began the 2020-21 school year by offering only

or mostly remote instruction. As of January 2021, due to increasing surges in the rates of COVID-19, many schools throughout the state, including those in the largest school districts, remained closed for in-person instruction. As of this writing most school districts had either begun to return students to some form of in-person instruction, or have plans to do so soon.

The COVID-19 pandemic forced the closure of CBEST testing sites. The required basic skills and subject matter competence exams have been deferred for teacher candidates, but required for a preliminary credential for those affected by COVID related testing center closures during the period from mid-March 2020 until August 31, 2021. Student teaching hours have been redefined by the necessary shift to distance learning, which may result in fewer candidates completing their teacher credentials in during the pandemic. As of February 2021, testing sites are open at about 50 percent capacity. With the unprecedented COVID-19 crisis, creative solutions to increase the teacher workforce by expanding the pool of qualified teacher applicants are urgently needed.

The Learning Policy Institute's March 2021 report noted the following key findings with regard to the growing teacher shortage during COVID-19:

- “Teacher shortages remain a critical problem. Most districts have found teachers to be in short supply, especially for math, science, special education, and bilingual education. Shortages are especially concerning as a return to in-person instruction will require even more teachers to accommodate physical distancing requirements. Most districts are filling hiring needs with teachers on substandard credentials and permits, reflecting a statewide trend of increasing reliance on underprepared teachers. These teachers, who have not completed preparation for teaching, are likely to be less knowledgeable about how to close growing learning gaps caused by the pandemic crisis. In addition, rising pension costs may contribute to some districts relying on substitute teachers and paraprofessionals to meet increasing staff needs, rather than making additional teacher hires.
- Teacher pipeline problems are exacerbated by teacher testing policies and inadequate financial aid for completing preparation. Many districts attributed shortages to having a limited pool of fully credentialed applicants, with more than half reporting that testing requirements and lack of financial support for teacher education pose barriers to entry into teaching.
- Teacher workload and burnout are major concerns. The transition to online and hybrid learning models has had a steep learning curve and poses ongoing challenges that have been a primary contributor to some teachers’ decisions to retire earlier than previously planned. With district leaders estimating that teacher workloads have at least doubled, many were concerned that the stressors of managing the challenges of the pandemic on top of the challenges of an increased workload could lead to teacher burnout and increased turnover rates.
- Growing retirements and resignations further reduce supply. In some districts, retirements and resignations are contributing to shortages, while in others, these retirements and resignations offset the need for anticipated layoffs due to expected budget cuts this school year. District leaders anticipate higher retirement rates next year, which could exacerbate shortages.”

Data from the CTC for the last three years indicate that on average of 37,000 teacher candidates take the CBEST exam each year. The current and possibly ongoing/repeated suspension of CBEST exams due to the COVID-related closure of testing centers will have a significant impact on the number of teacher candidates who take and pass the exam. Unless alternative pathways for candidates to demonstrate basic skills competency are provided, the suspension of CBEST testing will massively compound the existing teacher shortage.

