

AGENDA ITEM 12

PROPOSED REGULATION TO ESTABLISH *PROBATION MONITORING COSTS*, SECTION 4147.2

The proposed text is attached for review.

Proposed Regulations - Probation Monitoring Costs

Attached is draft language proposing two new changes that staff is recommending to language previously approved by the Board. The changes are designed to further coordinate and administer the proposed action.

Newly proposed language is in bold, strikethrough reflects deleted text.

1. ADD subsection (d) that specifies the Board shall not consider a petition for early medication or early termination of probation if the probationer has failed to pay probation monitoring costs.

This language would eliminate the possibility that a probationer could petition the Board for modification or early termination of probation in the event they have not paid probation monitoring costs. Petitions use Board resources, including staff time and costs, associated with coordinating and scheduling these hearings at regularly scheduled Board meetings. Since there is a strong likelihood the Board would not grant a petition in the event a petitioner failed to pay probation monitoring costs (and thus would be out of compliance with the probation order) implement such a requirement will save time and effort of all involved parties. It would also serve to deter probationers from falling into arrears if they intend to later on seek modification or early termination of probation.

2. ADD subsection (e) that requires the Board to consider any unpaid probation monitoring costs ordered pursuant to this section when evaluating a petition for reinstatement.

This language would require the Board consider any unpaid probation monitoring costs that may have accrued when considering a petition to reinstate a license. This could occur when a licensee ordered to pay probation monitoring costs, fails to do so and later surrenders their license or has their license revoked, then later submits a petition for reinstatement (of their license) to the Board.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
Title 16, Division 39, California Code of Regulations

Proposed Text

Proposed amendments are shown underlined for new text and ~~strikeout~~ for deleted text.

Article 5.5. Standards Related to Denial, Discipline, and Reinstatement of Licenses

Proposed new language:

§ 4147.2. Probation monitoring costs

(a) When the board disciplines a licensee by placing him or her on probation, the Board may, in addition to the terms and conditions described in the board's Disciplinary Guidelines, require the licensee to pay costs associated with monitoring the licensee's probation.

(b) The Board shall not renew the license of a licensee who fails to pay all of the costs he or she is ordered to pay pursuant to this section once the licensee has served his or her term of probation.

(c) The Board shall not restore a license if the probationer failed to pay any costs he or she was ordered to pay pursuant to this section.

(d) The Board shall not consider a petition for early termination or modification of probation if the probationer failed to pay any probation monitoring costs he or she was ordered to pay pursuant to this section.

(e) The Board shall consider any unpaid probation monitoring costs ordered pursuant to this section in evaluating a petition for reinstatement.

~~(d)(f)~~ Failure to pay such monitoring costs ~~by the deadline(s)~~ as directed shall be considered a violation of probation.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.

Reference: Sections 2570.10, 2570.20, 2570.26, 2570.27, and 2570.32, Business and Professions Code.

AGENDA ITEM 13

PROPOSED REGULATION TO AMEND SECTION 4161, *CONTINUING COMPETENCY*

The proposed text is attached for review.

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
APPROVED MODIFIED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations**

Proposed amendments are shown in underline for new text and ~~strikeout~~ for deleted text.

Amend Title 16, Division 39, Article 7, California Code of Regulations to read as follows:

§ 4161. Continuing Competency

(a) Each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed twenty-four (24) professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities.

(1) One (1) hour of participation in a professional development activity qualifies for one PDU;

(2) One (1) academic credit equals 10 PDUs;

(3) One (1) Continuing Education Unit (CEU) equals 10 PDUs.

(b) Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Except as provided in subdivision (c), professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution, or otherwise meets all of the following criteria:

(1) The program or activity contributes directly to professional knowledge, skill, and ability; and

(2) The program or activity must be objectively measurable in terms of the hours involved.

(c) PDUs may also be obtained through any or a combination of the following:

(1) Involvement in structured special interest or study groups with a minimum of three (3) participants. Three (3) hours of participation equals one (1) PDU, with a maximum of six (6) PDUs credited per renewal period.

(2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will receive three (3) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(3) Structured mentoring of a colleague to improve his/her skills. Twenty (20) hours of mentoring equals three (3) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(4) Supervising the fieldwork of Level I and Level II occupational therapist and occupational therapy assistant students shall be credited as follows:-

(A) Supervising the fieldwork of a Level I student. For each student supervised the practitioner will receive 1 PDU.

(B) Supervising the fieldwork of a Level II student. For each 40 hours of supervision the practitioner will receive 1 PDU.

(C) A maximum of twelve (12) PDUs of credit for supervising Level II and/or Level I students shall be allowed per renewal period.

