

Item 9

(Action Item)

Consideration to approve the proposed emergency regulations for Golden State Teacher Grant Program

SUMMARY:

This item provides a description of the proposed emergency regulations for the Golden State Teacher Grant Program (GSTGP), including the proposed emergency regulation text and additional regulatory documents, and a description of the rulemaking process for these emergency regulations.

RECOMMENDATION:

Staff recommends the Commission approve the proposed emergency regulations and authorize staff to complete the emergency regulatory process, including initiating a five-day public comment period, preparing and submitting all required documents to the Office of Administrative Law (OAL), and making any non-substantive changes to the regulations and supporting documentation as requested by the OAL.

BACKGROUND:

As of July 29, 2021, the Commission's rulemaking workgroup, comprised of Program Administration and Services Division (PASD) and Legal Services, have been reviewing the Commission's regulations and new programs. With the passing of Senate Bill 169 (SB 169), the workgroup drafted the attached proposed regulation text for Golden State Teacher Grant Program. The proposed regulation text includes the program application requirements and procedures, applicant eligibility determinations, and participating institution responsibilities.

SB 169 expressly authorizes the Commission to adopt emergency regulations to implement the Golden State Teacher Grant Program and finds that the Commission's adoption of such regulations constitutes an emergency as defined under the Administrative Procedures Act (APA). As amended, Education Code Section 69617(g) specifies that: "The commission may adopt emergency regulations it deems necessary for the implementation of this program, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). For purposes of the Administrative Procedure Act, including Section 11349.6 of the Government Code, the adoption of those regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, notwithstanding subdivision (e) of Section 11346.1 of the Government Code."

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Previously, the Golden State Teacher Grant Program was limited to students interested in teaching in special education and was funded with federal funds. However, SB 169 significantly expanded the eligible teaching areas in which participating students could pursue teaching credentials to include bilingual education, STEM subjects, science, special education, multiple subject instruction, transitional kindergarten, and other subjects as identified by the Commission on Teacher Credentialing. These changes, as well as an expansion of eligible credential programs, as discussed below, require immediate implementation of the Golden State Teacher Grant Program. In addition, the 2021-22 budget appropriated \$500 million in state funds to be available through June 30, 2026

The GSTGP requires the Commission is to provide one-time grant funds of up to twenty thousand dollars (\$20,000) to each eligible student applicant enrolled on or after January 1, 2020, in a professional preparation program leading to a preliminary teaching credential at a qualifying institution. SB 169 expanded the definition of professional preparation program to also include a teacher preparation program approved by the Commission on Teaching Credentialing that has a main campus location or administrative entity that resides in California, including teacher preparation programs operated by local educational agencies in California.

Because this program has been in existence for a couple of years, although limited to federal funds and special education credentials, much of the process and structure for this program has already been developed. PASD and Legal worked together to draft these proposed regulations to reflect the existing processes and the necessary changes brought about by SB 169.

Staff has determined that emergency regulations are necessary to establish the Golden State Teacher Grant Program and incorporate and implement the statutory amendments prescribed by SB 169. As noted above, the proposed emergency regulations will establish application requirements and procedures, applicant eligibility determinations, participating institution responsibilities, fund management provisions, and compliance requirements for program participants. Emergency regulations are needed at this time to ensure that the regulatory provisions which provide additional clarity and definitions regarding the program elements are in place as the Commission is already accepting applications for this program.

Commission approval is required for staff to begin the regulatory process. Upon Commission approval, staff will provide notice regarding the proposed emergency regulations on the Commission's website. Interested members of the public will have five days to provide comments regarding the proposed rulemaking. At the conclusion of that five-day period, staff will submit the draft regulation text, a Notice of Proposed Regulatory Action, and additional supporting documentation to the OAL

Once the documents are filed with OAL, that agency has ten days in which to act on the submission. Included in that 10 day period is another five day comment period in which

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interested members of the public may provide comments directly to OAL. If any comments are received, Commission staff would be provided an opportunity to respond before OAL's final action. Assuming that all statutory and procedural requirements are met, emergency regulations are typically approved by OAL and, upon approval, become effective.

Emergency regulations are effective for 180 days, during which time the Commission may pursue a permanent rulemaking to ensure that these regulations remain in effect for the duration of the funding. Any permanent rulemaking would require staff to obtain the Commission's approval prior to initiating the process with OAL. In addition, if unable to complete the permanent rulemaking within the 180 days, the Commission may request an extension of an additional 180 days.

Staff recommends the Commission to adopt the proposed emergency regulations and authorize staff to complete the regulatory process, including initiating a five-day public comment period, preparing and submitting all required documents to the Office of Administrative Law (OAL), and making any non-substantive changes to the regulations and supporting documentation as requested by the OAL.

RESPONSIBLE PERSON(S):

Julia Blair, General Counsel
Executive Office

Tae Kang, Deputy Director
Program Administration and Services Division

Ana Marquez, Manager
Specialized Programs

ATTACHMENT(S):

Text of Proposed Regulations Revised November 29, 2021
Text of Proposed Regulations
OAL Emergency Rulemaking Process
Teaching Agreement (2021)