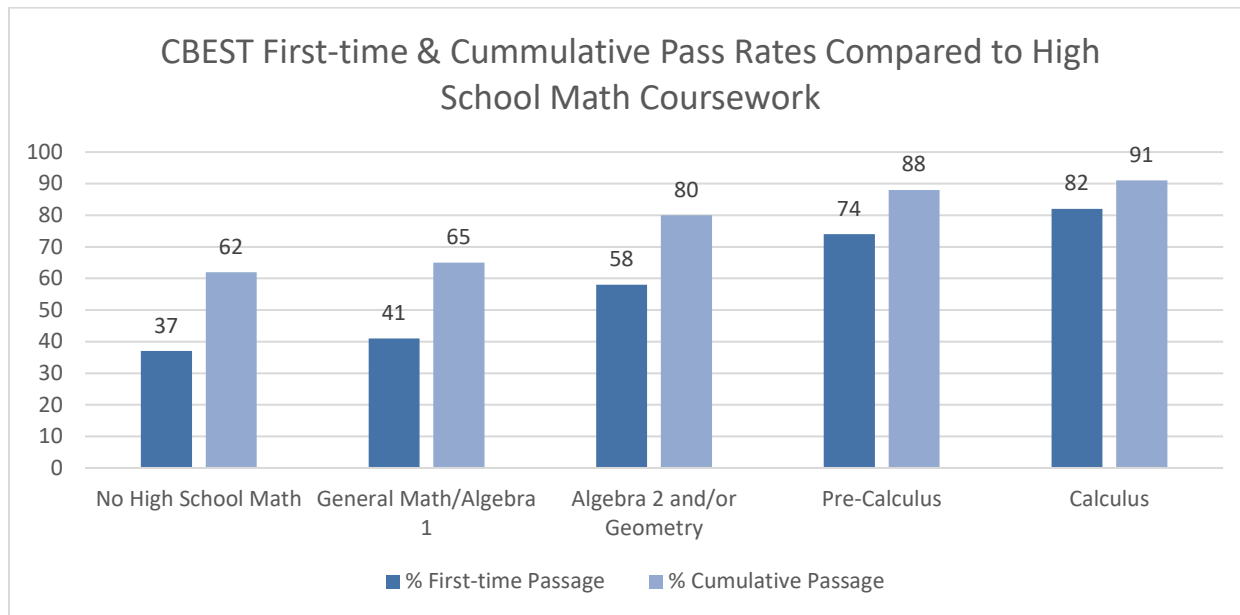
What the research says about the CBEST. Researchers indicate “the pathway to becoming a teacher in California loses a significant share of candidates at each testing juncture: Overall, at least 40% of those who initially intend to teach are unable to move forward at some testing juncture, and in some fields, including mathematics and science, this includes well over half of those who initially intended to teach. Of these assessments, only the Teacher Performance Assessment (TPA) has been shown to be related to teachers’ effectiveness in the classroom. Given that candidates also reported that the tests are a financial hurdle and a logistical challenge, there is no doubt that they have a noticeable impact on the pipeline for becoming a teacher in the state.” (Darling-Hammond, 2018)

Research further finds that “there are five major problems with the CBEST and other required teacher tests: (1) establishing appropriate passing standards; (2) using pass-fail scores as the only criterion for career entry; (3) redundant testing; (4) fairness of standardized skill testing for the handicapped; and (5) impact on the future ethnic composition of professional school staff.” (Watkins, 1985)

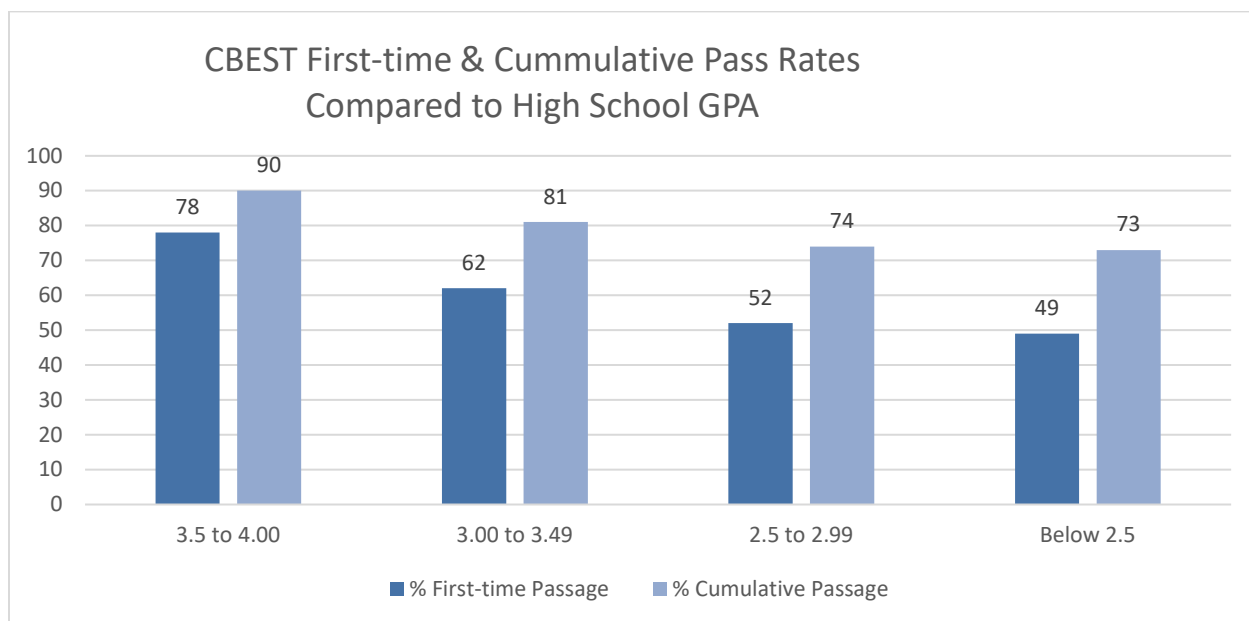
Likewise researchers find, “teacher licensure test scores are unrelated to teacher success in the classroom. Similarly, student achievement is unaffected by whether classroom teachers have advanced degrees.” (Buddin, 2008)