(D) The supervision shall not be the primary responsibility of the licensee's employment.

(E) Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period.

(F) Fieldwork supervision hours of a single student may be divided between licensees. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week.

(5) Publication of an article in a non-peer reviewed publication. Each article equals five (5) PDUs, with a maximum of ten (10) PDUs credited per renewal period.

(6) Publication of an article in a peer-reviewed professional publication. Each article equals 10 PDUs, with a maximum of ten (10) PDUs credited per renewal period .

(7) Publication of chapter(s) in occupational therapy or related professional textbook. Each chapter equals 10 PDUs, with a maximum of ten (10) PDUs credited per renewal period.

(8) Making professional presentations at workshops, seminars and conferences. For each hour presenting, the practitioner will receive two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(9) Attending a meeting of the California Board of Occupational Therapy. Each meeting attended equals two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(10) Attending board outreach activities. Each presentation attended equals two (2) PDUs, with a maximum of four (4) PDUs credited per renewal period.

(d) Partial credit will not be given for the professional development activities listed in subsection (c) and a maximum of twelve (12) PDUs may be credited for the activities listed in subsection (c).

(e) This section shall not apply to the first license renewal following issuance of the initial license occurring within one (1) year of issuance of the initial license.

(f) A licensee applying for the first license renewal occurring more than one (1) year after the initial license was issued shall complete twelve (12) PDUs.

~~(f)~~ (g) Of the total number of PDUs required for each renewal period, a minimum of one half of the units must be directly related to the delivery of occupational therapy services, may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.

~~(g)~~ (h) Applicants who have not been actively engaged in the practice of occupational therapy within the past five years completing continuing competency pursuant to section 2570.14(a) of the Code to qualify for licensure shall submit evidence of meeting the continuing competency requirements by having completed, during the two year period immediately preceding the date the application was received, forty (40) PDUs that meet the requirements of subsection (b). The forty PDUs shall include:

(1) Thirty-seven (37) PDUs directly related to the delivery of occupational therapy services, which may include the scope of practice for occupational therapy practitioners or the occupational therapy practice framework;

(2) Three (3) PDUs related to ethical standards of practice in occupational therapy.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code. Reference: Section 2570.10, Business and Professions Code.

AGENDA ITEM 14

DISCUSSION AND POSSIBLE ACTION ON PENDING LEGISLATIVE BILLS:

- **AB 703 (FLORA)**
- **AB 710 (WOOD)**
- **AB 1005 (CALDERON)**
- **AB 1510 (DABABNEX)**
- **SB 762 (HERNANDEZ)**
- **SB 1217 (STONE)**

The bills are attached for review.



AB-703 Professions and vocations: licenses: fee waivers. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 703

Introduced by Assembly Member Flora

February 15, 2017

An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as introduced, Flora. Professions and vocations: licenses: fee waivers.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board within the department to expedite the licensure process for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state if the applicant holds a current license in the same profession or vocation in another state, district, or territory. Existing law also requires a board to issue temporary licenses in specified professions to applicants as described above if certain requirements are met.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 115.7 is added to the Business and Professions Code, to read:

115.7. (a) Notwithstanding any other law, every board within the department of Consumer Affairs shall grant a fee waiver for the application for and issuance of an initial license to an applicant who does both of the following:

(1) Supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States.

(2) Holds a current, active, and unrestricted license that confers upon him or her the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which he or she seeks a license from the board.

(b) If a board charges a fee for the application for a license and another fee for the issuance of a license, the applicant shall be granted fee waivers for both the application for and issuance of a license.

(c) A fee waiver shall not be issued for any of the following:

(1) Renewal of an existing California license.

(2) The application for and issuance of an additional license, a certificate, a registration, or a permit associated with the initial license.

(3) The application for an examination.



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AB-710 Department of Consumer Affairs: boards: meetings. (2017-2018)

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AMENDED IN ASSEMBLY APRIL 27, 2017

AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Wood

February 15, 2017

An act to amend Section 101.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Wood. Department of Consumer Affairs: boards: meetings.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year, and at least once in northern California and once in southern California per calendar year.

This bill would require a board to meet once every other calendar year in rural ~~northern~~ California.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 101.7 of the Business and Professions Code is amended to read:

101.7. (a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern California, once every other calendar year in rural ~~northern~~ California, and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.



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AB-1005 Professions and vocations: fines: relief. (2017-2018)

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AMENDED IN ASSEMBLY MAY 02, 2017

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

ASSEMBLY BILL
No. 1005
Introduced by Assembly Member Calderon
February 16, 2017

~~An act to amend Section 12.5 of the Business and Professions Code, relating to professions and vocations.~~ *An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Calderon. Professions and vocations: fines: relief.

