

Superintendent's Proposal

910-13Sp1 – In Support of a Policy Requiring All SFUSD Teachers to Obtain Appropriate Certification to Instruct English Learner Students

REQUESTED ACTION: *That the Board of Education of the San Francisco Unified School District adopt a policy that requires all SFUSD teachers to obtain appropriate certification to instruct English Learner students, as defined in the attached policy.*

BACKGROUND:

English Learner (EL) students have the right to a quality education. For these students to have access to a quality education, their needs must be met by teachers who have essential skills and knowledge related to English Language Development, Specially Designed Academic Instruction in English (SDAIE), and content instruction delivered in the students' primary languages.

The California Education Code Section 44253.1 requires all teachers serving EL students to hold appropriate certification including, but not limited to, Cross-cultural, Language and Academic Development (CLAD), Bilingual Cross-cultural, Language and Academic Development (BCLAD), and Language Development Specialist (LDS).

The State of California has implemented a certification system that allows educators to earn the appropriate certification by examination, course work or a combination of both to certify those teachers who have the essential skills and knowledge necessary to meet the needs of California's EL students.

SFUSD Board of Education Policy, Article 4 – Personnel, Section 4400 Employee Duties and Responsibilities, 4450 Position Requirements, item 2 requires teachers to possess appropriate authorizations and to be responsible for keeping valid, current, and registered with the District any credentials, certificates, permits, licenses, health verifications or other authorizations required in the position held.

The District has made numerous attempts over the years to facilitate or assist teachers in obtaining appropriate EL certification and at a minimum a Cross-cultural, Language and Academic Development (CLAD) authorization.

Virtually every class in the District has EL students, and therefore, pursuant to the Education Code, appropriate certification to instruct EL students should be required to work in SFUSD.

The Lau Master Plan for English Learner Education provides that the District shall propose a policy for adoption by the Board of Education that would require all new teachers to be CLAD-certified, and to establish requirements for existing teachers without CLAD to obtain such certification.

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10/13/09

12/8/09

Please Note:

- Referred to the Curriculum & Program, Rules, Policy, and Legislation, Budget and Business Services, and Ad Hoc Personnel Matters/Labor Relations Committees by order of the Chair on 10/13/09.
- Taken up by the Curriculum & Program Committee on 11/2/09. Forwarded to the Board with a positive recommendation by general consent of the Committee.
- Taken up by the Rules, Policy, and Legislation Committee on 11/3/09. Forwarded to the Board with a positive recommendation by general consent of the Committee.
- Taken up by the Ad Hoc Personnel Matters/Labor Relations Committee on 11/17/09. Forwarded to the Board with a positive recommendation by general consent of the Committee.
- Taken up by the Budget and Business Services Committee on 11/23/09. Forwarded to the Board with a positive recommendation by general consent of the Committee.
- Adopted (with amendments to the Policy) on 12/8/09.

BOARD OF EDUCATION POLICY

Policy No: P4230.1

Article 4:	Personnel
Section:	Employment
Sub-section:	Hiring

Certification to Instruct English Learner (EL) Students

Virtually every class in the District has EL students. Therefore, appropriate English Learner authorization is a requirement for all K-12 teachers who work in SFUSD. Appropriate English Learner authorization means certification required by the California Commission on Teacher Credentialing (CTC) to instruct EL students. A list of current CTC authorizations is attached to this policy.

Background:

EL students have the right to a quality education. For these students to have equal access to a quality education, their needs must be met by teachers who have essential skills and knowledge related to English Language Development, Specially Designed Academic Instruction in English (SDAIE), and content instruction delivered in the students' primary languages.

California Education Code 44253.1 requires that all teachers serving EL students must hold appropriate certification to instruct these students including, but not limited to, Cross-cultural, Language and Academic Development (CLAD), Bilingual Cross-cultural, Language and Academic Development (BCLAD), and Language Development Specialist (LDS).

A. GENERAL REQUIREMENT

All K-12 teachers shall possess certification issued by CTC to instruct EL students at the commencement of their employment. Teachers in hard-to-fill subjects or trained out of state may request an exemption. This requirement also includes all temporary and categorically funded teachers.

Obtaining the required appropriate credential from CTC is not a guarantee of continued employment.

B. K-12 TEACHERS HIRED INTO HARD-TO-FILL SUBJECTS OR TRAINED OUT OF STATE AND WHO HAVE BEEN GRANTED AN EXEMPTION

Teachers hired into hard-to-fill subjects or trained out of state without appropriate certification to instruct EL students must obtain an emergency CLAD permit within 20 days of beginning employment with the District, meet current CTC renewal requirements by the end of their first year of employment, and earn a clear CLAD by the end of their second year of employment.

