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22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **COUNTY OF CONTRA COSTA**

24 SAM CLEARE, SARAH KINCAID,
25 JEREMIAH ROMM, HILDA CRISTINA
26 HUERTA, AND JETAUN THOMPSON

27 Petitioners,

28 v.

29 WEST CONTRA COSTA UNIFIED SCHOOL
30 DISTRICT, KENNETH CHRIS HURST, WEST
31 CONTRA COSTA UNIFIED SCHOOL
32 DISTRICT BOARD OF EDUCATION,
33 JAMELA SMITH-FOLDS, DEMETRIO
34 GONZALEZ HOY, OTHEREE CHRISTIAN,
35 MISTER PHILLIPS, AND LESLIE RECKLER,

36 Respondents.

Case No. N24-1353

**DECLARATION OF CTC EXECUTIVE
DIRECTOR, DR. MARY VIXIE
SANDY, IN SUPPORT OF
PETITIONERS' MOTION FOR A NEW
TRIAL**

Judge: Hon. Terri Mockler

Dept.: 27

Date:

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DECLARATION OF MARY VIXIE SANDY, Ed.D.

I, DR. MARY VIXIE SANDY, declare:

1. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

Background

2. I serve as the Executive Director of the California Commission on Teacher Credentialing (CTC) and have served in that role since 2011. As the oldest autonomous state standards board in the nation, the CTC serves a crucial role in California’s educational landscape. The agency is responsible for establishing state standards for educator preparation in public schools, overseeing the credentialing of professional educators, enforcing professional practices, and administering disciplinary actions for credential holders. In my capacity as the Commission’s Executive Director, I oversee public policy related to educator preparation and licensing and guide the agency in the issuance of over 300,000 credential documents annually and the accreditation of more than 250 colleges, universities and local education agencies offering educator preparation programs.

3. I hold a Doctorate in Education from UC Berkeley, a Master's Degree in Education from UC Davis, and a Bachelor's degree in Philosophy from Sonoma State University. I have over 30 years of experience in higher education and government. My career began as a consultant with the California Department of Education, where I focused on supporting development of the state’s model curriculum standards. In 1992, I joined the California Commission on Teacher Credentialing (CTC or Commission), as a grant manager, policy analyst, and program evaluator. I progressed to the role of senior manager in policy and program development, where I played a key role in implementing significant reforms in teacher credentialing.

4. I have also served as the Associate Director of Teacher Education and Public School Programs with the Chancellor’s Office, California State University and the Executive Director of the UC Davis School of Education CRESS Center.

1 State Certification Laws

2 5. I have been informed by Petitioners’ counsel that this matter is seeking an
3 order from this Court that would direct the West Contra Costa Unified School District
4 (WCCUSD) to fill identified teacher vacancies at three schools in the district and to cease its
5 practice of assigning uncertified individuals, including 30-day substitutes teaching beyond their
6 authorization period, to render teaching services in its classrooms. I have further been informed
7 that the Court has denied Petitioners’ requested order and declined to provide any relief. This is a
8 troubling outcome for the enforcement of state certification laws for the reasons set forth below.

9 6. State certification laws establish mandatory minimum standards for the
10 preparation of classroom teachers who may serve as teachers of record from which no district may
11 unilaterally relieve itself. The issuance of a state-approved certificate, that is, a document of some
12 type, such as a credential, including a permit or even a waiver, indicates that the individual
13 possesses at least a minimum level of education and pedagogical training to satisfy the State that
14 they can be allowed to render services as a teacher of record to students. Fully-prepared
15 individuals (those possessing a preliminary or clear credential) have completed all required subject
16 matter and pedagogical training applicable to their years of service (preliminary credentials for
17 newly graduated teachers and clear credentials thereafter). Interns have completed their subject
18 matter training but are still completing their pedagogical training. Permit holders and others with
19 emergency-style permits that would allow them to serve as teacher of record (e.g., Provisional
20 Internship Permits, Short Term Staff Permits, Limited Assignment Permits, etc.) are in various
21 stages of the process of obtaining the subject matter and pedagogical training needed to be fully-
22 prepared and, thus, during their period of development are only provisionally certified for limited,
23 and in some cases, non-renewable periods of time. Waiver certification is also limited in time and
24 scope and is the lowest level of certification that authorizes an individual to serve as teacher of
25 record. Waivers are primarily reserved for situations where a requesting district can demonstrate
26 to the satisfaction of the Commission staff that no fully-prepared teacher, intern, or emergency-
27 style permit holder is available, that the individual proposed has sufficient training and skills and
28 is the district’s best available option. (Education Code section 44225.7.)

1 **Substitute Teachers**

2 7. Thirty-day substitutes are not certified to teach in any one classroom for the
3 entire year and are not certified beyond a caretaking 30-day role precisely because they are not
4 required to have any of the specialized subject matter or pedagogical training that would satisfy
5 the State that they were qualified to serve in such an important role. These substitutes are required
6 to possess only a baccalaureate degree. (Education Code sections 44252 and 44300.) (Note, the
7 basic skills proficiency requirement, which previously required most teacher candidates to pass the
8 CBEST exam, can now be satisfied by possession of a baccalaureate degree). Any baccalaureate
9 degree suffices. Substitutes are not required to possess competence in the particular subject matter
10 of the course which they are temporarily teaching. Nor are substitutes required to have had any
11 training in pedagogy in a teacher preparation program. Thus, they are not trained in how to teach
12 (e.g., lesson planning, grading, differentiated learning styles, classroom management, basic legal
13 obligations, etc.), much less on how to teach the particular subject matter of the class they are
14 filling in for. Substitutes also lack training, therefore, in how to address the specialized needs of
15 the students found in most California public school classrooms, particularly special education
16 students and English Learners. The former require specific instructional strategies and
17 accommodations set forth in the student’s Individualized Educational Program (IEP); the latter
18 require specialized approaches to help limited-English-proficient students understand instruction
19 in academic content that is only taught in English and instruction that simultaneously supports the
20 students’ listening, speaking and writing in English. (See, for example, Education Code sections
21 44253.1-44253.6; Title 5, California Code of Regulations, sections 80015-80016.)