Under existing law, the Department of Consumer Affairs is under the control of the Director of Consumer Affairs and is comprised of various ~~boards, bureaus, commissions, committees, and similarly constituted agencies~~ *boards* that license and regulate the practice of various professions and vocations. A violation of a regulatory act by a licensee can subject a licensee to discipline, including administrative penalties or citations, suspension, or revocation of the license. Existing law specifies that whenever any provision of law governing businesses and professions grants authority to issue a citation for a violation of a code provision, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to code.

~~This bill would authorize boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate professions and vocations, when granted the authority to issue a citation, to instead issue a fix-it ticket in lieu of a fine. The bill would specify that any person who is issued a fix-it ticket in lieu of a citation would have 30 days in which to correct the violation before being issued the fine.~~

Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.

This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 125.9 of the Business and Professions Code is amended to read:*

125.9. (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) ~~Whenever~~*Except as provided in paragraph (3), whenever* appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) *Notwithstanding paragraph (2), except with respect to healing arts licensees licensed pursuant to Division 2 (commencing with Section 500, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, a citation containing an order to pay an administrative fine shall contain the following:*

(A) *An order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective.*

(B) *If the licensee successfully abates the violation within the 30-day period, the licensee shall not be responsible for payment of the administrative fine.*

(C) *If the licensee fails to abate the violation within the 30-day period, the licensee shall pay the administrative fine.*

~~(3)~~

(4) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

~~(4)~~

(5) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or ~~assessment~~*assessment or the date the administrative fine becomes effective pursuant to paragraph (3)*. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

~~(5)~~

(6) Failure of a licensee to pay a fine within 30 days of the date of ~~assessment~~*assessment or the date the administrative fine becomes effective pursuant to paragraph (3)* unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other ~~provision~~ of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

~~SECTION 1. Section 12.5 of the Business and Professions Code is amended to read:~~

~~12.5.(a) Whenever any provision of this code grants authority to issue a citation for a violation of any provision of this code, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to any provision of this code.~~

~~(b) The authority to issue a citation for a violation of any provision of this code also includes the authority to issue a fix it ticket, in lieu of a fine. Any person who is issued a fix it ticket in lieu of a citation and fine shall have 30 days in which to correct the violation before being issued the fine.~~

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 1510****Introduced by Assembly Member Dababneh****February 17, 2017**

An act to add and repeal Chapter 5.8 (commencing with Section 2697) of Division 2 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1510, as introduced, Dababneh. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would enact the Athletic Training Practice Act, which would, after a determination is made that sufficient funds have been received to pay initial costs of this bill, provide for the licensure and regulation of athletic trainers, as defined. The bill would, after that determination, establish the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms, except as specified. Commencing 6 months after the committee is established by this bill, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. The bill would prohibit, except in specified cases for a specified period, a person from using the title "athletic trainer," unless the person is licensed by the committee. The bill would specify the requirements for licensure, including education, examination, and the payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe supervision requirements on athletic trainers.

The bill would also establish the Athletic Trainers' Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department's Internet Web site of the determination, as specified. This bill would repeal these provisions on January 1, 2025.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) California is one of only two states that does not currently regulate the practice of athletic training. This lack of regulation creates the risk that individuals who have lost or are unable to obtain licensure in another state will come to California to practice, thereby putting the public in danger and degrading the standards of the profession as a whole.

(b) There is a pressing and immediate need to regulate the profession of athletic training in order to protect the public health, safety, and welfare. This need is particularly important because athletic trainers often work with schoolage children.

(c) There is also a pressing and immediate need to regulate the profession of athletic training because the absence of regulation puts California businesses, colleges, universities, and other organizations at risk of liability solely because of the unlicensed status of athletic trainers in the state.

SEC. 2. Chapter 5.8 (commencing with Section 2697) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 5.8. Athletic Trainers

Article 1. Administration

2697. This chapter shall be known, and may be cited, as the Athletic Training Practice Act.

2697.1. For the purposes of this chapter, the following definitions apply:

(a) "Athletic trainer" means a person who meets the requirements of this chapter, is licensed by the committee, and practices under the direction of a licensed physician or surgeon.

(b) "Board" means the California Board of Occupational Therapy.

(c) "Committee" means the Athletic Trainer Licensing Committee.

(d) "Director" means the Director of Consumer Affairs.

2697.2. (a) There is established the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy. The committee shall consist of seven members.

(b) The seven committee members shall include the following:

(1) Four licensed athletic trainers. Initially, the committee shall include four athletic trainers who have graduated from a professional degree program described in subdivision (a) of Section 2697.5 prior to approval by the committee and who will satisfy the remainder of the licensure requirements, including submission of an application, described in Section 2697.5 as soon as it is practically possible.

