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Education

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Education

Education; proficiency examinations

Education Code §§44252.5, 45344.5, 45361.5 (new); §§44252, 44332, 44631, 44632, 44636, 44638, 44670.4, 44670.5, 44671.4, 44680.4, 44680.91, 44830, 51215, 51216, 51217 (amended).

AB 757 (Hart); STATS. 1981, Ch 1136

Support: Department of Finance

AB 1446 (Moore); STATS. 1981, Ch 626

(Effective: Sept. 22, 1981)

Support: Department of Finance

The effectiveness of public education has recently been questioned due in part to an increased awareness of functionally illiterate high school graduates.¹ In 1977, the Legislature enacted proficiency standards and required a pupil to pass a basic skills test before receiving a high school diploma.² Chapter 626 expands and clarifies pupil proficiency standards.³ In addition to pupil competency, teacher competency has also been questioned.⁴ Chapter 1136 requires that before receiving a credential or before being eligible for employment in a public school an applicant for a credential or employment must demonstrate proficiency in reading, writing, and mathematic skills.⁵ Chapter 1136 additionally provides that an instructional aide or teacher aide must demonstrate the basic skills required of a high school graduate receiving a diploma before that aide can receive compensation for employment.⁶

Pupils

Existing law requires local school boards to adopt standards of proficiency in certain basic skills.⁷ Chapter 626 specifies that standards

1. See generally Comment, *Implications of Minimum Competency Legislation: A Legal Duty of Care?*, 10 PAC. L.J. 947 (1979).

2. See CAL. EDUC. CODE §§51215-51217.

3. Compare *id.* §§51215-51217 with CAL. STATS. 1980, c. 1333, §§1, 3, 4, at — (amending CAL. EDUC. CODE §§51215-51217).

4. See generally Rosenberger & Plimpton, *Teacher Incompetence and the Courts*, 4 J.L. & EDUC. 469 (1975).

5. See CAL. EDUC. CODE §§44252(b), 44830(b).

6. See *id.* §§45344.5, 45361.5.

7. See *id.* §§51215(a), (c) (these skills include reading comprehension, writing, and computation skills in the English language necessary to succeed in school and life experiences).

adopted by the school board must relate directly to the school district's instructional program.⁸ Furthermore, existing law requires each school district to assess a pupil's progress toward proficiency in basic skills by testing for proficiency at various times during the pupil's educational experience⁹ and requires a pupil to demonstrate proficiency in basic skills before receiving a high school diploma.¹⁰ Prior law stated that any pupil demonstrating proficiency in one school district need not be reassessed.¹¹ Chapter 626 now clarifies the parameters of this requirement by specifically stating that no pupil in the twelfth grade, who has demonstrated proficiency in one school, may be reassessed by any other district.¹² In addition, Chapter 626 allows a school district to grant reciprocity of proficiency examinations for students in grades other than the twelfth grade.¹³

Moreover, if a pupil does not demonstrate adequate progress toward attaining basic skills upon completion of the sixth, eighth, or twelfth grades the principal must arrange a conference with the pupil's parent or guardian and a certified employee familiar with the pupil's progress.¹⁴ Existing law requires written notice of this meeting to be sent to the parent or guardian.¹⁵ Chapter 626 expressly requires the notice to inform the parent or guardian that the pupil will *not* receive a high school diploma unless proficiency in basic skills is demonstrated.¹⁶ In addition, if a parent or guardian does not attend the scheduled conference the school must make a reasonable effort to convey the information that was to be given at the conference directly to the parent or guardian within ten days after the scheduled conference.¹⁷

Chapter 626 requires a school district to develop and make available to the pupil remedial instruction programs for at least two consecutive semesters.¹⁸ Chapter 626 limits remedial courses to pupils who have not yet graduated from high school¹⁹ or to persons who would have graduated had they demonstrated proficiency. Remedial courses, however, are only available the semester following the person's scheduled

8. *See id.* §51215(c).

9. *See id.* §51216(a).

10. *See id.* §51217(a).

11. *See* CAL. STATS. 1980, c. 1333, §3, at — (amending CAL. EDUC. CODE §51216).

12. *See* CAL. EDUC. CODE §51216(a).

13. *See id.*

14. *See id.* §51216(c).

15. *See id.* §51216(c)(5).

16. *See id.*

17. *See id.* §51216(c)(6).

18. *See id.* §51217(a) (a semester for this purpose includes a summer session).

