



Commission on Teacher Credentialing

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Office of the Executive Director

October 6, 2011

Elaine M. Howle, CPA
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Attached is the six-month update on the efforts by the Commission on Teacher Credentialing (Commission) to implement the eleven (11) recommendations outlined in the report issued on April 7, 2011 by the California State Auditor titled *“Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes that will Safeguard Against Future Backlogs”*.

Since the audit findings were released on April 7, 2011, the Commission has addressed or completed implementation of nearly all eleven recommendations. In its 60-day update, the Commission reported that it had:

- Developed a process to notify the California Department of Justice (DOJ) when there is no further need to receive Reports of Arrests and Prosecutions (RAPs) on individuals who no longer hold credentials, and was developing a work plan to implement changes in its database to eliminate subsequent RAPs for persons no longer holding credentials.
- Requested a legal opinion from the Attorney General to determine whether the Commission could delegate to staff the authority to close investigations and noted that until the opinion was received, the Committee of Credentials (COC) would use a consent calendar to review cases that the Commission’s legal staff recommend be closed.
- Completed written procedures and provided training to staff in the Division of Professional Practices (Division) to increase consistency and conformity in the processing misconduct reports.
- Developed workload reports to monitor the progress of misconduct cases.
- Completed the development of a hiring handbook and revised its Equal Employment Opportunity (EEO) policy.
- Developed a Teacher Discipline Improvement Initiative (TDII) to streamline workload processing and reporting capabilities, clarify delegation authority and revise personnel policies to address recommendations made in the State Auditor’s Report.

I am pleased to report that since the June 6, 2011 update, the Commission has continued to make progress in addressing the recommendations in the April 2011 audit report and has now enhanced and implemented the plans, systems, and procedures that were highlighted in the 60-day report and April 2011 report.

- The Commission has new management: In July, the Commission took action to appoint Elizabeth Graybill as the Interim Executive Director following the retirement of Executive Director Dale Janssen and General Counsel Mary Armstrong. The Commission has hired Nanette Rufo, J.D. as General Counsel and Director of the Division of Professional Practices. Ms. Rufo began her service on September 12. The Commission is expected take action at its October 2011 meeting to appoint a new Executive Director who will begin on or before November 1, 2011.
- The Commission has developed and implemented a comprehensive Intake Document Tracking Database system to ensure that all reports of educator misconduct are logged in and tracked on a daily basis. The intake system enables case files to be opened promptly and enables managers to readily monitor workload and case activities through the use of daily, weekly, and monthly reports. Intake screens promote data input consistency and accuracy through the use of drop-down menus and icon shortcuts. A uniform document directory promotes consistency in formatting, naming, and filing of discipline-related documents produced by Commission staff. A comprehensive procedure manual was developed, implemented, and posted on the Division's intranet. Initial and ongoing training has been provided to staff on procedures and database systems. A variety of initial workload reports have been developed and are now produced on a weekly basis to gather data necessary to understand the volume of work on critical tasks and enable Division management to apply staff resources more efficiently.
- The Commission has developed policies and procedures to ensure that it does not receive and process RAPs on individuals who do not have credentials. CTC staff submit requests to the DOJ to terminate RAPs – electronically when possible, via paper when not (per DOJ parameters). Ultimately, CTC expects to terminate RAP notification for approximately 340,000 persons who either have never held a credential or have not held one for three or more years. To further reduce unnecessary workload associated with processing unnecessary RAPs, the Commission began the process at its October 2011 meeting to modify the regulatory language to reduce the three-year period to eighteen months. This change would result in about 40,000 additional persons being identified as individuals in which the Commission is “No Longer Interested” in receiving RAP information from the DOJ.
- The Attorney General has confirmed that the Commission's request for a legal opinion concerning the delegation of authority is pending review (Opinion No. 11-606). Commission staff no longer closes investigations of alleged misconduct prior to COC review and action. The COC has adopted a Consent Calendar and a Discuss Calendar for purposes of reviewing misconduct cases that typically result in the COC making no adverse action recommendations to the Commission. The Commission has directed staff to work with policymakers, stakeholders, and other interested parties to review the

Commission's discipline process and to identify potential policy and statutory changes that could streamline the discipline process and increase the number of cases the COC can review each month.

- The Commission has implemented new and more rigorous hiring policies and has revised and disseminated to staff its EEO, sexual harassment prevention, and workplace violence policies. In addition, the Commission has provided training to staff and managers on these policies. The Commission has also provided information and training to assist staff in dealing with various health and safety issues in the workplace and is working with representatives from each of the bargaining units to establish a Joint Labor Management Advisory Committee to address workplace issues such as workload and upward mobility opportunities.
- The Commission has increased the transparency of California's educator discipline process since April 2011. Progress on responding to the audit is reported to the Commission at each meeting and the Commission receives regular workload data regarding documents processed, cases opened, and cases pending before and reviewed by the COC. In addition, reform efforts and audit updates are made available to the public on a dedicated TDII webpage on the Commission's website (www.ctc.ca.gov) and through regular updates to stakeholders and constituents. Posted on the TDII webpage is a graphic depicting the Commission's discipline process and a 14-minute video clip describing the process. The July 12, 2011 webinar on *California's Educator Discipline Process – Laws and Current Commission Procedures* has also been archived on this website.

The attached report includes an executive summary of actions and activities taken by the Commission and its staff in responding to the audit and a more detailed report listing the eleven recommendations and the progress made on each. The executive summary is organized around four broad areas addressed by the audit: individuals for whom the Commission needs updated misconduct reports; the legality of the Committee of Credentials (COC) delegating its discretionary authority to staff; the Division of Professional Practices; and the Office of Human Resources. Following the executive summary are copies of Commission agenda items through October 2011 that provide narrative updates to the Commission and the public on audit progress, followed by a detailed response sheet for each audit recommendation and related supporting documentation.

Although significant progress has been made on the majority of recommendations contained in the April 2011 report, the Commission is aware that additional work must be completed to comprehensively implement all 11 recommendations in a manner that will ensure that the infrastructure that has been put into place will safeguard against future backlogs and strengthen the Commission's discipline process. Recommendation Four will be completed once the Commission receives advice from the Attorney General regarding the delegation of case closures and makes conforming policy decisions. Recommendations two and nine, which speak to strategic planning and management oversight will be completed under the direction of the new executive director and general counsel. While the Division is now systematically collecting data, the focus of the Commission's new leadership in the coming months will be to implement

standards and mechanisms for the data to be used strategically to monitor division workload, employee performance, and more effectively track cases as they move through the discipline process. This remaining work will be completed by the time the one-year status report is due in April 2012.

The Commission takes seriously its responsibility to California's 6 million school children and their parents and has moved forward to implement, not only the recommendations from the State Audit Report, but additional measures that will further strengthen the efficiency, transparency, and accountability of its operations.

Sincerely,

Ting Sun, Ph.D., Chair
Commission on Teacher Credentialing

cc: Senator Darrell Steinberg, President pro Tem
Joint Legislative Audit Committee
Education Policy Committee
Education Budget Committee
Members of the Commission on Teacher Credentialing
The Governor's Office
Office of the Lieutenant Governor
Department of Finance
Attorney General
Legislative Analyst Office
Senate Office of Research
California Research Bureau

Commission on Teacher Credentialing Six-Month Progress Report Executive Summary

In 2009, the Commission's Division of Professional Practices (DPP) had accumulated a backlog of 12,600 unprocessed Reports of Arrest and Prosecution (RAPs). This backlog gave rise to concerns about significant delays in the processing of alleged misconduct and the potential that educators of questionable character were inappropriately allowed to continue to hold a credential and work in public schools. Due to these concerns, the Joint Legislative Audit Committee requested the Bureau of State Audits to conduct an audit of the Commission and the Division of Professional Practices in early 2011. The April 2011 Report by the California State Auditor, "*Commission on Teacher Credentialing Despite Delays in discipline of Teacher Misconduct, the Division of Professional Practices Has Not Developed an Adequate Strategy or Implemented Processes that will Safeguard Against Future Backlogs*" found that the accumulated backlog of about 12,600 unprocessed RAPs resulted from an insufficient number of trained staff, ineffective and inefficient processes, and a lack of an automated system for tracking the division's workload. The audit report contained a number of findings and 11 recommendations centered on correcting deficiencies in the processing of allegations of educator misconduct, the legality of the Committee of Credentials (COC) delegating its review authority to staff, the management of the DPP, and the Commission's human resources practices.

The Commission's audit response team, comprised of Division Directors, technology staff, DPP supervising staff, fiscal staff, governmental relations staff, and the Interim Executive Director, met weekly to assess progress around the four broad thematic areas of the audit report. Each meeting began with a review of the week's accomplishments followed by a status report of ongoing activities and identification of task-related goals for the week ahead. This Executive Summary reflects the way in which the staff organized and tracked its work and in how progress has been communicated to the Commission.

In brief, the Commission has enhanced its procedures and technology and implemented processes that will safeguard against future backlogs. The Division now uses a consistent and effective tracking system to identify and track documents, applications, and cases as they are processed through DPP. The Commission has improved the management and tracking of RAPs and misconduct reports, streamlined the processing of pending COC cases, and is using technology to monitor workload and more effectively identify staffing needs. The Commission has reviewed, enhanced, and implemented written procedures to minimize and eliminate case delays within the Commission's control and is working more closely with the Attorney General's office to discuss administrative workload processes in order to shorten administrative appeal procedure timelines. With more definitive procedures for handling misconduct cases and the implementation of data systems to monitor the progress of cases, the Division now has the tools to identify and address "bottlenecks" in the system. These data will also inform discussions with stakeholders concerning potential statutory changes that may further enhance the Commission's ability to protect children and maintain the professional integrity of certificated educators.

Detailed Audit Tracking

1. Individuals for whom the Commission needs updated misconduct reports (BSA Recommendation 1): The DOJ currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, certificate of clearance or submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance.

CTC Actions as of October 6, 2011

- Beginning in March 2011, staff began returning RAPs to the DOJ— On June 21, 2011 staff confirmed with DOJ that returning RAP information will remove the individual from the list. Once an individual is removed from the Commission’s list, the individual would need to be fingerprinted again in order to apply for a new credential or permit in order for the Commission to receive current and subsequent arrest information. Staff has begun returning the names of individuals to DOJ with a status of “No Longer Interested”. **{BSA #1}**
- Staff has determined how many people are currently in the CASE system (over 1,100,000 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years (~300,000). These are the first groups that are being sent to DOJ as “No Longer Interested” in receiving RAPs. **{BSA #1}**
- Regulatory changes were proposed as an information item to the Commission to clarify the expiration date of all Certificates of Clearance issued prior to July 2007 and to reduce the timeframe for retaining fingerprints for individuals with no valid credentials from 3 years to 1 year (August 2011). **{BSA #1}**
- In response to stakeholder input, staff presented an action item to the Commission at its October 2011 meeting with regulatory language to change from 3 years to an eighteen month time period, to notify DOJ to no longer send subsequent RAPs for an individual, increasing our “No Longer Interested” number by an approximately 40,000 (October 2011). **{BSA #1}**
- Developed and will begin implementing the process to notify DOJ on a regular (daily) basis of the individuals for whom the Commission is “No Longer Interested” in receiving subsequent RAPs (August 2011-November 2011). **{BSA #1}**

The Commission believes it has fully addressed this audit recommendation (BSA #1). Staff is finalizing the process through which the DOJ will continue to be notified of those individuals for whom the Commission is “No Longer Interested” (NLI) in receiving subsequent notifications of arrest and prosecution.

2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff (BSA Recommendations 4 and 5): Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month.

CTC Actions as of October 6, 2011	Next Steps
<ul style="list-style-type: none"> • Requested a formal Attorney General Opinion (May 2, 2011). Contacted the AG on June 21, 2011, requesting confirmation that the request for an opinion had been received. Request has been received and assigned an opinion number 11-606. {BSA # 4} • In the interim, effective May 1, 2011, the COC began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases. {BSA #5} • At its June 22-23, 2011 meeting, the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this “discuss calendar” in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. {BSA #5} Below is a summary of the combined number of “Consent” and “Discuss” cases presented to the COC since May 2011: <ul style="list-style-type: none"> – May: 125 cases – June: 311 cases – July: 310 cases – August: 247 cases – September: 171 cases • Discipline Process Webinar – July 12, 2011. <i>California’s Educator Discipline Process—Laws and Current Commission Procedures</i>. Staff presented information on the current educator discipline process. {BSA #5} • At the August 4, 2011 Commission meeting an update on the work to date to address the audit recommendations. In addition, staff presented an agenda item on the discipline process and proposed the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process. The Commission directed staff to move forward with the stakeholder meetings. {BSA #5} 	<ul style="list-style-type: none"> • Prior to receiving the AG’s opinion the Commission staff will work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. {BSA #5, 9} • Stakeholder meetings are planned for October and November 2011 to discuss California’s Educator Discipline process and possible recommendations from the stakeholder meetings will be presented to the Commission by January 2012. {BSA #5, 9}

3. Division of Professional Practices (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of October 6, 2011	Next Steps
<ul style="list-style-type: none"> • All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including arrival date, into the SIEBEL system within 5 business days of arriving at the Commission. {BSA # 8} • Intake and Tracking screens have been developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. Implementation of the screens began on August 9, 2011. {BSA #8} • A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). {BSA #6} <ul style="list-style-type: none"> - As procedures are fine-tuned or additional systems are developed, the Procedures Manual will be updated. {BSA #6} - All division staff completed initial training on the Procedures Manual (May 25, 2011). As new procedures or systems are put in place, additional training will be held. {BSA #7} • Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. This includes the following reports: {BSA # 3, 9} <ol style="list-style-type: none"> a. Monthly Activity Summary and Existing Inventory- 	<ul style="list-style-type: none"> • For the 2011-12 year, move a position from the Certification Division to the Professional Practices Division to reorganize the management of the division (August 2011). Once the new management structure is in place, the refinement and implementation of the comprehensive monitoring and oversight plan will be the primary focus for management. • Additional training for staff on the Procedures Manual is scheduled as updated procedures are put in place. {BSA #7} • After reviewing management reports, staffing and any changes from stakeholder

3. Division of Professional Practices (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of October 6, 2011	Next Steps
<p>(continued from previous page)</p> <p>Workload by status and type (sample attached)</p> <p>b. RAPs—type of misconduct in the RAP (sample attached)</p> <p>c. Cases Closed</p> <p>d. Case Aging Reports</p> <p>e. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review)</p> <ul style="list-style-type: none"> • The Commission took action to appoint a new executive director at the October 5-6, 2011 meeting. The new Executive Director will begin by November 1, 2011. {BSA #2} • The Commission hired Nanette Rufo, J.D. to serve as its new General Counsel and Director of the Division of Professional Practices. Ms. Rufo began her service on September 12, 2011. {BSA #2} • Division leadership analyzes the data collected including type of task, staff completing the task, and time to complete the task and based on the analysis review current procedures and develop additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011). {BSA #3, 9} 	<p>meetings, if necessary submit a BCP for FY 2013-14. {BSA #3}</p> <ul style="list-style-type: none"> • The Strategic Plan will be reviewed as a starting point for a revised effort no later than January 2012. The auditor’s recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission’s Strategic Plan. Stakeholder input will be critical as well. {BSA #2}

4. Office of Human Resources (BSA Recommendations 10 and 11): Information must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) supervisors and managers appropriately documenting the hiring process, and 3) ensuring that all employees understand the grievance and EEO complaint processes.