(2) One public member.

(3) One physician and surgeon licensed by the Medical Board of California or one osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California.

(4) One occupational therapist licensed by the board.

(c) Subject to confirmation by the Senate, the Governor shall appoint two of the licensed athletic trainers, the public member, the physician and surgeon or osteopathic physician and surgeon, and the licensed occupational therapist. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a licensed athletic trainer.

(d) (1) All appointments are for a term of four years and shall expire on June 30 of the year in which the term expires. Vacancies shall be filled for any unexpired term.

(2) Notwithstanding paragraph (1), for initial appointments to the committee, the public member appointed by the Governor and two of the athletic trainers shall serve terms of two years, and the remaining members shall

serve terms of four years.

(e) Each member of the committee shall receive per diem and expenses as provided in Section 103.

2697.3. (a) (1) The committee shall adopt, repeal, and amend regulations as may be necessary to enable it to administer this chapter. All regulations shall be in accordance with this chapter.

(2) Before adopting regulations, the committee may consult the professional standards issued by the National Athletic Trainers Association, the Board of Certification, Inc., the Commission on Accreditation of Athletic Training Education, or any other nationally recognized professional athletic training organization.

(b) The committee shall approve programs for the education and training of athletic trainers.

(c) The committee shall investigate each applicant, before a license is issued, in order to determine whether the applicant meets the qualifications required by this chapter.

(d) Protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

2697.4. Except as otherwise provided in this chapter, the committee shall issue an athletic training license to an applicant who meets all of the following requirements:

(a) Has submitted an application developed by the committee that includes evidence that the applicant has graduated from a professional degree program in athletic training accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors, and approved by the committee, at an accredited postsecondary institution or institutions approved by the committee. The professional degree program shall consist of didactic, clinical, and research experiences in athletic training using critical thinking and weighing of evidence.

(b) Has passed an athletic training certification examination offered by the Board of Certification, Inc., its predecessors or successors, or another nationally accredited athletic trainer certification agency approved and recognized by the committee.

(c) Possesses a certificate in Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) for professional rescuers and health care providers from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(d) Has paid the application fee established by the committee.

2697.5. Notwithstanding Section 2697.4, the committee shall issue an athletic training license to an applicant who did not graduate from an accredited athletic training education program described in subdivision (a) of Section 2697.4, but who received athletic training via an internship, if the applicant meets all of the following requirements:

(a) Furnishes evidence satisfactory to the committee of completion of a degree at an accredited postsecondary institution that included instruction in basic sciences related to, and on the practice of, athletic training.

(b) Passes the examination described in subdivision (b) of Section 2697.4.

(c) Completes at least 1,500 hours of clinical experience under an athletic trainer certified by a certification agency described in subdivision (b) of Section 2697.4.

(d) Possesses a certificate in CPR and AED for professional rescuers and health care providers from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(e) Has paid the application fee established by the committee.

2697.6. A license issued by the committee pursuant to Section 2697.4 or 2697.5 is valid for two years and thereafter is subject to the renewal requirements described in Sections 2697.7 and 2697.8.

2697.7. The committee shall establish license application and renewal fees in an amount sufficient to cover the reasonable regulatory costs of administering this chapter.

2697.8. The committee shall renew a license if an applicant meets all of the following requirements:

(a) Pays the renewal fee as established by the committee.

(b) Submits proof of all of the following:

(1) Satisfactory completion of continuing education, as determined by the committee.

(2) Current athletic training certification from a certification body approved by the committee, including, but not limited to, the Board of Certification, Inc., or its predecessors or successors.

(3) Current certification described in subdivision (c) of Section 2697.4.

2697.9. (a) The committee may deny a license or the renewal of a license for an applicant or licensee who is described by any of the following:

(1) Does not meet the requirements of this chapter.

(2) Has had an athletic training license, certification, or registration revoked or suspended by an accredited organization, state, or territory.

(3) Has been convicted of a felony or any other crime that substantially relates to the functions or duties of an athletic trainer.

(4) Has committed unprofessional conduct, as described in subdivision (b).

(b) The committee may order any of the following actions relative to an athletic training license after a hearing for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, any regulation adopted by the committee pursuant to this chapter, and revocation or suspension of an athletic training license, certification, or registration by an accredited organization, state, or territory:

(1) Issuance of the athletic training license subject to terms and conditions.

(2) Suspension or revocation of the athletic training license.

(3) Imposition of probationary conditions upon the athletic training license.

Article 2. Athletic Training

2697.10. (a) A person shall not engage in the practice of athletic training unless licensed pursuant to this chapter.