CBEST passing rates. The graphs below, based on data from the CTC, show disparities in passage rates based on the applicant’s ethnicity, high school grade point average, and level high school math coursework. The exam has an overall first time passage rate of 67.6% and the first time passage rate varies by ethnicity and gender. The first-time passage rate for women is just 65%, while the first-time passage rate for men is 72%.

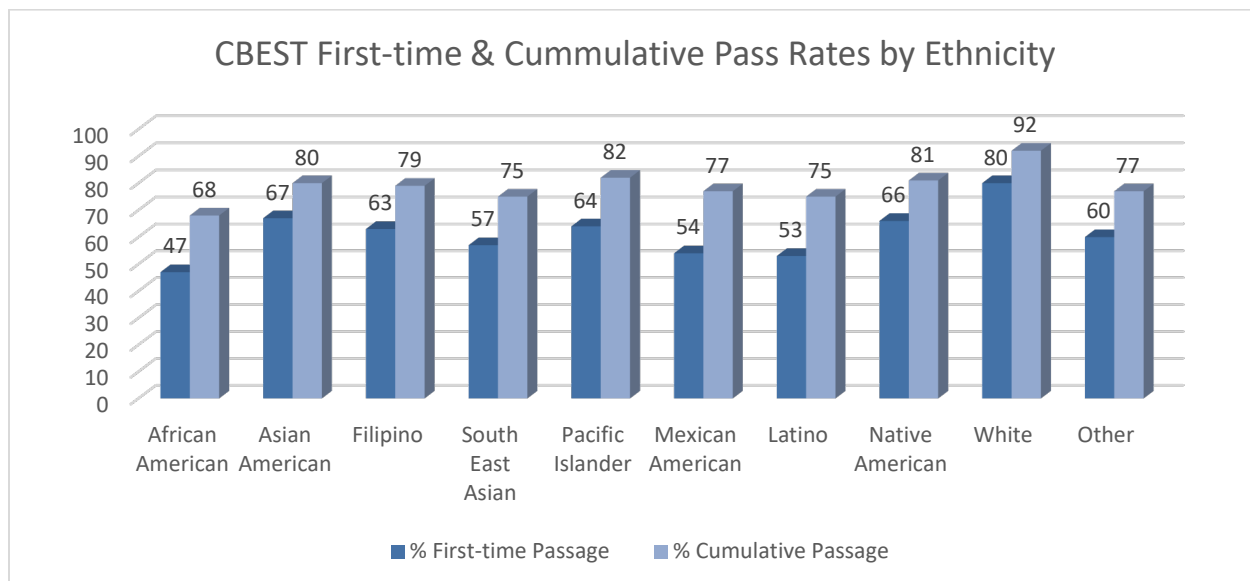
The CBEST math section includes fractions, decimals and percentages, algebra, word problems, order of operations and basic geometry. With this in mind, the graph below notes that students who completed high school calculus had only a 81.5% first time passage rate. Students who completed high school pre-calculus had only a 74% first time passage rate. Similarly, the chart shows that students who completed algebra 2 and/or geometry, which is generally the level of math tested on the CBEST exam, only had a 58% first-time passage rate.



The chart below shows that 78% of students who earned a high school GPA between 3.5 and 4.0 passed the CBEST the first-time.