CTC Actions as of October 6, 2011

- With assistance from State Personnel Board (SPB) a comprehensive Hiring Handbook was developed. **{BSA #10}**
 - The Handbook provides clear expectations for the hiring process.
 - OHR staff monitors all hiring processes.
 - Handbook was reviewed by Senior Managers.
 - The Hiring Handbook was shared with all CTC Staff on June 6, 2011 via the *CTC Insider*
 - Training for all supervisors and managers was held on June 22, 2011.
- The Commission's EEO Policy was updated. **{BSA #11}**
 - The updated EEO Policy was provided to all staff (May 9, 2011).
 - EEO Handbook was developed. The handbook outlines the process to file an EEO complaint.
 - An EEO webpage was developed for the CTC intranet (June 27, 2011). The Handbook is posted on the new web page.
 - SEIU Provided Onsite Employee meetings to review EEO (June 8, 2011).
- A webinar on Workplace Retaliation was held on June 15, 2011 and all supervisors and managers were notified of the expectation that all attend the training or view the archived webinar. As of August 25, 2011 all managers and supervisors have participated in the webinar and/or reviewed the information. **{BSA #11}**
- Per SPB guidance, OHR will maintain all documentation for hiring and promotion decisions based on state policies for retention. (June 2011). **{BSA #10}**
- The Interim Executive Director began meeting with the union stewards on a monthly basis (July 2011).
- EEO training held for rank and file employees (required) and for all supervisors and managers (required). **{BSA #11}**

All Staff Training: September 14 or October 4, 2011; Supervisors and Managers: September 14, 2011.

 - All staff members will be reminded annually of the EEO policy and required to verify that he or she has reviewed and is familiar with the EEO policy. Initial certification will be due from all staff by October 6, 2011.
 - Initial certification for the Sexual Harassment training was due from all staff by September 1, 2011.
 - Enhanced the new EEO webpage with resources for staff on EEO related topics (August 15, 2011).

The Commission believes it has fully addressed these two audit recommendations (BSA #10, 11). Additional work is taking place to ensure that all managers, supervisors and staff are aware of the policies of the Commission and that implementation is consistent across the agency. A Joint Labor Management Advisory Committee is being developed.

1H

Information

General Session

Progress on Addressing the Recommendations from the April 7, 2011 Audit Report

Executive Summary: This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources; the Commission's response to the Audit as well as an update on staff progress in addressing the recommendations; and a report on DPP's current workload.

Recommended Action: For information only

Presenters: Nanette Rufo, Director, Professional Practices Division, Patty Wohl, Director, Certification, Assignment and Waivers Division, and Teri Clark, Director, Professional Services Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

October 2011

Progress on Addressing the Recommendations from the April 7, 2011 Audit Report

Introduction

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources, and also provides the Commission's responses to the Audit recommendations. This agenda item presents the August 2011 DPP workload reports. The September reports will be posted once they are available.

Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". The audit identified eleven recommendations. The initial update was presented to the Commission at the June 2011 Meeting (<http://www.ctc.ca.gov/commission/agendas/2011-06/2011-06-2H.pdf>). On Monday, June 6, 2011 the required sixty day response was submitted to the Bureau of State Audits. The six month response is due on October 7, 2011.

Many of the audit recommendations overlapped; therefore, at the direction of the Co-Acting Executive Directors, four areas of focus were identified that encompass the eleven recommendations as listed below. Attachment One identifies where each of the eleven recommendations falls within the four areas of focus.

- 1. Individuals for whom the Commission needs subsequent misconduct reports**
- 2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff**
- 3. Division of Professional Practices**
- 4. Office of Human Resources**

Following is a description of staff analysis of issues and related actions that fall within these four areas:

- 1. Individuals for whom the Commission needs subsequent misconduct reports.** The Department of Justice (DOJ) currently provides copies of the "Reports of Arrest and Prosecution" (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, and/or a certificate of clearance or who have submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance. If the Commission receives RAPs for only those individuals who are currently authorized to provide service in the public schools, the division's RAP processing workload would be significantly reduced. (BSA Recommendation 1)

2. **Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.** Once an opinion is received from the Attorney General, we will take the steps necessary to comply with the attorney general's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month. (BSA Recommendations 4 and 5)

3. **Division of Professional Practices. The audit recommendations highlighted several areas of concern regarding how reports of misconduct are handled and followed up.** The auditors indicated that the processing of reports of misconduct must be analyzed and clear criteria and procedures must be developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, the person(s) responsible for the case, length of time at each stage of review, reasons for delays and final disposition. The data needs to be complete, accurate and consistently entered into the database. An oversight process needs to be developed to ensure the accuracy of data entered into the database and to provide data in a form useful as a management tool. The time elapsed in the processing of misconduct needs to be reduced, including making prompt requests for information from law enforcement agencies, courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. While not included in the BSA recommendations, the early pursuit of information related to more serious cases should be examined. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

4. **Office of Human Resources.** The auditors indicated that information about staffing and about staff concerns must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) making sure supervisors and managers are appropriately documenting their hiring processes, and 3) ensuring that staff understands the grievance and EEO complaint processes. (BSA Recommendations 10 and 11)

Attachment Two provides information on the specific actions taken to date related to each of these four topics, dates of the actions and the identified *Next Steps*. This table is being updated weekly to track the agency's progress in addressing the audit recommendations.

DPP Workload Update

Staff has been fine tuning the DPP Monthly Activity Summary reports provided to Commissioners and adding additional information on DPP's workload. These reports include a detailed look at the COC workload including all Open Cases by Status and Type (Chart 1); monthly RAPs Received and Processed (Chart 2); and a report on the Closed Cases (Chart 3) and the newest charts (Charts 4a and 4b) on the aging of cases.

Chart 1:

DPP Monthly Activity Summary

Activity During August 2011

Pre COC

Work Received in DPP

	Items Rec'd	Cases Opened
RAPs	685	285
Apps	1,395	203
SD Reports *	23	5
Misc *	15	9
Total	2,118	502

* Work related to cases opened may have been received in a prior period

Document Requests

Arrest	220
Court	425

COC Inventory

Initial Review	60
Formal Review	65
Consent Review	96

COC Work Completed (August 2011)

Cases to COC

Initial Review	82
Formal Review	50
Reconsideration	1
Consent Review	251

Cases Completed

Closed	108
Granted	162
Adverse Actions	0

Post COC

Settlement	5
AG	2
CTC	0

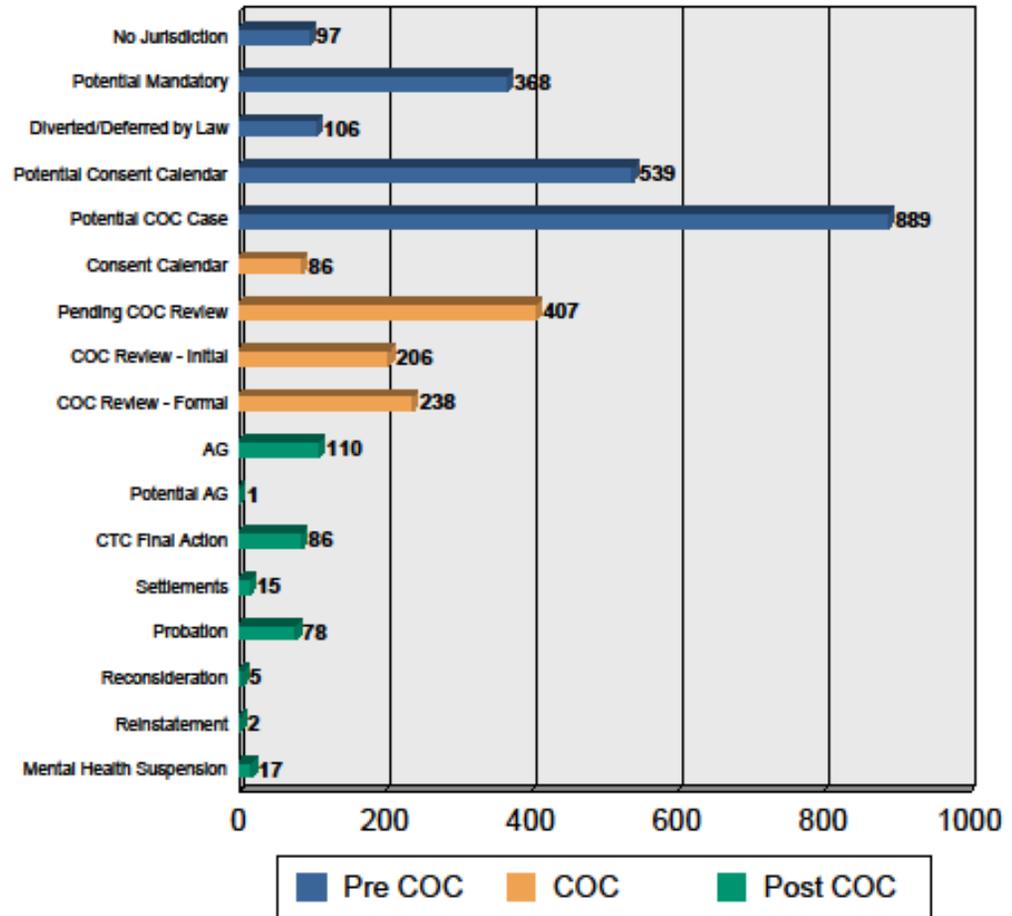
Mandatory Actions

Revocations	10
Denials	4
Automatic Suspensions	8

Inventory for August 2011

Starting Case Load	3,196
Cases Opened	502
Cases Closed	448
Ending Case Load	3,250

Open Cases by Status and Type as of August 31, 2011



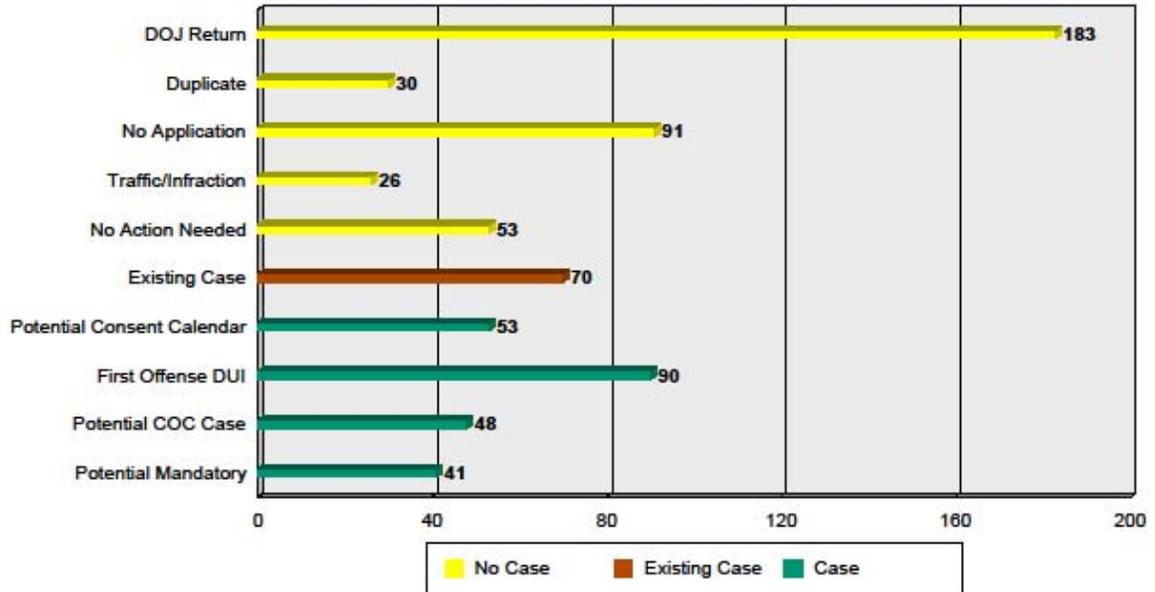
Pre COC	1,999
COC	937
Post COC	314
Total Open Cases	3,250

The workload shown in Chart 1, page 3, is organized by cases preparing to go to the COC in blue, cases that are currently in the COC review phase in yellow and cases that are post-COC review in green. As staff continue to make progress and gain efficiencies in the area of identifying and processing pre-COC cases, the COC workload is likely to continue to grow as there are only a finite number of cases that can be heard by the COC each month.

Chart 2 shows all RAP sheets received in the month of August 2011. This report now presents the workload in a sequential organization with the yellow rows showing the RAPs that do not lead to a case, the red rows are the RAPs which are affiliated with an existing case and the green rows show the RAPS that lead to a new case. The labels for the rows in this report were also modified to more clearly describe the type of category of RAPs received.

Chart 2:

DPP RAPs Received and Processed August 2011

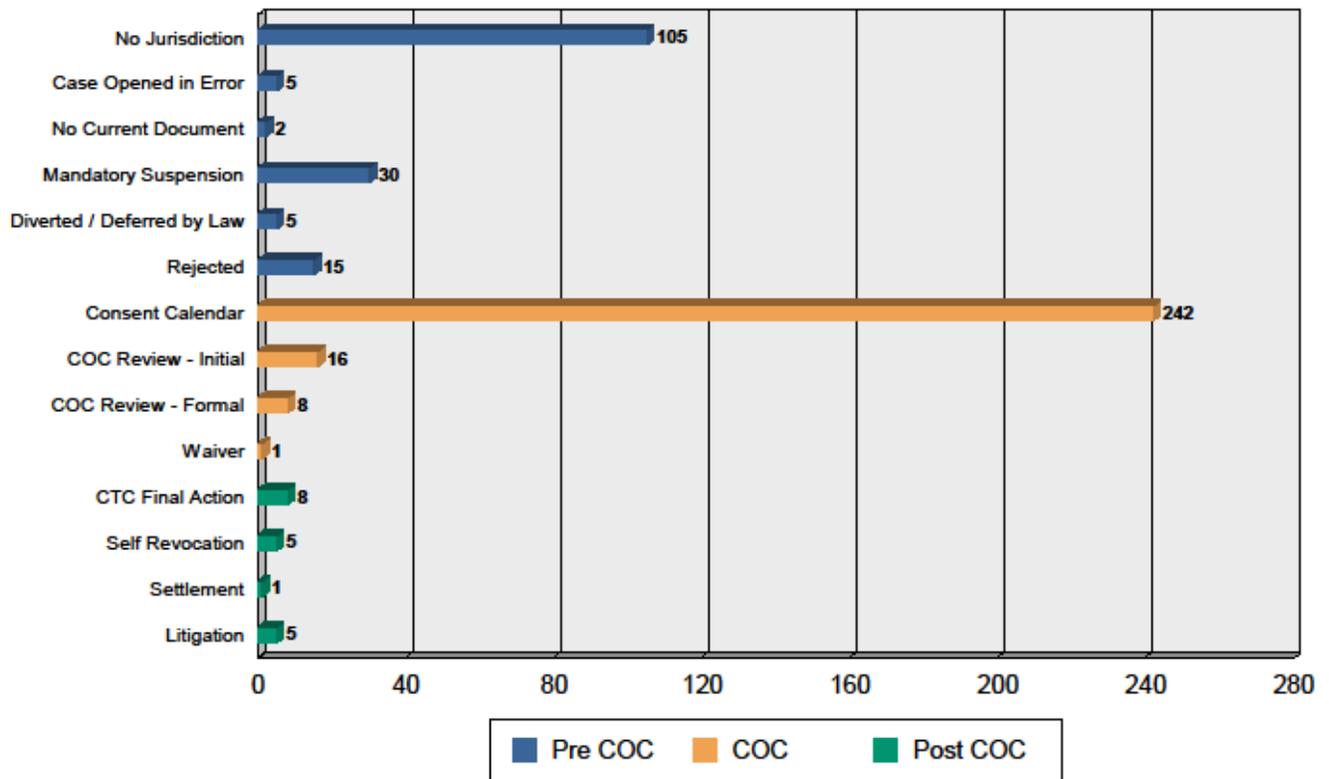


No Case	383
Existing Case	70
Case	232
Total RAPs	685

Chart 3 identifies the types of items that were closed throughout the month of August 2011. It is important to note that cases may be closed at any one of multiple steps in the discipline process and not all the cases that are closed were received in any one month.