(b) A person shall not use the title "athletic trainer," "licensed athletic trainer," "certified athletic trainer," "athletic trainer certified," "a.t.," "a.t.l.," "c.a.t.," "a.t.c.," or any other variation of these terms, or any other similar terms indicating that the person is an athletic trainer unless that person is licensed pursuant to this chapter.

(c) Notwithstanding subdivisions (a) and (b), a person who practiced athletic training in California for a period of 20 consecutive years prior to July 1, 2018, and is not eligible on that date for an athletic training license may engage in the practice of athletic training and use the title "athletic trainer" without being licensed by the committee, upon registration with the committee. However, on and after January 1, 2021, a person shall not engage in the practice of athletic training or use the title "athletic trainer" unless he or she is licensed by the committee pursuant to this chapter.

2697.11. (a) The practice of athletic training includes all of the following:

(1) Risk management and injury or illness prevention.

(2) The clinical evaluation and assessment of an injury sustained or exacerbated while participating in physical activity.

(3) The immediate care of an injury sustained or exacerbated while participating in physical activity or a condition exacerbated while participating in physical activity.

(4) The rehabilitation and reconditioning from an injury or an illness sustained or exacerbated while participating in physical activity.

(b) The practice of athletic training does not include grade 5 spinal manipulations.

(c) An athletic trainer shall refer a patient to an appropriate licensed health care provider when the treatment or management of the injury or condition does not fall within the practice of athletic training.

(d) An athletic trainer shall not provide, offer to provide, or represent that he or she is qualified to provide any treatment that he or she is not qualified to perform by his or her education, training, or experience, or that he or she is otherwise prohibited by law from performing.

(e) (1) For purposes of this section, "injury" means an injury sustained as a result of, or exacerbated by, participation in athletics or physical activity for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the practice of athletic training.

(2) For purposes of this section, "condition" means a condition acutely exacerbated while participating in athletics or physical activity for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the practice of athletic training.

2697.12. (a) An athletic trainer shall render treatment within his or her scope of practice under the direction of a physician and surgeon licensed by the Medical Board of California or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California. This direction shall be provided by verbal or written order by the directing physician and surgeon or osteopathic physician and surgeon or by athletic training treatment plans or protocols established by the physician and surgeon or osteopathic physician and surgeon.

(b) Notwithstanding any other law, and consistent with this chapter, the committee may establish other alternative mechanisms for the adequate direction of an athletic trainer.

2697.13. The requirements of this chapter do not apply to the following:

(a) An athletic trainer licensed, certified, or registered in another state or country who is in California temporarily, traveling with a team or organization, to engage in the practice of athletic training for, among other things, an athletic or sporting event.

(b) An athletic trainer licensed, certified, or registered in another state who is invited by a sponsoring organization, such as the United States Olympic Committee, to temporarily provide athletic training services under his or her state's scope of practice for athletic training.

(c) A student enrolled in an athletic training education program, while participating in educational activities during the course of his or her educational rotations under the supervision and guidance of an athletic trainer licensed under this chapter, a physician and surgeon licensed by the Medical Board of California, an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, or other licensed health care provider.

(d) A member or employee of the United States Armed Forces, licensed, certified, or registered in another state, as part of his or her temporary federal deployment or employment in California for a limited time.

2697.14. This chapter does not limit, impair, or otherwise apply to the practice of any person licensed and regulated under any other chapter of Division 2 (commencing with Section 500).

2697.15. This chapter does not require new or additional third-party reimbursement for services rendered by an individual licensed under this chapter.

Article 3. Athletic Trainers' Fund

2697.16. The Athletic Trainers' Fund is hereby established. All fees collected pursuant to this chapter shall be paid into the fund. These fees shall be available to the committee, upon appropriation by the Legislature, for the regulatory purpose of implementing this chapter.

2697.17. (a) Notwithstanding any other law, including Section 11005 of the Government Code, the Director of Consumer Affairs may seek and receive funds from the California Athletic Trainers Association for the initial costs

of implementing this chapter.

(b) Articles 1 (commencing with Section 2697) and 2 (commencing with Section 2697.10) shall not become operative unless the director determines, on or before January 1, 2019, that sufficient funds to pay for the initial costs of this chapter have been received from the California Athletic Trainers Association, or some other source of funding, and the funds are deposited in the Athletic Trainers' Fund, in which case Article 1 shall become operative on the first January 1 or July 1, whichever occurs first, immediately following this determination. Article 2 shall become operative on the first January 1 or July 1, whichever occurs first, immediately following the operative date of Article 1. If the director finds that sufficient funds are not available by January 1, 2019, the director shall reexamine the funding status by June 30 of each subsequent year until either the director determines that sufficient funds have been received and deposited or until January 1, 2021, whichever occurs first.