The chart below shows significant variance in the passage rates on CBEST by ethnicity ranging from a 47% first-time passage rate for African American applicants, while white applicants have an 80% first-time passage rate.



Association of Mexican-American Educators v. California. A court case was filed shortly after the CBEST exam began in 1982. The plaintiffs were the Association of Mexican-American Educators, the California Association for Asian-Pacific Bilingual Education, the Oakland Alliance of Black Educators, and eight individuals. In this class action, the plaintiffs challenged the use of the CBEST as a requirement for certification to teach in the California public schools. The plaintiffs contended that the CBEST requirement violated Titles VI and VII of the Civil Rights Act of 1964 because it had a disparate impact on African-Americans, Latinos, and Asians. Defendants, while conceding that the CBEST results in some adverse impact on the plaintiff class, argued that the test is valid because it tests job-related skills and is justified by business necessity. In sum, the Court held that the defendants' requirement that plaintiffs pass the CBEST in order to obtain employment in the California public schools did not violate the plaintiffs' rights under Title VI or Title VII of the Civil Rights Act of 1964.

Subject matter competency coursework requirements. The CTC currently allows applicants to demonstrate subject matter competency through coursework. This bill mirrors many of the requirements of coursework that is acceptable for demonstrating subject matter knowledge, except this bill allows applicants to use coursework to demonstrate basic skills. The notable difference between the policies is that this bill requires a “B” or better in coursework to demonstrate basic skills and existing requirements allow for a “C” or better in coursework to demonstrate subject matter competency. According to the CTC, coursework as noted below qualifies for subject matter competency. Therefore, this bill establishes a higher threshold than other existing coursework options in the credentialing system.

According to the CTC, the following are the requirements to use coursework to demonstrate subject matter competency:

- completed with a grade of “C” or better
- applicable toward a bachelor’s degree or a higher degree (non-remedial)
- taken at a regionally-accredited institution
- granted regular quarter or semester hour credit

- from the subject department of the subject matter authorization being sought

The following coursework may be used as long as it meets the criteria listed above:

- community college, correspondence, online, or extension coursework
- advanced placement units (requires an official transcript of the course and written verification from the college or university admission or registrar’s office that the units were used towards a bachelor’s degree and are in the subject category of the requested subject matter authorization)

Arguments in support. The California Commission on Teacher Credentialing states: “The Commission on Teacher Credentialing (Commission) has taken a “Support” position on AB 312 Teacher credentialing: basic skills proficiency test: exemption, which adds new flexibility for aspiring teachers to demonstrate the Basic Skills Requirement (BSR) by completing relevant collegiate coursework in lieu of the California Basic Educational Skills Test (CBEST). These individuals can further satisfy the BSR by mixing-and-matching relevant components from all options permitted under current law. This bill would expand access to the teaching profession by removing barriers facing potential teachers, especially those otherwise qualified individuals who have been unable to take the CBEST due to reduced testing center capacity related to COVID-19.”

Arguments in opposition. EdVoice states: “AB 312 would establish an uneven and unnecessarily costly exemption in lieu of a uniform minimum protection of demonstrated minimum basic proficiency for students taught by novice teachers, long term substitutes, and emergency permit holders often assigned to schools in high-poverty neighborhoods. Accordingly, we respectfully urge you to hold AB 312 in committee unless amended to include a sunset date, a revision of the letter grade in coursework approach to earning of an Associate Degree or Baccalaureate Degree in the specified disciplines, and a report to the Legislature on the effect of exemptions granted.”

Related legislation. AB 1982 (Cunningham) from the 2019-20 Session was substantially similar to this bill and authorized a teacher credential applicant to demonstrate the basic skills proficiency by earning a grade of “B” or better in qualifying coursework, or through a combination of qualifying coursework and existing exams, in lieu of a basic skills proficiency exam. This bill was held in the Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Health, Physical Education, Recreation & Dance
 California Charter Schools Association
 California County Superintendents Educational Services Association (CCSESA)
 California School Boards Association
 California Teachers Association
 Public Advocates, INC.
 Riverside County Public K-12 School District Superintendents
 Small School Districts Association
 The Commission on Teacher Credentialing

Opposition

California Association of Substitute Teachers
Edvoice

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