Chart 3:

Cases Closed by Type During August 2011



Pre COC	162
COC	267
Post COC	19
Total Cases Closed	448

Charts 4a and 4b: Case Aging Reports—August 2011

Two versions of the Case Aging Report have been developed. Each provides information on the same cases but through a slightly different lens. Both reports provide information on a) the number of cases and how many days the cases have been in the process (0-30, 31-180, 181-270, 271-360, 361-450, and 450+ days). In addition both reports b) separate the cases by status in relation to the Committee of Credentials (COC): Pre COC, at the COC, or post COC. Finally both reports provide information on the c) type of misconduct the educator has been accused or convicted of, categorized into one of the following seven groups.

- Child Crime-Sexual

- Child Crime-Non-Sexual
- Adult-Sexual
- Drugs
- Serious Crimes/Felonies
- Alcohol
- Other Crimes/Misdemeanors

Where the two reports differ is that one reports on the case type while the other includes information on the license status of the individual. Chart 4a provides information on the type of case and this information is also found on DPP Monthly Summary report and the Cases Closed reports. The second report, Chart 4b, instead presents information organized by whether or not the individual currently holds a valid license to serve as an educator in California.

4a: Open Case Aged by Case Status, Case Type, and Offense as of August 31, 2011

This table is organized into three sections based on the work and its relation to the COC (Pre COC, at the COC, and Post COC). Within the work that has not yet gone to the COC, the information is organized into five types of cases

- No Jurisdiction
- Potential Mandatory
- Diverted/Deferred by Law
- Potential Consent Calendar
- Potential Committee Case

For the cases that are at the COC or have completed the COC process, this report does not delineate among the case types.

4a:

Open Cases Aged by Case Status, Case Type, and Offense as of August 31, 2011

Status	Case Type	Offense Code	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	450 + Days	Total
Pre COC	No Jurisdiction	Child Crime - Non-sexual	1	1	0	0	0	1	3
		Adult - Sexual	0	2	0	1	0	0	3
		Drugs	0	2	0	1	1	0	4
		Serious Crimes/Felonies	1	10	4	5	6	5	31
		Alcohol	2	5	0	1	1	1	10
		Other Crimes/Misdemeanors	13	22	0	2	2	2	41
		Total	17	42	4	10	10	9	92
	Potential Mandatory	Child Crime - Sexual	20	17	10	10	10	23	90
		Child Crime - Non-sexual	11	17	8	2	3	5	46
		Adult - Sexual	6	5	0	1	2	2	16
		Drugs	28	10	8	4	11	5	67
		Serious Crimes/Felonies	47	25	20	11	10	22	135
		Alcohol	6	3	3	0	1	0	13
		Other Crimes/Misdemeanors	0	0	2	0	0	1	3
	Total	119	77	51	28	37	58	370	
	Diverted / Deferred by Law	Child Crime - Non-sexual	0	0	0	0	0	4	4
		Drugs	1	7	11	6	13	26	64
		Serious Crimes/Felonies	2	5	1	4	5	6	23
		Alcohol	0	1	0	0	0	3	4
		Other Crimes/Misdemeanors	2	2	3	1	0	3	11
	Total	5	15	15	11	18	42	106	
	Potential Consent Calendar	Child Crime - Non-sexual	4	2	0	0	0	0	6
		Adult - Sexual	3	0	1	1	0	0	5
		Drugs	9	8	1	3	1	2	24
		Serious Crimes/Felonies	32	23	7	4	3	3	72
		Alcohol	237	46	4	10	6	1	304
		Other Crimes/Misdemeanors	94	52	4	6	2	0	158
Total		379	131	17	24	12	6	569	
Potential COC Case	Child Crime - Sexual	1	2	2	0	0	1	6	
	Child Crime - Non-sexual	15	27	1	2	0	8	53	
	Adult - Sexual	2	6	1	3	1	0	13	
	Drugs	14	11	1	5	5	7	43	
	Serious Crimes/Felonies	97	59	40	37	21	18	272	
	Alcohol	97	71	47	32	32	11	290	
	Other Crimes/Misdemeanors	98	58	44	24	8	3	233	
Total	322	234	136	103	67	48	910		
Total	842	499	223	176	144	163	2,047		
COC	All Case Types	All Offense Types	51	85	105	149	189	311	890
	Total	Total	51	85	105	149	189	311	890
Post COC	All Case Types	All Offense Types	1	5	2	4	18	283	313
	Total	Total	1	5	2	4	18	283	313
Total			894	589	330	329	351	757	3,250

4b: Open Cases Aged by Case Status, Credential Status, and Offense as of August 31, 2011

In this table, within each section of the work in relation to the COC (Pre COC, COC and Post COC) there are four sets of rows (4-7 rows) where information related to individuals in each of the following groups is presented:

- Individuals holding a current, valid credential and therefore the individuals could be in a classroom or working with students in the K-12 public schools.
- Individuals who held one or more California credentials but all credentials have been suspended by the Commission. Since all licenses are suspended, these individuals should not be working with public school students at this time.
- Individuals who do not hold a California credential, but have one or more applications pending. These individuals should not be working with public school students at this time.
- Individuals who do not hold any current, valid credential and have no applications pending. These individuals should not be working with public school students at this time.

After looking at this information staff questions the fourth group of cases in each section of Chart 4b. The individuals do not hold a current license as an educator in California and have no applications pending. Additional research needs to be completed as to why these cases are in the Commission's discretionary discipline process and what the impact would be if cases were not opened for individuals who do not hold current, valid licenses and have no applications pending with the Commission.

4b:

Open Cases Aged by Case Status, Credential Status, and Offense - as of August 31, 2011

Case Status	Credential Status	Offense	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total	
Pre COC	Authorized	Child Crime - Sexual	4	5	0	0	0	1	10	
		Child Crime - Non-sexual	19	34	5	4	2	12	76	
		Adult - Sexual	8	11	1	4	2	0	26	
		Drugs	36	23	16	15	19	27	136	
		Serious Crimes/Felonies	118	81	54	46	28	41	368	
		Alcohol	270	100	45	31	33	15	494	
		Other Crimes/Misdemeanors	150	105	38	26	8	5	332	
		Total	605	358	159	126	90	101	1,440	
	Not Authorized - Docs Suspended	Child Crime - Sexual	16	13	10	10	10	22	81	
		Child Crime - Non-sexual	0	1	1	0	0	2	4	
		Adult - Sexual	1	1	0	0	1	1	4	
		Serious Crimes/Felonies	0	0	0	0	1	1	2	
		Alcohol	0	0	1	0	0	0	1	
		Total	17	15	12	10	12	26	92	
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	1	1	0	0	1	3	
		Child Crime - Non-sexual	4	6	0	0	1	1	12	
		Adult - Sexual	0	0	1	2	0	1	4	
		Drugs	13	12	1	3	1	3	33	
		Serious Crimes/Felonies	49	27	6	3	2	6	93	
		Alcohol	60	17	1	4	1	0	83	
		Other Crimes/Misdemeanors	49	25	6	3	1	0	84	
		Total	175	88	16	15	6	12	312	
	Not Authorized - No App(s) Pending	Child Crime - Sexual	1	0	1	0	0	0	2	
		Child Crime - Non-sexual	8	6	3	0	0	3	20	
		Adult - Sexual	2	1	0	0	0	0	3	
		Drugs	4	3	4	1	11	10	33	
		Serious Crimes/Felonies	12	14	12	12	16	6	72	
		Alcohol	12	9	7	8	6	1	43	
		Other Crimes/Misdemeanors	6	4	9	4	3	4	30	
		Total	45	37	36	25	36	24	203	
	Total	842	499	223	176	144	163	2,047		
	COC	Authorized	Child Crime - Sexual	0	2	1	5	2	5	15
			Child Crime - Non-sexual	3	13	18	17	14	16	81
			Adult - Sexual	0	6	2	1	3	7	19
			Drugs	0	1	2	5	6	9	23
			Serious Crimes/Felonies	1	5	14	15	31	59	125
			Alcohol	14	5	12	22	51	66	170
			Other Crimes/Misdemeanors	7	31	27	51	38	71	225
			Total	25	63	76	116	145	233	658
		Not Authorized - Docs Suspended	Child Crime - Non-sexual	0	1	2	0	1	1	5
			Adult - Sexual	0	0	0	0	0	1	1
			Drugs	0	0	0	0	0	1	1
	Serious Crimes/Felonies	0	0	0	1	2	0	3		

DPP Monthly Commission Summary Report for August 2011

			0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total	
COC	Not Authorized - Docs Suspended	Other Crimes/Misdemeanors	0	0	1	0	0	1	2	
		Total	0	1	3	1	3	4	12	
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	0	1	1	0	0	2	
		Child Crime - Non-sexual	0	1	4	0	1	1	7	
		Adult - Sexual	0	1	2	0	1	0	4	
		Drugs	1	1	1	1	0	1	5	
		Serious Crimes/Felonies	5	4	4	4	5	9	31	
		Alcohol	17	2	5	4	8	6	42	
		Other Crimes/Misdemeanors	3	9	6	10	2	8	38	
		Total	26	18	23	20	17	25	129	
	Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	1	1	1	3	
		Child Crime - Non-sexual	0	0	1	2	1	3	7	
		Adult - Sexual	0	0	0	0	0	4	4	
		Drugs	0	0	0	1	0	6	7	
		Serious Crimes/Felonies	0	0	1	3	8	14	26	
		Alcohol	0	1	1	1	9	10	22	
		Other Crimes/Misdemeanors	0	2	0	4	5	11	22	
		Total	0	3	3	12	24	49	91	
	Total			51	85	105	149	189	311	890
	Post COC	Authorized	Child Crime - Sexual	0	0	0	0	0	20	20
Child Crime - Non-sexual			0	0	0	0	2	24	26	
Adult - Sexual			0	0	0	1	0	6	7	
Drugs			0	0	0	0	1	5	6	
Serious Crimes/Felonies			0	0	0	0	0	25	25	
Alcohol			0	0	0	0	6	33	39	
Other Crimes/Misdemeanors			0	0	0	1	2	77	80	
Total			0	0	0	2	11	190	203	
Not Authorized - Docs Suspended		Child Crime - Sexual	0	0	0	0	0	3	3	
		Child Crime - Non-sexual	0	0	0	0	0	3	3	
		Drugs	0	0	0	0	0	1	1	
		Serious Crimes/Felonies	0	0	0	0	0	3	3	
		Alcohol	0	0	0	0	0	2	2	
		Other Crimes/Misdemeanors	0	0	0	0	0	13	13	
Total		0	0	0	0	0	25	25		
Not Authorized - App(s) Pending		Child Crime - Sexual	0	2	0	0	1	5	8	
		Child Crime - Non-sexual	0	1	0	0	1	7	9	
		Adult - Sexual	0	0	0	0	0	1	1	
		Drugs	0	0	0	0	2	1	3	
		Serious Crimes/Felonies	0	1	0	0	0	15	16	
	Alcohol	0	0	0	0	0	9	9		
Other Crimes/Misdemeanors	1	1	2	1	2	1	8			
Total	1	5	2	1	6	39	54			
Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	0	0	4	4		
	Child Crime - Non-sexual	0	0	0	0	0	3	3		
	Drugs	0	0	0	0	0	2	2		

			0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
Post COC	Not Authorized - No App(s) Pending	Serious Crimes/Felonies	0	0	0	0	0	6	6
		Alcohol	0	0	0	0	0	3	3
		Other Crimes/Misdemeanors	0	0	0	1	1	11	13
		Total	0	0	0	1	1	29	31
	Total	1	5	2	4	18	283	313	
Total			894	589	330	329	351	757	3,250

Next Steps

Staff will continue to post the Monthly Activity Summary reports on the Commissioners' internal webpage each month. Staff will continue working to implement the State Auditor's recommendations and file required updates. The second (6-month) report is due to be submitted on October 7, 2011 and the one year report will be due on April 7, 2012.

Appendix One

Recommendations from the Bureau of State Audits and Organization of CTC's Response

BSA Recommendations	Focus Area
<p>Recommendation One:</p> <p>To comply with the law and reduce unnecessary workload, the division should continue to notify the Department of Justice of individuals for whom it is no longer interested in receiving RAP sheets.</p>	1. Individuals for whom the Commission needs updated misconduct reports
<p>Recommendation Two:</p> <p>The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.</p>	3. Division of Professional Practices
<p>Recommendation Three:</p> <p>To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.</p>	
<p>Recommendation Four:</p> <p>The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.</p>	2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.
<p>Recommendation Five:</p> <p>Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.</p>	
<p>Recommendation Six:</p> <p>The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.</p>	3. Division of Professional Practices
<p>Recommendation Seven:</p> <p>The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.</p>	
<p>Recommendation Eight:</p> <p>To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.</p>	

BSA Recommendations	Focus Area
<p>Recommendation Nine:</p> <p>To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p> <ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	<p>3. Division of Professional Practices</p>
<p>Recommendation Ten:</p> <p>To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	<p>4. Office of Human Resources</p>
<p>Recommendation Eleven:</p> <p>To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	

Appendix Two

Detailed Audit Tracking by Topic

1. Individuals for whom the Commission needs updated misconduct reports (BSA Recommendation 1): The DOJ currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, certificate of clearance or submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance.