(c) The director shall provide written notification to the Legislature and the Governor when the determination described in subdivision (b) has been made, and shall concurrently post a notice on the Department of Consumer Affairs Internet Web site that the determination has been made.

(d) A failure of the director to comply with subdivision (c) shall not affect the validity of a determination made pursuant to subdivision (b).

2697.18. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.


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SB-762 Healing arts licensee: license activation fee: waiver. (2017-2018)

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AMENDED IN SENATE APRIL 17, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 762

Introduced by Senator Hernandez

February 17, 2017

An act to amend Section 704 of the Business and Professions Code, relating to workforce development, healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Hernandez. ~~Health care workforce development.~~ *Healing arts licensee: license activation fee: waiver.*

Existing law requires a healing arts board, as defined, to issue, upon application and payment of the normal renewal fee, an inactive license or certificate to a current holder of an active license or certificate whose license or certificate is not suspended, revoked, or otherwise punitively restricted by the board. Existing law requires the holder of an inactive license or certificate to, among other things, pay the renewal fee in order to restore his or her license or certificate to an active status. Existing law requires the renewal fee to be waived for a physician and surgeon who certifies to the Medical Board of California that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

This bill would require the renewal fee to be waived for any healing arts licensee who certifies to his or her respective board that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

~~The federal Workforce Innovation and Opportunity Act of 2014 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified, and establishes local workforce investment boards to perform duties related to the implementation and coordination of local workforce investment activities. Existing law requires local workforce investment boards to spend a minimum percentage of~~

~~specified funds for adults and dislocated workers on federally identified workforce training programs and allows the boards to leverage specified funds to meet the funding requirements, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation relating to health care workforce development.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 704 of the Business and Professions Code is amended to read:*

704. In order for the holder of an inactive license or certificate issued pursuant to this article to restore his or her license or certificate to an active status, the holder of an inactive license or certificate shall comply with ~~all~~ *both* the following:

(a) Pay the renewal fee; provided, that the renewal fee shall be waived for a ~~physician and surgeon~~ *healing arts licensee* who certifies to the ~~Medical Board of California~~ *board* that license restoration is for the sole purpose of providing voluntary, unpaid service to a public agency, not-for-profit agency, institution, or corporation ~~which that~~ provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

(b) If the board requires completion of continuing education for renewers of an active license or certificate, complete continuing education equivalent to that required for a single license renewal period.

~~SECTION 1. It is the intent of the Legislature to enact legislation relating to health care workforce development.~~



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AB-1217 Teachers: California Teacher Corps Act of 2017: teacher residency programs. (2017-2018)

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Date Published: 04/18/2017 09:00 PM

AMENDED IN ASSEMBLY APRIL 18, 2017

AMENDED IN ASSEMBLY MARCH 28, 2017

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL
No. 1217
Introduced by Assembly Member Bocanegra
February 17, 2017

An act to add Chapter 3.9 (commencing with Section 44795) to Part 25 of Division 3 of Title 2 of the Education Code, relating to teachers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, as amended, Bocanegra. Teachers: California Teacher Corps Act of 2017: teacher residency programs.

Existing law establishes a system of public elementary and secondary education in this state. Existing law establishes local educational agencies, including school districts and county offices of education, throughout the state, and authorizes these agencies to provide instruction to pupils in kindergarten and grades 1 to 12, inclusive.

This bill would enact the California Teacher Corps Act of 2017, under which the Superintendent of Public Instruction would make grants to applicant local educational agencies and consortia of local educational agencies to assist these agencies in establishing, maintaining, or expanding teacher residency programs, as defined. The teacher residency programs established by the bill would be defined as school-based teacher preparation programs in which a prospective teacher would teach alongside an experienced mentor teacher, as defined, while also receiving teacher training instruction in a teacher credentialing program in a qualified institution of higher education. The bill would establish eligibility standards for persons who apply for participation in the teacher residency programs established by the bill.

This bill would appropriate \$60,000,000 from the General Fund to the Superintendent on a one-time basis, available for the 2017–18, 2018–19, and 2019–20 fiscal years, to make grants to applicant local educational agencies and consortia of local educational agencies, as described above.

Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts for the 2016–17 fiscal year imposed by Section 8 of Article XVI of the California

Constitution.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 3.9 (commencing with Section 44795) is added to Part 25 of Division 3 of Title 2 of the Education Code, to read:

CHAPTER 3.9. California Teacher Corps

44795. This act shall be known, and may be cited, as the California Teacher Corps Act of 2017.

44795.5. The Legislature finds and declares all of the following:

- (a) The shortage of qualified teachers in California is reaching critical levels in a number of teaching areas.
- (b) Education experts agree that shortages of effective teachers in high-poverty schools and in specific teaching fields create a need for high-quality teachers who will enter, stay in, and be effective in, these areas.
- (c) At least 30 percent of new teachers leave the profession in the first five years, and the proportions are generally higher in low-income communities.
- (d) Teacher shortages and high teacher turnover rates have a negative impact on pupil achievement and the quality of education.
- (e) Successful teacher preparation programs, and providing ongoing support, can make novice teachers effective more rapidly and can reduce teacher attrition.
- (f) Many new teachers lack such support, and, as a result, leave the profession.
- (g) Teacher candidates must see expert practices modeled, and must then practice them with ongoing mentoring support. Teacher preparation often lacks adequate or sufficient opportunities to learn under the direct supervision of expert teachers working in schools that effectively serve high-need pupils.
- (h) It is critical to develop programs that increase the probability that recruits will succeed and stay in the high-need classrooms where they are needed. Because many teacher candidates choose to teach where they grew up or went to college, it is important to have strong programs in hard-to-staff urban and rural locations. Teacher residency programs effectively build teacher supply, since they recruit and prepare candidates in the school districts that sponsor them, in partnership with local preparation programs. Teacher residency programs have demonstrated the capacity to recruit, prepare, retain, and provide effective support for teachers in hard-to-staff schools.

44796. For purposes of this chapter, the following terms have the following meanings:

- (a) "Experienced mentor teacher" means a teacher who meets all of the following requirements:
 - (1) Has at least three years of teaching experience and a clear teaching credential in the field in which he or she will be mentoring.
 - (2) Has taught in a hard-to-staff school.
 - (3) Has a record of successful teaching.
 - (4) Receives specific training for the mentor teacher role, and engages in ongoing professional learning and networking with other mentors. Compensation shall be ongoing as long as the mentor continues to serve in the role prescribed by the program.
 - (5) Receives compensation or appropriate release time, or both, to serve as a mentor in the initial preparation or induction component of the teacher residency program.
- (b) "Hard-to-staff schools" shall be determined by the governing board or body of the local educational agency.
- (c) "Local educational agency" includes, but is not necessarily limited to, a school district, county office of education, charter school, or charter management organization.

(d) (1) "Teacher residency program" means a school-based teacher preparation program that is accredited by the Commission on Teacher Credentialing and in which a prospective teacher does all of the following:

(A) Teaches at least one-half time alongside a teacher of record, who is designated as the mentor teacher, for at least one full academic year while engaging in initial preparation coursework.

(B) Receives instruction in all of the following:

(i) The teaching of the content area or areas in which the teacher will become certified to teach.

(ii) Planning, curriculum development, and assessment.

(iii) Learning and child development.

(iv) Management of the classroom environment.

(v) The use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities.

(vi) Professional responsibilities, including interaction with families and colleagues.

(C) Receives financial assistance and provides a stipend.

(D) Attains a preliminary teaching credential upon completion of the program.

(E) Receives mentoring and induction support following the completion of the initial credential program necessary to obtain a clear credential and ongoing professional development and networking opportunities during his or her first years of teaching.

(F) Has the option of completing a master's degree before completion of the program.

(2) A "teacher residency program" does all of the following:

(A) Seeks out individuals who meet the California Teaching Performance Expectations of the Commission on Teacher Credentialing and meet hiring needs of the local educational agency for difficult-to-fill areas, such as chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers, and hard-to-staff schools.

(B) Produces culturally responsive teachers who address specific pupil populations, local district initiatives and priorities, and teacher preparation emphasis while maintaining high state-established standards for credentials.

(C) Allows residents to learn to teach in the same local educational agency in which they will work, learning the instructional initiatives and curriculum of the local educational agency.

(D) Groups teacher candidates in cohorts to facilitate professional collaboration among residents, and places them in teaching schools or professional development programs that are organized to support a high-quality teacher learning experience in a supportive work environment.

(E) Assigns a high priority to the recruiting of mid-career professionals, military veterans, and recent college graduates as prospective participants in the teacher residency program.

(F) Builds coursework for residents and mentors around the classroom experience in ways that are aligned to pupil needs.

(G) Offers structured feedback and coaching systems organized around the California Standards for the Teaching Profession to ensure that participants engage in a meaningful classroom teaching experience.

(H) Ensures that candidates are prepared to pass a teacher performance assessment if that is required by the state as a condition of the initial license.

(I) Maintains a program evaluation system that focuses on continual improvement for residents, mentors, teacher education faculty, and the teacher residency program itself.

(J) Is developed collaboratively with the certified exclusive bargaining representative, or, if none exists, teacher representatives within the local educational agency.