These teachers shall certify by a Statement of Intent their agreement to obtain clear CLAD certification by the end of their second year of employment. The Statement of Intent shall also acknowledge that failure to meet current CTC renewal requirements for an emergency CLAD permit by the end of the first year of employment or failure to earn a clear CLAD by the end of their second year of employment shall result in one or more of the following sanctions: disciplinary notice placed in personnel file; non-re-election; or layoff.

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**C. K-12 PROBATIONARY TEACHERS HIRED
BEFORE JULY 1, 2009**

C.1 - First Year Probationary Teachers

By January 20, 2010, all first year probationary teachers shall submit proof to Human Resources (HR) of meeting current CTC requirements for a clear CLAD or an emergency CLAD renewal. First year probationary teachers who submit proof of emergency CLAD in year one must submit proof of a clear CLAD no later than the end of their second year of District employment. First year probationary teachers failing to submit proof to HR of meeting current CTC requirements for a clear CLAD or emergency CLAD within the timelines set forth immediately above shall be subject to one or more of the following sanctions: disciplinary notice placed in personnel file; probationary dismissal for cause; non-reelection; and layoff.

C.2 - Second Year Probationary Teachers

By January 20, 2010, all second year probationary teachers must submit proof to HR of meeting current CTC requirements for a clear CLAD or an emergency CLAD renewal.

Those second year probationary teachers who submit proof of meeting the current CTC requirements for an emergency CLAD renewal by January 20, 2010 shall submit proof to HR of meeting current CTC requirements for a clear CLAD by January 20, 2011. Second year teachers who fail to submit proof to HR of meeting current CTC requirements within the prescribed timeframe shall be subject to one or more of the following disciplinary actions: disciplinary notice placed in personnel file; probationary dismissal for cause; non-reelection; and layoff.

D. K-12 PERMANENT TEACHERS

D.1 – Permanent Teachers With Valid Emergency CLAD Permit

As of January 20, 2010 all permanent teachers who hold a valid emergency CLAD permit shall submit proof to HR of meeting current CTC requirements for a clear CLAD or an emergency CLAD renewal. Permanent teachers with valid emergency permits who fail to submit proof to HR by January 20, 2010 may be subject to the following sanctions: notice of unsatisfactory performance placed in personnel file; disciplinary notice placed in personnel file; other disciplinary actions up to and including termination; voluntary unpaid leave; and layoff.

All permanent teachers who submit proof of meeting the requirements for an emergency CLAD renewal by January 20, 2010 shall submit proof to HR of meeting current CTC requirements for a clear CLAD by January 20, 2011. Failure to submit proof to HR of meeting current CTC requirements for a clear CLAD by January 20, 2011 shall be subject to one or more of the following sanctions: notice of unsatisfactory performance placed in personnel file; disciplinary notice placed in personnel file; other disciplinary actions up to and including termination; voluntary unpaid leave; and layoff.

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D.2 – Permanent Teachers Without Clear CLAD or Valid Emergency CLAD Permit.

Effective January 20, 2010:, all K-12 teachers who do not hold a clear CLAD or a valid emergency CLAD permit and who have been previously notified by Human Resources of their requirement to obtain one,

shall be subject to the following sanctions: notice of unsatisfactory performance placed in personnel file; disciplinary notice placed in personnel file; other disciplinary actions up to and including termination; voluntary unpaid leave; and layoff. These teachers may also be placed in the short-term core substitute teacher pool until they obtain an emergency CLAD or other valid proof of compliance.

E. TEACHERS RETURNING FROM LEAVE

Teachers returning from leave shall be required to have a clear CLAD or valid emergency CLAD permit before resuming a position.

The Superintendent shall develop regulations to implement this policy.

Legal References:

EDUCATION CODE

44253.1 -44253.11 Certification for bilingual-cross-cultural competence
44258.9 County superintendent review of teacher assignment
44259.5 Standards for teachers of all students, including English Learners
44380-44386 Alternative certification
52052 Adequate yearly progress
52160-52178 Bilingual-Bicultural Act of 1976
52180-52186 Bilingual teacher training assistance program
62001-62005.5 Evaluation and sunseting of programs
99230-99242 Mathematics and Reading Professional Development Program

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act
80016 Certificate of completion of staff development to teach English Learners

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers
6601 -6651 Training and recruiting high-quality teachers
6801-7014 Language instruction for English Learners and immigrant students
7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

HISTORY/AUTHORIZATION:

Adopted: December 8, 2009
Resolution #910-13Sp1 (1st Reading 10/13/09) (2nd Reading 12/8/09)