CTC Actions as of September 16, 2011

- Beginning in March 2011, staff began returning RAPs to the DOJ— On June 21, 2011 staff confirmed with DOJ that returning RAPs will remove the individual from the list. Once an individual is removed from the Commission’s list, the individual would need to be fingerprinted again in order to apply for a new credential or permit in order for the Commission to receive current and subsequent arrest information. Staff has begun returning the names of individuals to DOJ with a status of “No longer interested.” **{BSA #1}**
- Staff has determined how many people are currently in the CASE system (over 1,100,000 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years (~300,000). These are the first groups that are being sent to DOJ as “*No longer interested*” in receiving RAPs. **{BSA #1}**
- Regulatory changes were proposed as an information item to the Commission to clarify the expiration date of all Certificates of Clearance issued prior to July 2007 and to reduce the timeframe for retaining fingerprints for individuals with no valid credentials from 3 years to 1 year (August 2011). **{BSA #1}**
- An action item will be presented to the Commission at its October 2011 meeting with regulatory language to change from 3 years to an eighteen month time period, in response to stakeholder input, to notify DOJ to no longer send subsequent RAPs for an individual increasing our “no longer interested” number by an additional 80,000. (October 2011) **{BSA #1}**
- Developed and will begin implementing the process to notify DOJ on a regular (i.e., weekly) basis of the individuals for whom the Commission is “no longer interested in” receiving subsequent RAPs (August 2011-November 2011). **{BSA #1}**

The Commission believes it has fully addressed this audit recommendation (BSA #1). Staff is now finalizing the process through which the Department of Justice will continue to be notified of those individuals for whom the Commission is ‘No Longer Interested’ (NLI) in receiving subsequent notifications of arrest and prosecution.

2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff (BSA Recommendations 4 and 5): Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month.

CTC Actions as of September 16, 2011	Next Steps
<ul style="list-style-type: none"> • Requested a formal Attorney General Opinion (May 2, 2011). Contacted the AG on June 21, 2011, requesting confirmation that the request for an opinion had been received. Request has been received and assigned an opinion number 11-606. {BSA # 4} • In the interim, effective May 1, 2011, the Committee of Credentials began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases. {BSA #5} <ul style="list-style-type: none"> – May: 126 cases – June: 283 cases – July: 311 cases – August: 251 cases – September: 171 cases • At its June 22-23, 2011, meeting the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this discuss calendar in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. {BSA #5} • Discipline Process Webinar – July 12, 2011. <i>California’s Educator Discipline Process—Laws and Current Commission Procedures</i>. Staff presented information on the current educator discipline process. {BSA #5} • At the August 4, 2011 Commission meeting an update on the work to date to address the audit recommendations. In addition, staff presented an agenda item on the discipline process and proposed the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process. The Commission directed staff to move forward with the stakeholder meetings. {BSA #5} 	<ul style="list-style-type: none"> • Prior to receiving the AG’s opinion the Commission staff will work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. {BSA #5, 9} • Stakeholder meetings are planned for October and November 2011 to discuss California’s Educator Discipline process and possible recommendations from the stakeholder meetings will be presented to the Commission by January 2012. {BSA #5, 9}

3. Division of Professional Practices (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of September 16, 2011	Next Steps
<ul style="list-style-type: none"> • All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including arrival date, into the SIEBEL system within 5 business days of arriving at the Commission. {BSA # 8} • Intake and Tracking screens have been developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. Implementation of the screens began on August 9, 2011. {BSA #8} • A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). {BSA #6} <ul style="list-style-type: none"> - As procedures are fine-tuned or additional systems are developed, the Procedures Manual will be updated. {BSA #6} - All division staff completed initial training on the Procedures Manual (May 25, 2011). As above, as new procedures or systems are put in place, additional training will be held. {BSA #7} • Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. This includes the following reports: {BSA # 3, 9} <ol style="list-style-type: none"> a. Monthly Activity Summary and Existing Inventory- 	<ul style="list-style-type: none"> • For the 2011-12 year, move a position from the Certification Division to the Professional Practices Division to reorganize the management of the division (August 2011). Once the new management structure is in place, the refinement and implementation of the comprehensive monitoring and oversight plan will be the primary focus for management. • Additional training for staff on the Procedures Manual is scheduled as updated procedures are put in place. {BSA #7} • After reviewing management reports, staffing and any changes from stakeholder

3. Division of Professional Practices (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of September 16, 2011	Next Steps
<p>Workload by status and type (sample attached)</p> <p>b. RAPs—type of misconduct in the RAP (sample attached)</p> <p>c. Cases Closed</p> <p>d. Case Aging Reports</p> <p>e. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review)</p> <ul style="list-style-type: none"> • A search for the new Executive Director is currently taking place with a filing date of June 30, 2011, or until the position is filled. Initial interviews took place in August 2011. The Commission should have a new Executive Director on board by November 1, 2011. {BSA #2} • A new General Counsel began work on September 12, 2011. {BSA #2} • Division leadership analyzes the data collected including type of task, staff completing the task, and time to complete the task and based on the analysis review current procedures and develop additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011). {BSA #3, 9} 	<p>meetings, if necessary submit a BCP for FY 2013-14. {BSA #3}</p> <ul style="list-style-type: none"> • It is expected that a new Executive Director will be in place by fall 2011. Once the new Executive Director has been appointed, the Strategic Plan will be reviewed as a starting point for a revised effort no later than January 2012. The auditor’s recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission’s Strategic Plan. Stakeholder input will be critical as well. {BSA #2}

4. Office of Human Resources (BSA Recommendations 10 and 11): Information must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) supervisors and managers appropriately documenting the hiring process, and 3) ensuring that all staff understand the grievance and EEO complaint processes.

CTC Actions as of September 16, 2011

- With assistance from State Personnel Board (SPB) a comprehensive Hiring Handbook was developed. **{BSA #10}**
 - The Handbook provides clear expectations for the hiring process.
 - OHR staff monitors all hiring processes.
 - Handbook was reviewed by Senior Managers.
 - The Hiring Handbook was shared with all CTC Staff on June 6, 2011 via the *CTC Insider*
 - Training for all supervisors and managers was held on June 22, 2011.
- The Commission's EEO Policy was updated. **{BSA #11}**
 - The updated EEO Policy was provided to all staff (May 9, 2011).
 - EEO Handbook was developed. The handbook outlines the process to file an EEO complaint.
 - An EEO webpage was developed for the CTC intranet (June 27, 2011). The Handbook is posted on the new web page.
 - SEIU Provided Onsite Employee meetings to review EEO (June 8, 2011).
- A webinar on Workplace Retaliation was held on June 15, 2011 and all supervisors and managers were notified of the expectation that all attend the training or view the archived webinar. As of August 25, 2011 all managers and supervisors have participated in the webinar and/or reviewed the information. **{BSA #11}**
- Per SPB guidance, OHR will maintain all documentation for hiring and promotion decisions based on state policies for retention. (June 2011). **{BSA #10}**
- Executive Director began meeting with the union stewards on a monthly basis (July 2011).
- EEO training held for rank and file employees (required) and for all supervisors and managers (required). **{BSA #11}**

All Staff Training: September 14 or October 4, 2011; Supervisors and Managers: September 14, 2011.

 - All staff members will be reminded annually of the EEO policy and required to verify that he or she has reviewed and is familiar with the EEO policy. Initial certification will be due from all staff by October 6, 2011.
 - Initial certification for the Sexual Harassment training was due from all staff by September 1, 2011.
 - Enhanced the new EEO webpage with resources for staff on EEO related topics (August 15, 2011).

The Commission believes it has fully addressed these two audit recommendations (BSA #10, 11). Additional work is taking place to ensure that all managers, supervisors and staff are aware of the policies of the Commission and that implementation is consistent across the agency. A Labor Management Advisory Group is being developed

1H

Information

General Session

Recommendations from the April 7, 2011 Audit Report

Executive Summary: This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources; the Commission's response to the Audit as well as an update on staff progress in addressing the recommendations; and a report on DPP's current workload.

Recommended Action: For information only

Presenters: Patty Wohl, Director, Certification, Assignment and Waivers Division and Teri Clark, Director, Professional Services Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

August 2011

Recommendations from the April 7, 2011 Audit Report

Introduction

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources, and also provides the Commission's responses to the Audit recommendations.

Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". The audit identified 11 recommendations. The initial update was presented to the Commission at the June 2011 Meeting (<http://www.ctc.ca.gov/commission/agendas/2011-06/2011-06-2H.pdf>). On Monday, June 6, 2011 the required sixty day response was submitted to the Bureau of State Audits.

Many of the audit recommendations overlapped; therefore, at the direction of the Co-Acting Executive Directors, four areas of focus were identified that encompass the 11 recommendations as listed below. Attachment One shows where each of the eleven recommendations falls within the four areas of focus.

- 1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff**
- 2. Individuals for whom the Commission needs subsequent misconduct reports**
- 3. Division of Professional Practices**
- 4. Office of Human Resources**

Following is a description of staff analysis of issues and related actions that fall within these four areas:

1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, we will take the steps necessary to comply with the attorney general's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month. (BSA Recommendations 4 and 5)

2. Individuals for whom the Commission needs subsequent misconduct reports. The Department of Justice (DOJ) currently provides copies of the "Reports of Arrest and Prosecution" (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, and/or a certificate of clearance or who have submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance. If the Commission receives RAPs for only those individuals who are currently authorized to provide service in the public schools, the division's RAP processing workload would be significantly reduced. (BSA Recommendation 1)

3. Division of Professional Practices. The auditors indicated that the processing of reports of misconduct must be analyzed and clear criteria and procedures must be developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, the person(s) responsible for the case, length of time at each stage of review, reasons for delays and final disposition. The data needs to be complete, accurate and consistently entered into the database. An oversight process needs to be developed to ensure the accuracy of data entered into the database and to provide data in a form useful as a management tool. The time elapsed in the processing of misconduct needs to be reduced, including making prompt requests for information from law enforcement agencies, courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. While not included in the BSA recommendations, the early pursuit of information related to more serious cases should be examined.

CTC staff is working hard to correct problems in the aforementioned areas and will continue to report to the Joint Legislative Audit Committee (JLAC), members of the Legislature, the BSA, and stakeholders on the progress that we are making in all areas. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

4. Office of Human Resources. The auditors indicated that information about staffing and about staff concerns must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) making sure supervisors and managers are appropriately documenting their hiring processes, and 3) ensuring that staff understands the grievance and EEO complaint processes. (BSA Recommendations 10 and 11)

Attachment Two provides information on the specific actions taken to date related to each of these four topics, dates of the actions and the identified *Next Steps*. This table is being updated weekly to track the agency's progress in addressing the audit recommendations.

DPP Workload Update

Staff has been fine tuning the DPP Monthly Activity Summary reports provided to you in June and adding additional information on DPP's workload. These three reports include a detailed look at the COC workload including all Open Cases by Status and Type (Chart 1); monthly RAPs Received and Processed (Chart 2); and a report on the Closed Cases (Chart 3). The revised versions of the first two charts provide a better breakdown and description of DPP's workload, and also provide tracking information on how the work is flowing through the division.

DPP Monthly Activity Summary

Activity During June 2011

Pre COC

Work Received in DPP

	Items Rec'd	Cases Opened
RAPs	733	282
Apps	1,180	271
SD Reports *	29	12
Misc *	12	13
Total	1,954	578

*Work related to cases opened may have been received in a prior period

Document Requests

Arrest	227
Court	399

COC Inventory

Initial Review	84
Formal Review	44
Consent Review	310

COC Work Completed (June 2011)

Cases to COC

Initial Review	65
Formal Review	54
Reconsideration	0
Consent Review	311

Cases Completed

Closed	137
Granted	181
Adverse Actions	0

Post COC

Settlement	6
AG	5
CTC	0

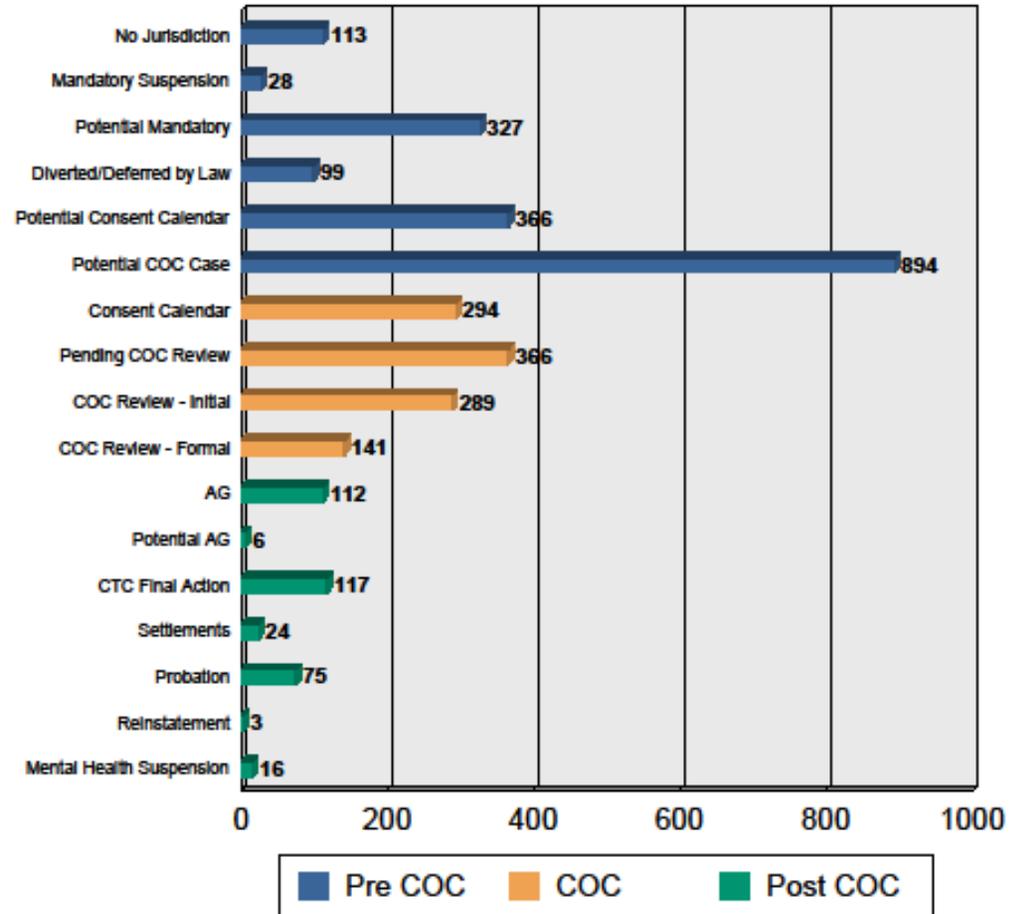
Mandatory Actions

Revocations	17
Denials	10
Automatic Suspensions	12

Inventory for June 2011

Starting Case Load	3,179
Cases Opened	578
Cases Closed	487
Ending Case Load	3,270

Open Cases by Status and Type as of June 30, 2011



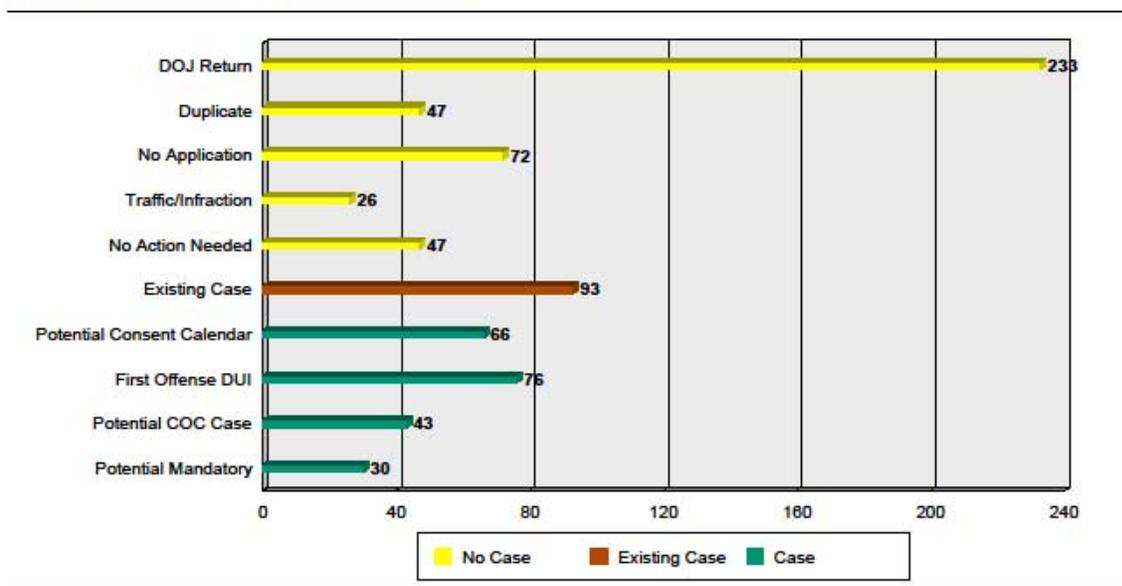
Pre COC	1,827
COC	1,090
Post COC	353
Total Open Cases	3,270

The workload shown in Chart 1, page 4, is now broken down by cases preparing to go to the Committee of Credentials (COC) in blue, cases that are currently in the COC review phase in yellow and cases that are post-COC review in green. As staff continue to make progress and gain efficiencies in the area of identifying and processing pre-COC cases, the COC workload is likely to continue to grow as there are only a finite number of cases that can be heard by the Committee each month.