19. *See id.*

graduation.²⁰ Finally, if a pupil fails the proficiency examination but meets all other graduation requirements and later passes the school district's proficiency examination the pupil will be awarded a diploma from the school district the pupil last attended without taking any additional classes.²¹

Teachers

Existing law requires the Commission for Teacher Preparation and Licensing (hereinafter the Commission) to establish standards and procedures for the issuance of teaching credentials.²² Chapter 1136 requires that after March 1, 1982 a person must demonstrate proficiency in basic mathematic, writing, and reading skills in the English language before that person is issued a teaching credential²³ or is employed by any school board.²⁴ The Superintendent of Public Instruction²⁵ is to adopt and implement a standardized test to assess proficiency.²⁶ The Commission will administer the test and may require the individual to pay a fee not to exceed thirty dollars for the cost of developing, administering, and grading the proficiency test.²⁷ Once a person has demonstrated basic proficiency in the required subject areas, the person does not have to be tested again when transferring to another school district.²⁸ Furthermore, existing law provides that a board of education may issue temporary teaching certificates to those persons whose applications for teaching credentials are being processed.²⁹ Chapter 1136 requires that prior to an issuance of a temporary certificate the person must have demonstrated proficiency in basic reading, writing, and mathematic skills.³⁰ Moreover, if a person does not pass the test, that person has one year to master the basic skills. Failure to take and pass the test the second time will result in dismissal from employment.³¹

20. *See id.* §51217(a)(2) (this limitation is due to funding provisions).

21. *See id.* §51217(a)(1). Existing law provides that professional development and program improvement centers and satellite schools be established; Chapter 1136 states that priority is to be given to schools that have the largest concentration of pupils that fall below the established achievement levels. *See id.* §§44631, 44632(a), (b), 44636(b).

22. *See id.* §44210; 5 CAL. ADMIN. CODE §80000.

23. *See* CAL. EDUC. CODE §44252; 5 CAL. ADMIN. CODE §80001(e) (definition of credential).

24. *See* CAL. EDUC. CODE §44830.

25. *See id.* §§33111, 33112.

26. *See id.* §44252(c) (the test will be adopted and implemented with the assistance of the Commission and an advisory board made up of representatives of local school boards, school administrators, parents, and postsecondary institutions).

27. *See id.* §§44252, 44252.5, 44830 (the Commission will collect the fee from individuals being assessed and will reimburse the State Department of Education for any costs).

28. *See id.* §§44252, 44252.5(b).

29. *See id.* §44332.

30. *See id.*

31. *See id.* §44830(b)(3). *See generally id.* §§44930-44961.

Teacher Aides and Instructional Aides

Prior to the enactment of Chapter 1136, teacher aides³² and instructional aides³³ were not required to pass any type of proficiency test for basic skills.³⁴ Chapter 1136 requires that if an aide is to receive compensation the aide must first demonstrate the same proficiency skills required of a pupil in that district to receive a high school diploma.³⁵ If the person does not pass the test that person has two years to master the basic skills and if the person fails to take and pass the test the person may be dismissed.³⁶ Chapter 1136, however, also provides that the school district can grant an exemption to the proficiency test for up to one year if it is in the best interest of the pupils in the district.³⁷ This one-year exemption can be extended two times, and no person can be exempted for more than three years.³⁸ Chapter 1136, however, provides that the proficiency test requirement does not apply to aides who receive two consecutive annual satisfactory performance evaluations that include assessment of basic skills.³⁹

Conclusion

The enactment of proficiency standards for pupils is to ensure the development of skills believed necessary in a complex, contemporary society.⁴⁰ Chapter 626 clarifies the proficiency standards enacted in 1977 and outlines provisions for the establishment of remedial instruction for students that score below the required basic level.⁴¹ Chapter 1136 provides for the establishment of proficiency examinations for teachers, instructional aides, and teacher aides to further ensure that those persons involved in classroom teaching are able to teach the required basic skills.⁴²

32. *See id.* §§45360-45367 (definition of teacher aide).

33. *See id.* §45343 (definition of instructional aide).

34. *See id.* §§45344, 45360-45367.

35. *See id.* §§45344.5, 45361.5, 51216 (if it is an elementary school district the requirements for an aide are that of a high school senior in the high school district that includes all or the largest portion of the elementary school district).

36. *See id.* §§45344.5, 45361.5. *See generally id.* §§45100-45138.

37. *See id.* §§45344.5, 45361.5.

38. *See id.* §§45344.5, 45361.5.

39. *See id.*

40. *See CAL. STATS.* 1977, c. 894, §42, at 2702; *CAL. STATS.* 1977, c. 856, §1, at 1957.

41. *See CAL. EDUC. CODE* §§51215-51217.

42. *See id.* §§44252, 44252.5, 44830, 45344.5, 45361.5. *See generally* XV SACRAMENTO EDUCATION LEGISLATIVE LETTER NO. 9 (weekly ed. 1981).