44796.5. (a) The sum of sixty million dollars (\$60,000,000) is hereby appropriated from the General Fund to the Superintendent on a one-time basis, available for the 2017–18, 2018–19, and 2019–20 fiscal years, to make grants to local educational agencies or consortia of local educational agencies to assist those agencies to establish, maintain, or expand teacher residency programs, with first priority given to local educational agencies or consortia of local educational agencies with programs that target chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers. Preference may also be given to local educational agencies or consortia of local educational agencies on the basis of their per pupil allocation of funds pursuant to Part A of Title II of the federal Every Student Succeeds Act (Public Law 114-95) for the most recent school year. These local educational agencies shall work with one or more institutions of higher education providing teacher preparation, and may work with other community partners or nonprofit organizations to develop and implement teacher residency programs of preparation and mentoring for prospective teachers who will be supported through teacher residency program funds and subsequently employed by the sponsoring local educational agency.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2016–17 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2016–17 fiscal year.

44797. (a) To be eligible to participate in a teacher residency program under this chapter, a prospective participant shall become enrolled in a teacher credentialing program in a university or college that satisfies either of the following conditions:

(1) It has entered into a written agreement relating to that program with the local educational agency or consortia of local educational agencies that is the recipient of a grant under this chapter.

(2) It has been determined to meet the requirements of Article 7 (commencing with Section 44320) of Chapter 2 by the Commission on Teacher Credentialing.

(b) A participant in a teacher residency program under this chapter shall, under the supervision of an experienced mentor teacher, complete not fewer than nine months of teaching a class or set of classes in a school chosen by the local educational agency that is the recipient of a grant under this chapter.

(c) (1) A participant in a teacher residency program under this chapter shall agree in writing to be placed, after successfully completing the initial year of preparation, as a teacher of record in a school within the local educational agency.

(2) Placement under this subdivision shall be for a period of at least four school years beginning with the school year that begins after the participant successfully completes the initial year of preparation and obtains a preliminary teaching credential. Once licensed, a participant shall be eligible to be hired as a teacher in a hard-to-staff, underserved area or in a difficult-to-fill subject area. A participant who fails to complete the period of the placement, or the first four school years of the placement if the period is more than four school years, is required to pay back the cost of the training on a pro rata basis, relative to the amount of time served in proportion to the total pledged. *A participant shall have five school years to complete the four-school-year teaching commitment.*

(d) If a participant is unable to complete an academic year of teaching, that academic year may still be counted toward the required four complete and consecutive academic years if any of the following occur:

(1) The participant has completed at least one-half of the academic year.

(2) The employer deems the participant to have fulfilled his or her contract requirements for the academic year for the purposes of salary increases, tenure, and retirement.

(3) The participant was not able to teach due to the financial circumstances of the local educational agency, including a decision to not reelect the employee for the next succeeding school year.

(4) The participant has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or similar state law.

(5) The participant was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.

44797.5. (a) A grant under this chapter shall be in an amount of twenty thousand dollars (\$20,000) per resident of the jurisdiction of the local educational agency, as matched by that local educational agency. Funding may be applied to expenditures for any of the following in accordance with any relevant collective bargaining agreement: master teachers' stipends, stipends *and tuition assistance* for residents, teacher residency program management, and costs of mentoring and induction following initial preparation.

(b) The Superintendent may make grants under this chapter each fiscal year, commencing with the 2017-18 fiscal year until the 2019-20 fiscal year. A local educational agency or consortia of local educational agencies shall not receive more than one award for an application under this chapter in any fiscal year, unless sufficient funds remain after awarding all other qualified applicants.

(c) To receive a grant under this chapter, a local educational agency or consortia of local educational agencies shall submit to the Superintendent an application at a time, in a manner, and containing information, prescribed by the Superintendent.

(d) The Superintendent shall award grants under this chapter on a competitive basis, with first priority given to applicants that target chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers. Preferences may also be given to local educational agencies or consortia of local educational agencies on the basis of their per pupil allocation of funds pursuant to Part A of Title II of the federal Every Student Succeeds Act (Public Law 114-95) for the most recent school year.

(e) The Superintendent shall conduct an evaluation of the program established under this chapter to determine its effectiveness in recruiting and retaining high-quality teachers in chronic teacher shortage areas, including special education, mathematics, science, and bilingual teachers, and hard-to-staff schools.

(f) A local educational agency or consortia of local educational agencies that receives a grant under this chapter shall provide matching funds in an amount equal to 100 percent of grant funds provided to the local educational agency under this chapter to carry out the activities supported by the grant, which may be provided by community partners, institutions of higher education, or others.