Chart Two is a modified version of the RAP report provided in June 2011. This chart shows all RAP sheets received in the month of June 2011. This report now presents the workload in a sequential organization with the yellow rows showing the RAPs that do not lead to a case, the red rows are the RAPs which are affiliated with an existing case and the green rows show the RAPs that lead to a new case. The labels for the rows in this report were also modified to more clearly describe the type of category of RAPs received.

Chart 2: Monthly RAPs Received and Processed

DPP RAPs Received and Processed June 2011

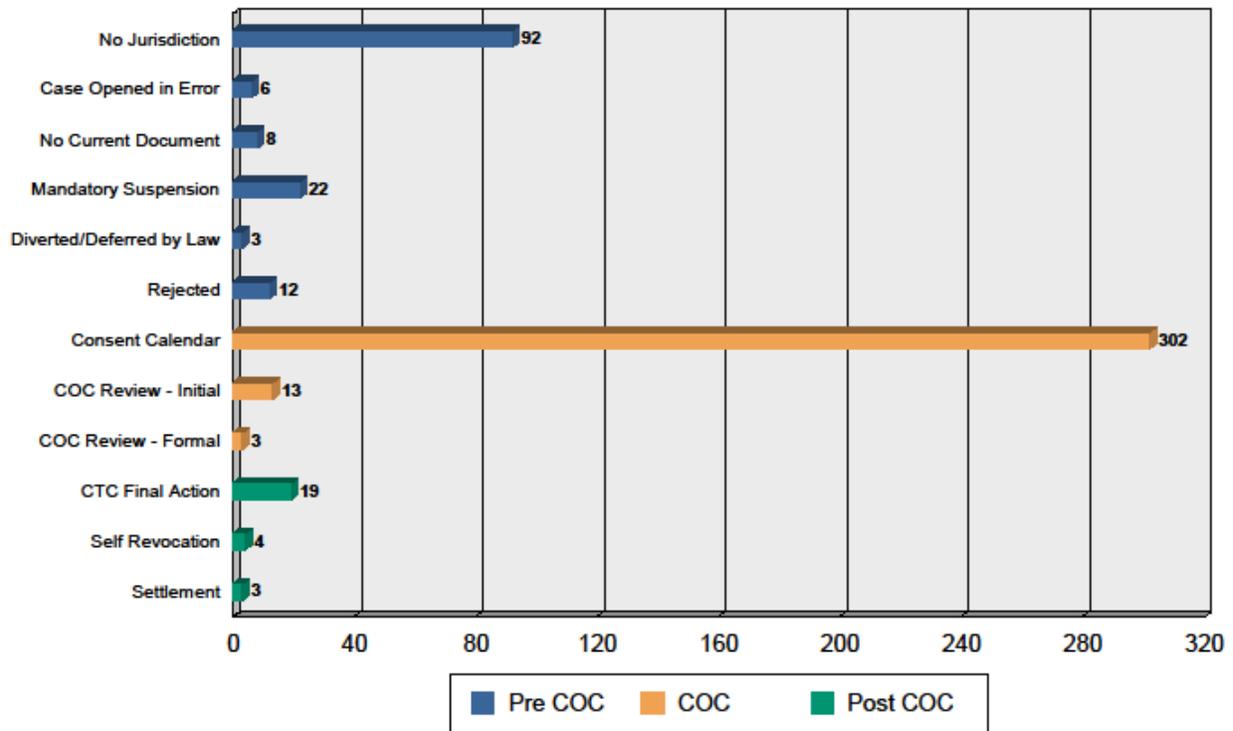


No Case	425
Existing Case	93
Case	215
Total RAPs	733

The third chart is a new chart which identifies the types of cases that were closed throughout the month of June 2011. It is important to note that cases may be closed at any one of multiple steps in the discipline process and not all the cases that are closed were received in any one month.

Chart 3: Monthly Cases Closed

Cases Closed by Type During June 2011



Pre COC	143
COC	318
Post COC	26
Total Cases Closed	487

Another report is planned which will provide a breakdown of the age and type of the cases in the Committee on Credentials review process. This report is still under development and will be available at the October 2011 Commission meeting.

Next Steps

Staff will continue to post the Monthly Activity Summary reports on the Commissioners' internal webpage each month. Staff will continue working to implement the State Auditor's recommendations and to file required updates. The second (6-month) report is due to be submitted on October 7, 2011.

Attachment One

Responses from the Commission on Teacher Credentialing regarding the Recommendations from the Bureau of State Audit and CTC-Assigned Focus Area

BSA Recommendations	Focus Area
<p>Recommendation One: To comply with the law and reduce unnecessary workload, the division should continue to notify Justice of individuals for whom it is no longer interested in receiving RAP sheets.</p>	2. Individuals for whom the Commission needs updated misconduct reports
<p>Recommendation Two: The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.</p>	3. Division of Professional Practices
<p>Recommendation Three: To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.</p>	
<p>Recommendation Four: The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.</p>	1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.
<p>Recommendation Five: Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.</p>	
<p>Recommendation Six: The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.</p>	3. Division of Professional Practices
<p>Recommendation Seven: The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.</p>	
<p>Recommendation Eight: To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.</p>	
<p>Recommendation Nine: To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p>	3. Division of Professional Practices

BSA Recommendations	Focus Area
<ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	
<p>Recommendation Ten: To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	4. Office of Human Resources
<p>Recommendation Eleven: To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	

Attachment Two

Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month (BSA Recommendations 4 and 5).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • Requested a formal Attorney General Opinion (May 2, 2011). Contacted the AG on June 21, 2011, requesting confirmation that the request for an opinion had been received. Request has been received and assigned an opinion number 11-501. • In the interim, effective May 1, 2011, the Committee of Credentials began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases. <ul style="list-style-type: none"> - May: 126 cases - June: 283 cases • At its June 22-23, 2011, meeting the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this discuss calendar in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. • Prior to receiving the AG’s opinion the Commission staff will work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. 	<ul style="list-style-type: none"> • Commission Agenda Update– At the August 4, 2011 meeting, staff will present an update on the work to date. In addition, staff will present an agenda item on the discipline process and propose the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process.

Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month (BSA Recommendations 4 and 5).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> Discipline Process Webinar – July 12, 2011. <i>California’s Educator Discipline Process—Laws and Current Commission Procedures.</i> Staff presented information on the current educator discipline process. 	

Individuals for whom the Commission needs updated misconduct reports. The DOJ currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, certificate of clearance or submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance (BSA Recommendation 1).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • Beginning in March 2011, staff began returning RAPs to the DOJ—As of June 20, 2011, 908 individuals' RAP sheets have been returned to the DOJ. On June 21, 2011 staff confirmed with DOJ that returning RAPs will remove the individual from the list. Once an individual is removed from the Commission’s list, the individual would need to be fingerprinted again in order to apply for a new credential or permit in order for the Commission to receive current and subsequent arrest information. • Staff has determined how many people are currently in the CASE system (1,155,976 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years. These are the first groups that are being sent to DOJ as “<i>No longer interested</i>” in receiving RAPs. <ul style="list-style-type: none"> – 67,000: no license, only fingerprints in the system which were submitted a minimum of 3 years prior – 268,000: all licenses expired 3 years or longer – 30,000: only an expired COC (valid for 5 years) and no valid licenses 	<ul style="list-style-type: none"> • Staff is investigating the feasibility of setting a one year (1) time period, instead of 3 years, to notify DOJ to no longer send subsequent RAPs for an individual. • Developing the process to notify DOJ on a regular (i.e., weekly) basis of the individuals for whom the Commission no longer needs to receive subsequent RAPs (August 2011-November 2011). • Regulatory changes will be proposed to clarify the expiration date of all Certificates of Clearance issued prior to July 2007 (August 2011).

Division of Professional Practices: The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, lengthy of time at each stage of review, reasons for delays and the person (s) responsible for the case. The data needs to be complete, accurately and consistently entered into the database and useful as a management tool. An oversight process needs to be developed to ensure the accuracy of data entered into the database. The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including intake date, into the SIEBEL system within 5 business days of arriving at the Commission. • Intake and Tracking screens are being developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. • A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). <ul style="list-style-type: none"> - As procedures are fine-tuned or additional procedures are developed, the Procedures Manual will be updated. - All division staff completed initial training on the Procedures Manual (May 25, 2011). • Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. 	<ul style="list-style-type: none"> • The Intake and Tracking Screens will be piloted (July 2011). • Additional training for staff on the Procedures Manual is scheduled (July 2011). • Analyze the data collected including type of task, staff completing the task, and time to complete the task and based on the analysis review current procedures and develop additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011). • For the 2011-12 year, move a position from the Certification Division to the Professional Practices Division to reorganize the management of the division (August 2011). Once the new management structure is in place, the refinement and implementation of the comprehensive monitoring and oversight plan will be the primary focus for management. • After reviewing management reports, if necessary submit a BCP for FY 2013-14.

Division of Professional Practices: The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, lengthy of time at each stage of review, reasons for delays and the person (s) responsible for the case. The data needs to be complete, accurately and consistently entered into the database and useful as a management tool. An oversight process needs to be developed to ensure the accuracy of data entered into the database. The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

CTC Actions as of July 12, 2011	Next Steps
<p>Additional reports are under development:</p> <ul style="list-style-type: none"> a. RAPs—type of misconduct in the RAP (sample attached) b. Monthly Activity Summary and Existing Inventory-Workload by status and type (sample attached) c. Case Aging Report (internal report developed and being refined, external non-confidential report under development) d. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review) <ul style="list-style-type: none"> • A search for the new Executive Director is currently taking place with a filing date of June 30, 2011, or until the position is filled. Interviews will take place in August 2011. • A search for a new General Counsel is underway with a final filing date of July 1, 2011. Screening and interviews will take place in July-August 2011. 	<ul style="list-style-type: none"> • An Interim Executive Director began on Monday, July 18, 2011. • It is expected that a new Executive Director will be in place by fall 2011. Once the new Executive Director has been appointed, the Strategic Plan will be reviewed as a starting point for a revised effort. The auditor’s recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission’s Strategic Plan. Stakeholder input will be critical as well. • It is expected that a new General Counsel will be in place by September 1, 2011.

Office of Human Resources: Information must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) Hiring and promotions, 2) supervisors and managers appropriately documenting the hiring process, and 3) ensuring that all staff understand the grievance and EEO complaint processes (BSA Recommendations 10 and 11).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • With assistance from State Personnel Board (SPB) a comprehensive Hiring Handbook was developed. <ul style="list-style-type: none"> - The Handbook provides clear expectations for hiring process. - OHR staff monitors all hiring processes. - Handbook was reviewed by Senior Managers. - Training for all supervisors and managers was held on June 22, 2011. • The Commission’s EEO Policy was updated. <ul style="list-style-type: none"> - The updated EEO Policy was provided to all staff (May 9, 2011). - EEO Handbook was developed. The handbook outlines the process to file an EEO complaint. - An EEO webpage was developed for the CTC intranet (June 27, 2011). The Handbook is posted on the new web page. - SEIU Provided Onsite Employee meetings to review EEO (June 8, 2011). • A webinar on Workplace Retaliation was held on June 15, 2011 and all supervisors and managers were notified of the expectation that all attend the training or view the archived webinar. To date, 13 supervisors and managers have submitted verification of completion of the webinar (There are 27 supervisors and managers). • Per SPB guidance OHR maintains all retention schedules, maintenance guidelines, and examination materials (June 2011). 	<ul style="list-style-type: none"> • Develop an oversight plan to verify the hiring manual is being followed (by August 2011). • Identify an online training class for EEO. Once a class has been found, notify all staff of the opportunity to attend the class. <ul style="list-style-type: none"> - Annually remind staff of the EEO policy and have each staff member verify that he or she has reviewed and is familiar with the EEO policy. - Enhance the new EEO webpage with resources for staff on EEO related topics (by September 1, 2011). • Ensure that all supervisors and managers view the Workplace Retaliation webinar by August 15, 2011.

2H

Information

General Session

Recommendations from the April 7, 2011 Audit Report

Executive Summary: This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and the Office of Human Resources; the Commission's response to the Audit as well as an update on staffs' progress in addressing the recommendations; and a report on DPP's current workload.

Recommended Action: For information only

Presenters: Mary C. Armstrong, Director, Division of Professional Practices, Andy Munguia, Senior Information Systems Analyst, Enterprise Technology Services Section and Crista Hill, Director, Administrative Services Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

June 2011

Recommendations from the April 7, 2011 Audit Report

Summary

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and the Office of Human Resources; and the Commission's responses to the Audit recommendations. At the request of the Chair of the Commission staff has also prepared Standards of Service goals for all tasks within DPP as well as reports on the DPP current workload.

Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". Although the Auditor recognized that previously existing processes had undergone enhancements and had changed significantly before and during the time period of the Audit, the Auditor made several recommendations to improve the current process and ensure that all cases are completed in a timely manner. In response to these recommendations as well as direction from the Commission, the Division has already accomplished the following:

- Developed a process to notify the Department of Justice when there is no further need to receive RAP sheets on specified individuals because they no longer hold credentials. This action will reduce the number of unnecessary RAP sheets received by the Division. (Audit Recommendation 1)
- Requested a legal opinion from the Attorney General to determine whether the Commission may delegate to the Division the authority to close investigations. Until this opinion is received, the COC will review a consent calendar of cases recommended to be closed prepared by the Division's legal staff. (Audit Recommendation 4)
- Prepared comprehensive written procedures including revised standards of service to ensure consistency and conformity by staff in processing and analyzing reported misconduct. (Audit Recommendation 6)
- Developed an automated workload report to monitor the progress of all cases for reports to the Commission. An automated case aging report is also being developed to alert management and the Commission about cases with unexplained delays in processing. (Audit Recommendation 8)
- Initiated a plan to develop a comprehensive hiring practices manual with assistance from the State Personnel Board. (Audit Recommendation 10)
- Developed and circulated a revised Equal Employment Opportunity policy. (Audit Recommendation 11)

- Developed a Teacher Discipline Improvement Initiative detailing the Commission’s plans for improving its discipline function for distribution to the Joint Legislative Audit Committee at its hearing on May 10, 2011. (Attachment 1)

The full text of the BSA Recommendations and the Commission’s response (updated as of May 15, 2011) to each recommendation is set forth below:

**Responses from the Commission on Teacher Credentialing regarding
the Recommendations from the Bureau of State Audit**

BSA Recommendations	Commission Responses
<p>Recommendation One: To comply with the law and reduce unnecessary workload, the division should continue to notify Justice of individuals for whom it is no longer interested in receiving RAP sheets.</p>	<p>Response: The Commission concurs with this recommendation, implementation has begun and a work plan to complete all phases of the project developed.</p>
<p>Recommendation Two: The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.</p>	<p>Response: The Commission will include the Audit recommendations in its next revision of its strategic plan. A new Executive Director will be in place by 2012 and that would be an appropriate time for a revision of the Commission’s strategic plan.</p>
<p>Recommendation Three: To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.</p>	<p>Response: The Commission concurs with the recommendation. The Commission plans to request a Budget Change Proposal for FY 12-13.</p>
<p>Recommendation Four: The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.</p>	<p>Response: The Commission requested a formal Attorney General’s opinion on May 2, 2011.</p>
<p>Recommendation Five: Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.</p>	<p>Response: The Commission concurs with this recommendation. Upon receipt of the opinion the Commission will determine the necessary action to take. (Receipt of the opinion is expected in approximately 6 months.</p>

<p>Recommendation Six: The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.</p>	<p>Response: The Commission concurs with the recommendation and has completed a comprehensive Division of Professional Practices' Procedure Manual and has posted it and other training materials on a dedicated Division of Professional Practice site on the Commission's intranet.</p>
<p>Recommendation Seven: The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.</p>	<p>Response: The Commission concurs with the recommendation. The Division of Professional Practices is working with the Enterprise Technology Services Section to make the necessary oversight improvements suggested in the Audit.</p>
<p>Recommendation Eight: To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.</p>	<p>Response: The Commission concurs with the recommendation and implementation has already been initiated through the use and enhancement of the CASE tracking system. The workload activity report project, a component of this recommendation has already been completed.</p>
<p>Recommendation Nine: To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p> <ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	<p>Response: The Commission concurs with the recommendation and implementation has already been initiated through the use and enhancement of the CASE tracking system. A weekly and monthly automated case activity report has been developed and a weekly/monthly case aging report is in the final stages of development.</p>

<p>Recommendation Ten: To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	<p>Response: The Commission concurs with the recommendations and has initiated a plan to develop a manual and maintain the proper documentation with assistance from the State Personnel Board.</p>
<p>Recommendation Eleven: To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	<p>Response: The Commission concurs with the recommendation and issued a revised EEO policy on May 9, 2011 and notified employees of the revision. Training will be conducted on a periodic basis.</p>

As provided by statute, the California State Auditor requests auditees to report their progress implementing recommendations at 60 days, 6 months and one year. The California State Auditor's Office annually reports to the Legislature the auditee's progress in implementing recommendations.

Workload Update

DPP Workload

Staff from the Enterprise Technology and Support Services Section (ETSS) and DPP have developed a DPP Monthly Activity Summary. The Summary for April 2011 is provided on the next page. A May 2011 Summary will be provided as an agenda insert at the June 2, 2011 Commission meeting. The format will include an updated listing of current case load and include the work received each month in DPP covering the pre-Committee Work Load (Pre-COC) and the Committee of Credentials workload: Cases Completed: Cases Scheduled for COC review and cases completed by the COC but still open. (Open cases include those that have moved to the Office of Attorney General; are either settlement cases or are in the probation monitoring program.) Each Activity Summary will also include a cumulative summary of cases by Status and Type. A case aging summary showing both the age of each case as well as an explanation for where the case is in the DPP process is being developed and will be provided when completed. Staff has also prepared a monthly report detailing the number of Criminal History Information Reports (RAPs) it receives each month as well as a key to explain the various categories (provided on pages 7-9).

DPP Monthly Activity Summary

Activity During April 2011

Status as of the last day of April 2011

Workload Statistics

Case Load Summary	
Starting Case Load	2,953
Cases Opened	303
Cases Closed	393
Ending Case Load	2,863
Work Received in DPP	
Apps	1,045
Raps	535
Misc	14
Documents Requested	
Arrest	194
Court	393
Mandatory Actions	
Revocations	13
Denials	8
Automatic Suspensions	6

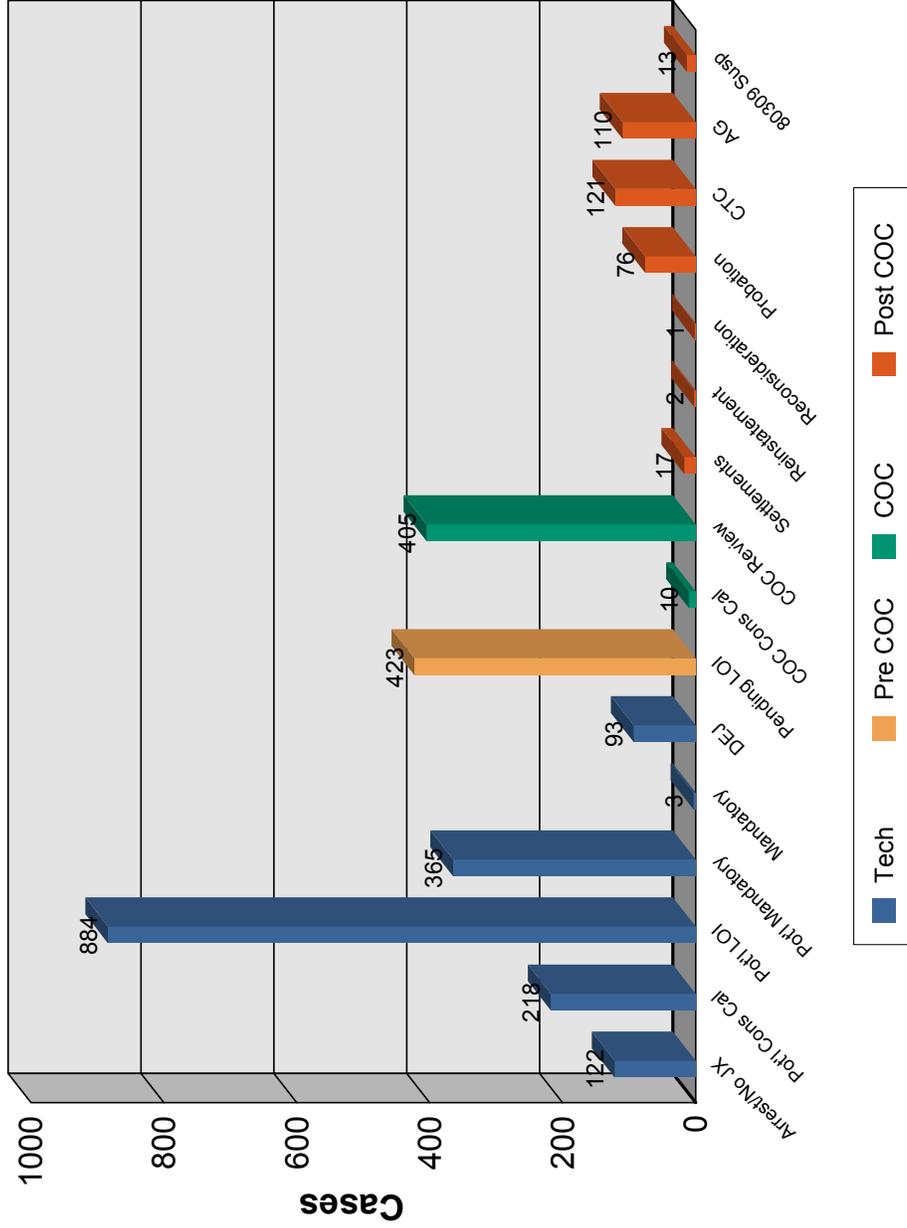
COC Prep

Future COC Meeting (May 2011)	
LOI	53
30-Day	43

COC Current (April 2011)

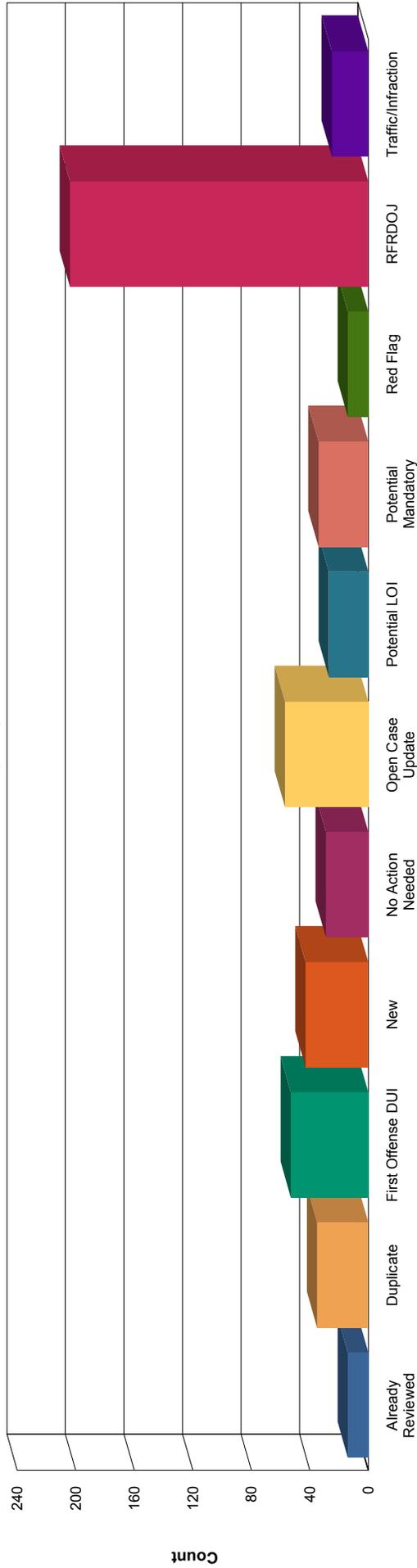
Cases to COC	
LOI	62
30-Day	44
Reconsideration	3
Cases Completed	
Closed	11
Granted	18
Post COC	
Settlement	3
AG	3
CTC	49

Cases by Status and Type



DPP RAP Sheet Processing Statistics for April 2011

RAPs by Type



Total RAPs: 535
Possible Cases: 157

Rap Categories

RAP CATEGORIES

Rap sheets are assigned to different categories depending on the level of review necessary which include determining factors, such as prior misconduct, type of current misconduct, type of credential held.

Raps are currently processed in two different groups. Raps that need additional processing and may result in a case file (*) and Raps that do not require additional processing.

CATEGORIES/DEFINITIONS

Already Reviewed: This is a rare category. Subsequent rap notifications are usually new misconduct. However, rap notifications may be received for misconduct previously reviewed.

Duplicate: If a Respondent has been fingerprinted on multiple occasions, the same rap sheet will be submitted to CTC on more than one occasion. The arrest/conviction information will be identical on these raps. The original fingerprint date will be different.

First Offense DUI: If a rap notification is received with DUI related information, DPP may review a singular DUI offense without any further processing, if it is the only misconduct within the past 5 years. Effective May 1, 2011 – all First Offense DUI's are considered Consent Calendar items and will go to COC.

***New:** Respondent has a rap with new charges, and a case needs to be opened.

No Action Necessary (NAN): Raps are considered No Action Necessary when a rap is received that reflects PROSECUTION RELEASE-DETENTION ONLY-LACK of SUFFICIENT EVIDENCE, or INADMISS SEARCH & SEIZ. These raps indicate there might have been an arrest, but no formal charges were filed against Respondent. In many of these cases, we do not have jurisdiction to review the case, and therefore No Action is Necessary. Cases are opened when they involve child crimes.

***Open Case Update:** A rap sheet may be categorized as Open Case Update if there is already an established case open regarding prior misconduct that is being reviewed by staff.

***Potential LOI:** The level of misconduct requires Committee review and are categorized Potential LOI. The Respondent's prior case history and current misconduct are all factored in to determine a level of review.

***Potential Mandatory:** The level of misconduct on the rap notification may require a Mandatory action by CTC upon receipt of a criminal conviction. Potential Mandatory actions may result in an auto-suspension while court charges are pending. These raps are priority and require immediate processing.

Red Flag: DPP currently has a date requirement in which we allow Respondents with an expired credential 3 months before officially removing their fingerprint clearance. Once FP clearance is removed, a Respondent MUST be re-fingerprinted. Red Flagging notifies all departments that DPP has information that must be reviewed prior to approval and granting of any/all applications.

Rap Categories

RFRDOJ: (Red Flag Reject Department of Justice) If a Respondent no longer has a valid credential or an application in Siebel, his rap sheet will be marked as RFRDOJ. An RFRDOJ rap occurs when the Respondent is NOT holding a credential, and their misconduct did not occur while they were holding. The Rap sheet is returned to DOJ and requires that Respondent be re-fingerprinted when submitting a subsequent application.

Traffic: Rap notifications with simple traffic citations may be reviewed depending on Respondent's prior misconduct (DUI, multiple license violations). These raps generally require no further processing.

Infraction: Rap notifications regarding minor misdemeanor to an infraction, or the charge may be a local ordinance violation, these raps may be categorized as Infractions. This rap requires no further processing.