22 **Consequences of Denying Writ**

23 8. The Court’s denial of an order that WCCUSD must only fill certificated
24 positions with certified individuals, to serve as teacher of record, has concerning consequences
25 beyond the unauthorized use of 30-day substitutes. If freed from the mandatory strictures of state
26 certification laws, the district could equally determine that it needed to fill vacancies permanently
27 with other untrained and uncertified persons such as parents, undergraduates, classroom aids
28

1 without baccalaureate degrees, or others whenever it next concludes that certified personnel, or
2 even substitutes, are too difficult to find.

3 9. It would create chaos for the quality of our public-school teacher workforce
4 if districts were to unilaterally decide when they could relieve themselves of the general
5 requirement to assign only certified individuals to certificated positions long-term, as petitioner’s
6 counsel represents that WCCUSD has acknowledged it is doing here by assigning 30-day
7 substitutes to teach a single classroom for the entire year.

8 **Districts Must Obtain Waivers**

9 10. According to the Commission’s Director of Certification, the law does
10 provide for exceptions from standard certification requirements when extenuating circumstances
11 are present. A local district governing board may approve a Limited Assignment Permit or other
12 local assignment option to assign a teacher to a class for which they do not have the proper subject
13 matter training – but only for teachers who are already fully-credentialed in another subject matter.
14 (See Education Code sections 44256, 44258.2, 44258.3, 44258.7, 44263, and 44300.) Otherwise,
15 the only avenue to seek relief from a state certification requirement, either for a particular teacher
16 assignment or for a district as a whole, is for a district to seek a waiver from the CTC. (Education
17 section 44225, subdivision m.)

18 11. The legislature established broad waiver authority for the Commission in
19 order to allow some measure of flexibility in the application of state certification laws for
20 individual districts while ensuring the Commission is maintaining the underlying state policy that
21 teachers should be properly prepared to deliver education to students when entrusted with that
22 responsibility. Education Code section 44225, subdivision m allows the CTC to waive some
23 certification provisions of the Education Code, allows for temporary exemption from specified
24 credential requirements for entire geographically isolated districts or regions “with a severely
25 limited ability to develop personnel,” and otherwise, generally, can provide “temporary
26 exemptions when deemed appropriate by the commission.” California Education Code section
27 44225, subdivision m.)

1 12. I have been informed by Petitioners' counsel that the WCCUSD attorney
2 stated that the district has not sought a waiver for its 30-day substitutes because it is clear that
3 these individuals do not meet the requirements for a standard Commission-approved variable-term
4 waiver, most notably, because they do not wish to enroll in a teacher preparation program and seek
5 the further qualification that might qualify them for such a waiver.

6 13. My response to the WCCUSD justification for not seeking a waiver is two-
7 fold. First, as noted above, the Commission's waiver authority is broad and includes the ability to
8 waive some certification provisions of the Education Code and CTC regulations, including those
9 relied on for a standard variable-term waiver such as the requirement the candidate enroll in a
10 teacher preparation program. I am informed by my Director of Certification that these additional
11 bases for seeking variable-term waivers are also set forth in the Commissions Waiver Requests
12 Guidebook. (CTC Waiver Requests Guidebook at 3.) If the district believes it has no other
13 candidates to assign to its classes and that the circumstances before it are dire and extenuating, it
14 could, and indeed, it must, test those assertions before the Commission.

15 14. Commission staff process thousands of waiver requests each year and are
16 well-versed in the legal requirements and assessment of candidate qualifications and how to assess
17 district waiver assertions. It is worth noting that, for the single subject and multiple subject
18 credential types which I understand are at issue in this matter, "[t]he Commission has determined
19 there are no substantial shortages of individuals who hold these credential types." (CTC Waiver
20 Requests Guidebook at 6.)

21 **Conclusion**

22 15. When districts unilaterally assign uncertified individuals to certificated
23 classroom positions as teacher of record, they do so in violation of mandatory state certification
24 laws established to ensure minimum teacher quality standards for the state's students. (Education
25 Code section 44001). When districts conclude they are not able to identify suitably qualified
26 teachers that would satisfy established state certification requirements, they have no authority to
27 unilaterally ignore those certification requirements. Instead, they must seek local assignment
28 options, have their local board approve a Limited Assignment Permit for a fully credentialed

1 teacher, or apply for a waiver from the Commission. When a district, such as WCCUSD in this
2 instance, refuses to test its hardship conclusions before the Commission by seeking a waiver
3 through the required processes, the Commission's authority and expertise in upholding minimum
4 teacher quality standards are evaded and usurped.

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7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

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10 **DATED:** December 18, 2024

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Mary Vixie Sandy, Ed.D
Executive Director
Commission on Teacher Credentialing