The Commission also directed staff to provide for its information and review the standards of service for each task in DPP. DPP's standards of service goals were updated on May 4, 2011 to reflect some of the changes in procedures that have already been implemented as a result of the audit and have been incorporated in the Procedures Manual. Most significantly when warranted a case is now opened simultaneously when a RAP is processed. The Standard of Service goals are set forth below:

DPP Standard of Service Goals

TASK	GOAL
Receive rap and open case	Daily and simultaneously open case (no more than 5 business days)
From rap to open case and request documentation (potential mandatory)	COB next day
From receipt of application by DPP to open case	5 business days
From open case to request documents for applications (App Pak)	5 business days (revised process may eliminate)
From open case to request documents on a holder	7 business days (follow-up in 30 days)
From receipt of mail to add to file (this information is not maintained in Siebel)	5 business days
From receipt of all documents to recommendation for COC Consent Calendar or LOI checklist	5 business days
From receipt of all documents, analysis to mandatory recommendation	5 days
Legal review to determine if LOI	5 days
From pending LOI to assignment to analyst or investigator	90 days
From LOI assignment to analyst or investigator to LOI letter	30 days
From initial review to formal review	6 months (legal requirement under Education Code section 44243(b)(1))

From knowledge of misconduct to letter of initial review or close	11 months (Education Code section 44242.7 requires all misconduct by a credential holder to be presented to COC within one year the misconduct was discovered or four years from the date of misconduct)
Percent of calls answered	90%
Average hold time	Less than 3 minutes
Email from schools district and IHE answer time	3 business days (auto reply all others)

ETSS staff and DPP have developed an intranet site for DPP. This site will provide staff access to the Procedure Manual and other training materials. A copy of the Procedure Manual has been furnished to each Member of the Commission as well as management.

Addressing COC Workload

In the first quarter of 2011, the COC transitioned to a paperless agenda. As a result, COC members are now able to obtain case summaries and other agenda materials 3 to 5 days earlier than previously. This allows COC members greater flexibility in managing their review of cases and, in some instances, eliminates additional time away from employment. It is anticipated that some of the time formerly spent preparing cases might be used to schedule additional meeting time for the COC to increase the number of cases reviewed at each meeting. In addition, staff has identified categories of cases with uncomplicated fact patterns that may be added to the COC schedule without increasing meeting time. This project was initiated in early May and the first level of review will be conducted in June. The COC will review 66 cases for initial review in June and 84 in July.

Next Steps

Staff will send the Monthly Activity Summary to the Members of the Commission and any interested legislators each month. Staff will continue working to implement the State Auditor's recommendations and file required updates. The first report is required to be filed on June 7, 2011.

Attachment 1



TEACHER DISCIPLINE IMPROVEMENT INITIATIVE
A Summary of Implementation Plans and Action
in Response to the State Auditor's Report issued April 7, 2011

Presented by the Commission on Teacher Credentialing
to the Joint Legislative Audit Committee
Ricardo Lara, Chair
May 10, 2011

Ting Sun
Chair

Dale Janssen
Executive Director

TEACHER DISCIPLINE IMPROVEMENT INITIATIVE

Ensuring Educator Excellence through Improved Discipline Processes and Procedures

The Commission on Teacher Credentialing (Commission) is an agency in the Executive Branch of California State Government. It was created in 1970 by the Ryan Act (Teacher Preparation and Licensing Act of 1970, Education Code Sections 44200 *et. seq.*), and is the oldest of the autonomous state standards boards in the nation. The major purpose of the agency is to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California.

The Division of Professional Practices (DPP or Division) is the division charged with the responsibility of supporting the work of the Committee of Credentials (COC), a statutory committee appointed by the Commission to review allegations of misconduct by applicants for and holders of certificated documents issued by the Commission. DPP is also the legal department for the Commission and the Director of DPP serves as the General Counsel for the Commission. The Director/General Counsel oversees a staff of attorneys, investigators, analysts, and technicians. In support of the work of the COC, Commission staff reviews criminal history information reports (RAP sheets) received from the Department of Justice, reports of misconduct from individuals, reports of changes in employment from school districts, and disclosures of potential misconduct from applicants. The Commission reviews thousands of allegations of misconduct a year; the majority of which involve criminal conduct.¹ Commission staff reviews the conduct, gathers the necessary documents to evaluate the conduct, performs a legal review as to jurisdiction and defensibility, and initiates the discretionary investigation on behalf of the COC. Additionally, Commission legal staff works with the members of the COC to identify behaviors that the Committee has determined do not warrant a recommendation of an adverse credentialing action.

On April 7, 2011 the California State Auditor issued a report “Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs”. Although the Auditor recognized that previously existing processes had undergone enhancements and had changed significantly before and during the time period of the Audit, the Auditor made several recommendations to improve the current process and ensure that all cases are completed in a timely manner (Attachment 1). In response to these recommendations as well as direction from the Commission, the Division has already accomplished the following:

- Developed a process to notify the Department of Justice when there is no further need to receive RAP sheets on specified individuals because they no longer hold credentials. This action will reduce the number of unnecessary RAP sheets received by the Division. (Audit Recommendation 1)
- Developed an automated workload report to monitor the progress of all cases for reports to the Commission. An automated case aging report is also being developed to alert

¹ See Division of Professional Practices Discipline Workload Report FY 2009-2010, Item 2A, December 9-10 Commission meeting (Attachment 5).

management and the Commission about cases with unexplained delays in processing (Attachment 2). (Audit Recommendation 8)

- Requested a legal opinion from the Attorney General to determine whether the Commission may delegate to the Division the authority to close investigations. Until this opinion is received, the COC will review a consent calendar of cases recommended to be closed prepared by the Division's legal staff (Attachment 3). (Audit Recommendation 4)
- Prepared comprehensive written procedures to ensure consistency and conformity by staff in processing and analyzing reported misconduct. (Audit Recommendation 6)
- Developed a revised Equal Employment Opportunity policy. (Audit Recommendation 11)

In addition to reporting to the State Auditor on the Commission's progress in implementing all of the Audit's recommendations, staff will also report progress on these and other DPP improvements to the full Commission at each meeting and to interested members of the Legislature.

The continued improvements and changes fall into three broad categories which form the basis of the Commission's Teacher Discipline Improvement Initiative, as follows:

- I. Utilize and Enhance Technology to Implement Processes that will Safeguard Against Future Backlogs
- II. Develop Case Priorities to Minimize and Eliminate Case Delays Within the Commission's Control
- III. Institute a Discussion of Statutory Changes that Will Protect Children and Maintain the Professional Integrity of Certificated Educators

I. Utilize and Enhance Technology to Implement Processes that will Safeguard Against Future Backlogs

Case Tracking System

Prior to the Audit, the Commission had begun final implementation of a computer based tracking system to identify and track documents, applications and cases as they are processed through DPP. The system provides weekly reports to staff members and management to identify that activities have been completed and cases are processed in a timely manner. In addition, the system also identifies high priority cases, notifies management when activities are not completed and establishes a weekly report to track applications as soon as the application is assigned to DPP. The Audit included several recommendations to strengthen this system and provide improved oversight, data, and information about case status. The Commission technology staff has already begun working with DPP staff to fully implement all of the State Auditor's technology recommendations.

Improvements in Management and Tracking of Criminal History Information Reports

Each month as many as 1000 criminal history information reports (RAPs) can be received by DPP. Prior to 2010, RAPs were sent to another Division of the Commission, downloaded, printed and then provided to DPP in a paper format. When the RAPs were received by DPP, they were sorted and all priority RAPs involving serious criminal misconduct were processed, however RAPs involving lower level misconduct or persons on longer holding credentials were

set aside for later processing. A majority of the RAPs received by DPP do not result in a case being opened or considered by the COC. It was, however, necessary to sort and process the reports, enter relevant information as necessary into the system, track arrests to determine if the arrest led to a conviction, and, in some cases, obtain necessary police reports and court documents. Other RAPs involved persons who no longer held a credential or who had never held a credential and had to be returned to the DOJ. As a result of staff turnover, training issues and furloughs, DPP faced a backlog in processing these lower level RAPs. DPP addressed the issue two ways. First, student assistants were hired to process the backlogged RAPs. The project was begun in September 2009 and fully completed by June 2010. Second, to prevent future problems of this nature, streamline the procedure, and utilize technology, in early 2010 DPP moved to a paperless receipt and sort of RAPs. The RAPs are now sent electronically directly to DPP, entered in the system, sorted by priority and tracked, all on a same day basis. While this does not eliminate the workload that results if a case is opened, it does eliminate any backlog of RAPs to be processed. In order to further enhance this process and provide improved tracking of cases, DPP has now implemented a procedure to open a case, when warranted, simultaneously with the processing of RAPs and then cases rather than RAPs will be assigned to technician staff. (Attachment 4)

Improve Reporting of Educator Misconduct by School Districts

In September 2010, the Commission redesigned its website to simplify reports of Educator Misconduct by employing school districts and charter/private schools as well as the public (<http://www.ctc.ca.gov/educator-discipline/school-districts.html>). Notification forms were developed to standardize reporting and assist employers and members of the public in determining what kind of information was needed by DPP. In addition, a process was developed to permit receipt of information electronically as well as by facsimile and US mail.

Streamline Processing of Pending COC Cases

In early July 2009, as a result of both the limited amount of time the volunteer COC members have each month to meet and consider the cases and the cancellation of several meeting days caused by imposition of furloughs, the Commission through the Executive Director and the Committee delegated to legal staff the responsibility to close cases and/or grant credentials where the alleged misconduct did not rise to the level that warranted an Education Code §44242.5(b) informal review by the COC. The new procedure resulted in processing these matters one to seven weeks faster than the previous practice which was a benefit to applicants who were awaiting a decision on a pending application and school districts that are required by law to remove an applicant from the classroom while the review is pending. As a result of the audit's questions regarding this practice, an Attorney General's opinion has been requested to determine whether this work can be delegated. In the interim, the staff has returned to preparing a consent calendar. Although this will delay the process, staff has developed appropriate technology to minimize delay by automating all post-committee actions (granting or closing files and notification to respondents).

Utilize Technology to Support Adequate and Appropriate Staffing Levels

An added benefit of the case tracking system and monthly activity summary is the availability of verifiable data to support adequate and appropriate staffing levels without relying on temporary help such as student assistants and retired annuitants. This is particularly evident for the

technician staff where the crucial first steps in the discipline process begin. The Commission anticipates preparing a BCP for 2012-13.

II. Develop Case Priorities to Minimize and Eliminate Case Delays Within the Commission's Control

Processing Mandatory Cases

The Division has developed enhanced procedures to identify and prioritize cases where based on the type of criminal misconduct, the law requires that an application be denied or a credential be suspended or revoked. In addition, the time period to process a mandatory case after receipt of final court documents is now 5 days or less.

Shorten Administrative Appeal Procedures

Periodic meetings are held with the staff at the Attorney General's Office to discuss the administrative workload process. Educators have the right to appeal the COC's recommendation for adverse action before it is sent to the Commission for final action. These appeals are handled by the Attorney General's office. Staff from both offices have developed a case priority system to complete cases at the administrative level in a timely manner. This includes setting expectations for filing accusations (which begins the administrative hearing process), and setting cases for hearing. In June 2010, DPP and the Attorney General's office put in place a new process to handle high priority cases which involves direct assignment of a case to a Deputy Attorney General who drafts the accusation rather than assignment to legal analysts. This change has already resulted in a minimum of nine months being eliminated in the administrative hearing process.

Addressing COC Workload

In the first quarter of 2011, the COC transitioned to a paperless agenda. As a result, COC members are now able to obtain case summaries and other agenda materials 3 to 5 days earlier than previously. This allows COC members greater flexibility in managing their review of cases and, in some instances, eliminates additional time away from employment. It is anticipated that some of the time formerly spent preparing cases might be used to schedule additional meeting time for the COC to increase the number of cases reviewed at each meeting.

III. Institute a Discussion of Statutory Changes that will Protect Children and Maintain the Professional Integrity of Certificated Educators

The Commission, through the COC, is charged with monitoring the moral fitness of certificated educators and applicants. First and foremost, this monitoring process is done through the prism of determining whether allegations of misconduct have harmed or are potentially harmful to public school children. An equally important concern is whether the misconduct is an act of moral turpitude which calls into question the certificated educator's professional integrity and ability to serve as a role model. Currently, discipline falls into two categories. Mandatory denials of applications and suspensions or revocations of credentials are required by statute and do not go through the COC's discretionary review process. Convictions that result in mandatory action include misdemeanor and felony sex offenses, drug offenses and serious and violent felony convictions (Attachment 6). In FY 09/10 there were 202 mandatory revocations and 64 mandatory denials. All other misdemeanor and felony convictions are reviewed by the COC. In

addition, the COC reviews allegations of misconduct reported by school districts as well as the public. During FY 09/10 the Committee recommended revocation in 104 cases and 49 denials. In an additional 281 cases reviewed, the COC recommendation resulted in suspensions, public reprovls and private admonitions, which indicates that the Committee did not believe that the misconduct reviewed warranted barring the certificated educator from the classroom. In addition, the COC also closed 150 cases following review. There is a very important fundamental constitutional right to due process guaranteed to certificated educators. Finally, the COC performs an important function, particularly with respect to misconduct arising from a school setting since the members, by statute, include two teachers, a school board representative, and an administrator as well as three public members. Valuable insight and real world knowledge is provided when reviewing non-criminal misconduct allegations. The downside is that all of the members are volunteers who have school district or other employment and their time is limited. Currently, the COC meets 3 days a month. Increasing the time the COC meets could be too great a burden, particularly for the classroom teacher members. It is against this backdrop that the following possible statutory changes are put forth to initiate a discussion.

Proposed Statutory Changes to Assist the Commission's Effectiveness in Investigating Educator Misconduct

Provide Increased Investigatory Authority to the Commission

Provide statutory authority to allow the Commission to make preliminary investigatory inquiries about allegations of misconduct and contact any individual or entity that may reasonably have knowledge of the alleged misconduct. Pursuant to court order, the Commission has jurisdiction to conduct an investigation, including requests for information to public agencies, *only* upon receipt of relevant information as specified within and pursuant to Education Code section 44242.5, copy attached as Attachment 7. Currently, unless the Commission receives such information as specified in the manner specified in section 44242.5, it may not proceed to investigate, including the undertaking of a preliminary review of allegations of misconduct.²

Improve School District Reporting

Establish stricter enforcement/consequences for school districts who fail to notify the Commission regarding termination, resignations, suspensions and non-reelection of certificated employees. Several such situations were identified in the audit report which added to delays in processing cases. Currently, the only consequence is to take action against a Superintendent's credential however not all Superintendents hold credentials and frequently the current Superintendent is not the person who was in charge when the District failed to notify the Commission. Providing stricter sanctions could result in more attention being paid to this statutory responsibility on the part of school districts. Sanctions could be in the form of withholding of funding or requiring payment of a fine.

Proposed Statutory Changes to Provide Increased Protections, Decrease COC Workload and Fund the Discipline Process

² A previous attempt to effectuate this statutory change by amending SB 1656 (Chap. 471, Stats, 2002) was unsuccessful due to opposition from teacher groups.

Increase Suspension Authority

Currently, the ability to suspend a credential prior to conviction applies to certain sex and drug offenses which are considered so potentially harmful that action to suspend should be taken automatically once charges are filed. For other offenses including serious and violent felonies, a certificated educator continues to hold a valid credential until convicted and sentenced, a process that can take months or years. (School districts often remove the teacher from the classroom during this time.) A statutory change could broaden the authority to suspend a credential during the duration of the criminal matter to ensure that the credential holder could not be employed in a public school while the criminal matter was pending.

Expand Mandatory Revocation/Denial Statutes

Current law does not provide that all felony convictions result in mandatory revocations. Historically, those felony convictions that are reviewed by the COC result in a recommendation to revoke. The recommendation can be appealed to an Administrative Law Judge. Although school districts often remove the teacher from the classroom, throughout the process the credential of the educator under review remains valid. Providing for a revocation for all felony convictions would eliminate this issue. This change would also allow more time for the COC to review non-criminal matters.

Shorten COC Review Process for Applicants

Existing statutes and regulations provide applicants with the same two-tiered review by the COC and a right to appear personally before the Committee that is available to credential holders. If first time applicants were limited to one paper review, the result would be a faster processing of applicants and cost savings by eliminating one review and the personal appearances. The two tier review was originally enacted to provide credential holders a safeguard because of the possibility of untrue allegations and undue damage to a educator's reputation and employment that could result. The same rationale is not applicable for applicants who are requesting entry to the profession. In FY 09/10 the COC reviewed 207 applicants. This is approximately 12 days of COC meeting time each year. If one stage of the review were eliminated this would allow additional time for the COC's review of other cases.³

Impose Discipline Fees

Currently, the cost of discipline is spread throughout all credential holders. A model used by other licensing agencies is one which charges fees to those persons who are subject to review. In addition, a processing fee is charged when an appeal is filed. Statutory authority to cite and fine lower levels of discipline and institute a charge over and above the application fee could be imposed to cover increases in discipline costs or support staff increases.

Largely as a result of the settlement program, instituted in 2003, where cases are reviewed for possible settlement before an administrative hearing is requested, the DPP currently monitors 74 credential holders on probation. This program has allowed certificated personnel to remain in the classroom while still ensuring the safety of California's public school children and has resulted in a cost and time savings by eliminating the administrative review process, however it has also resulted in an increased workload to be absorbed by staff. Credential holders benefit because

³ This statutory change was included as budget trailer language in 2005 (Chap.73, Stats. 2005) and was repealed in 2006 as urgency legislation (Chap. 79 Stats. 2006).

they are allowed to continue employment while on probation. A review of other licensing agencies in the state indicates that some charge a monthly fee (usually \$25 a month) to recover some of the costs of probation or diversion monitoring. In addition, the criminal courts charge a sliding fee to recover the costs of probation. Alternatively, the application fee could be raised in order to meet the costs.

Develop a Fine Schedule for Certain Misdemeanor Cases

Legislation could establish a statutory based fee schedule in lieu of suspensions and COC review for non-school related non-violent misdemeanor convictions where safety of children was not an issue. There would be no discretion regarding the fines and the COC review would not be required. The criminal conviction has provided the forum for adjudication and presentation of defenses and mitigating factors and the level of review is “beyond a reasonable” doubt.

Create an Alternative Process for Alcohol Related Convictions

Currently 40-45% of the criminal arrest/conviction reports involve an alcohol related offense. Because of state and federal employment protections, most of the holders who have an alcohol related problem remain in the classroom and many are monitored by their employers. In addition, those credential holders who have been through the COC review process frequently agree to a reduction in the adverse action recommended by the COC in exchange for probation monitoring. If the educator tests positive for alcohol while monitored adverse action is imposed without a full COC due process review. If a process could be established in statute to provide for a voluntary non-disciplinary process coupled with mandatory probation monitoring for misdemeanor DUI/alcohol related convictions the a major area of the COC caseload could be reduced.

Eliminate or Amend Breach of Contract Provisions (Education Code Section 44420)

Under current law the COC may suspend a credential for up to one year if a certificated employee refuses, without good cause, to fulfill a valid contract or leaves without the consent of the Superintendent. This issue is an employment contract matter. Reports of breach of contract are not made on a uniform basis by school districts throughout the state and districts are not required to make a 44420 report. If this section is not eliminated a fine in lieu of suspension could be allowed.

Establish Waiting Periods for Denied Applicants and Petitioners for Reinstatement

Under current law an applicant who is denied a credential may reapply 30 days after final action on the denial and one year following a Petition for Reinstatement. Often these short time periods are not enough time to result in a different decision by the COC or the Commission, however the cases add to the workload. Setting a one-year waiting period for denied applicants to reapply and five years following denial of a petition for reinstatement would decrease workload and provide an adequate time period to elapse before a subsequent review.

Attachment 1

Responses from the Commission on Teacher Credentialing regarding the Recommendations from the Bureau of State Audit

BSA Recommendations	Commission Responses
<p>Recommendation One: To comply with the law and reduce unnecessary workload, the division should continue to notify Justice of individuals for whom it is no longer interested in receiving RAP sheets.</p>	<p>Response: The Commission concurs with this recommendation and implementation has already been initiated.</p>
<p>Recommendation Two: The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.</p>	<p>Response: The Commission will consider the recommendations of the audit report when it next revises its strategic plan.</p>
<p>Recommendation Three: To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.</p>	<p>Response: The Commission concurs with the recommendation.</p>
<p>Recommendation Four: The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.</p>	<p>Response: The Commission requested a formal Attorney General's opinion on May 2, 2011.</p>
<p>Recommendation Five: Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.</p>	<p>Response: The Commission concurs with this recommendation. Upon receipt of the opinion the Commission will determine the necessary action to take. (Receipt of the opinion is expected in approximately 6 months.)</p>
<p>Recommendation Six: The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.</p>	<p>Response: The Commission concurs with the recommendation and has completed a comprehensive Division of Professional Practices' Procedure Manual.</p>

<p>Recommendation Seven: The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission’s database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.</p>	<p>Response: The Commission concurs with the recommendation.</p>
<p>Recommendation Eight: To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.</p>	<p>Response: The Commission concurs with the recommendation and implementation has already been initiated through the use of the CASE tracking system.</p>
<p>Recommendation Nine: To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p> <ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	<p>Response: The Commission concurs with the recommendation and implementation has already been initiated through the use of the CASE tracking system.</p>
<p>Recommendation Ten: To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all</p>	<p>Response: The Commission concurs with the recommendations.</p>

<p>eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	
<p>Recommendation Eleven: To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	<p>Response: The Commission concurs with the recommendation and issued a revised EEO policy on May 9, 2011 and notified employees of the revision. Training will be conducted on a periodic basis.</p>

DPP Monthly Activity Summary

Activity During April 2011

Status as of the last day of April 2011

Workload Statistics

Case Load Summary

Starting Case Load	2,953
Cases Opened	303
Cases Closed	393
Ending Case Load	2,863

Work Received in DPP

Apps	1,045
Raps	535
Misc	14

Documents Requested

Arrest	194
Court	393

Mandatory Actions

Revocations	13
Denials	8
Automatic Suspensions	6

COC Prep

Future COC Meeting (May 2011)

LOI	53
30-Day	43

COC Current (April 2011)

Cases to COC

LOI	62
30-Day	44
Reconsideration	3

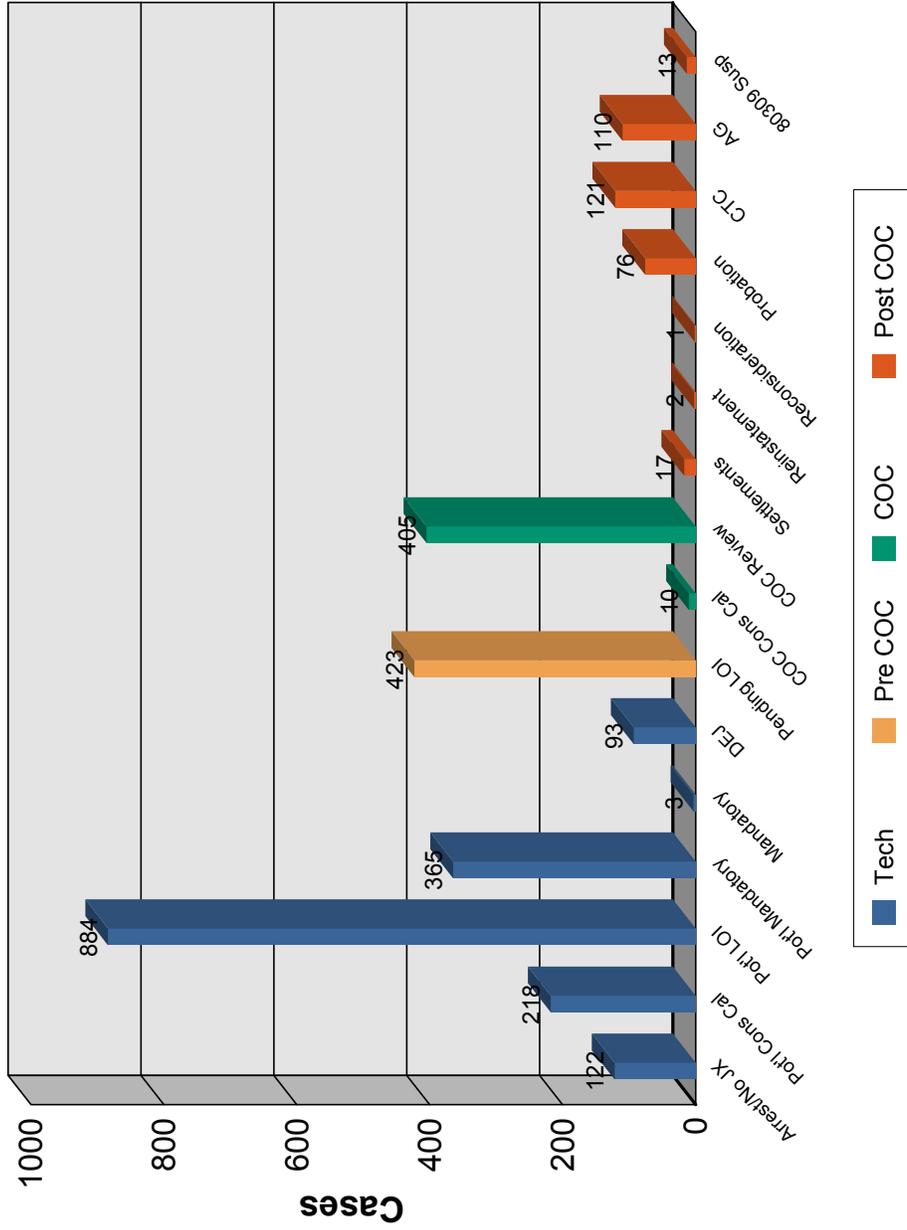
Cases Completed

Closed	11
Granted	18

Post COC

Settlement	3
AG	3
CTC	49

Cases by Status and Type





Commission on Teacher Credentialing

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Office of the Executive Director

May 2, 2011

Susan Lee, Supervising Deputy Attorney General
Opinion Unit
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

Request for Opinion

Dear Ms. Lee:

The Commission on Teacher Credentialing (Commission) requests an opinion interpreting the statute delegating authority to the Executive Director as it relates to the discretionary disciplinary process of the Commission and the Committee of Credentials (Committee.) Specifically:

May the Commission pursuant to subdivision (b) of section 44220 of the Education Code delegate to the Executive Director and through him his subordinate staff, the authority to review and determine which cases are required to be presented to the Committee in accordance with subdivision (a) of section 44242.5 of the Education Code?

Background and Statutory Framework

The Commission is an agency in the Executive Branch of California State Government. It was created in 1970 by the Ryan Act (Teacher Preparation and Licensing Act of 1970, Education Code Sections 44200 *et. seq.*), and is the oldest of the autonomous state standards boards in the nation. The major purpose of the agency is to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California.

Section 44220 of the Education Code¹ gives a broad delegation of authority to the Executive Director. Subdivision (b) of section 44220 reads as follows:

Any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate is delegated to the executive director, unless the commission specifically has reserved the same for its own action.

The powers and duties provision of the Commission contained in section 44225 sets forth an extensive list of tasks that the Commission is required to perform, but it contains no specific reference to discipline. The Commission has not specifically reserved any functions that relate

¹ All statutory references are to the Education Code unless otherwise noted.

to the discretionary disciplinary review process in regulations promulgated by the Commission (Title 5 of the California Code of Regulations (commencing with section 80000)) nor in the Commission's Policy Manual (Commission on Teacher Credentialing Policy Manual, updated December 2007.) Section 600 of the Policy Manual reiterates and explains the statutory delegation to the Executive Director as follows:

(b) Any power, duty purpose, function, or jurisdiction which the Commission may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Director unless it is shown that the Commission has specifically reserved the same for its own action.

(e) The Executive Director may authorize such assisting staff to perform in the name of the Executive Director, any of the authorized duties of the Executive Director.

The statutory provisions governing the discretionary² review process of disciplinary matters concerning credential holders and applicants for credentials is set forth in the sections 44240 through 44246. Section 44240 requires the Commission to appoint the Committee members in designated categories. The Education Code does not set forth a powers and duties provision for the Committee and there is no Legislative intent language in the statutes relating to the Committee. Section 44241 applies various administrative provisions to the Committee, including the delegation authority to the Executive Director found in section 44220. Section 44242 states that the Committee is under the direct supervision of the Commission and section 44243 states that the Commission may assign administrative duties to the Committee and shall supervise the work of the Committee and provide statements of policy and procedure as it deems appropriate. The Commission addresses its relationship with the Committee in sections 500 through 512 of the Policy Manual.

In order to perform its statutory duties, the members of the Committee meet once a month in Sacramento for three days to review the cases prepared by Commission staff. In order to investigate acts of misconduct, jurisdiction for an initial review must be established under the provisions of subdivision (b) of section 44242.5. At the initial review, the Committee determines whether to close the investigation or to proceed to a formal review pursuant to section 44244. A separate jurisdictional basis is required under subdivision (d) of 44242.5 to proceed to the formal review³. Respondents have a right to make a personal appearance at the formal review. The appearances limit the number of formal reviews the Committee can conduct during each meeting. After the formal review, the Committee may close the investigation or recommend an adverse action. The respondent may accept the recommendation of the Committee which is presented to the Commission on a

² The Education Code contains provisions requiring the denial of an application or revocation of a credential by operation of law based on a specified criminal conviction (sections 44346, 44346.1, 44423.6, 44424, 44425, 44425.5, and 44426.) The Commission's involvement in these cases is purely ministerial (*DiGenova v. State Board of Education*, 45 Cal. 2d 255, 260.)

³ For example, a police report or court document reflecting an individual has been arrested or charged with a crime would provide jurisdiction to conduct an initial review under section 44242.5(b)(1), but a conviction would be required to proceed to formal review under section 44242.5(d)(1). A sworn statement or an employment action provides jurisdiction for both initial and formal review under sections 44242.5(b)(2) and (b)(3) and 44242.5 (d)(2) and (d)(3).

Consent Calendar for adoption pursuant to section 44244.1. The respondent may appeal the recommendation of the Committee pursuant to section 44246 and the matter is adjudicated under the Administrative Procedures Act. The Commission is represented during these proceedings by the Office of the Attorney General.

The Division of Professional Practices (DPP) is the division charged with the responsibility of supporting the work of the Committee. DPP is also the legal department for the Commission and the Director of DPP serves as the General Counsel for the Commission. The Director/General Counsel oversees a staff of attorneys, investigators, analysts, and technicians. In support of the work of the Committee, Commission staff reviews criminal justice summaries (RAP sheets) received from the Department of Justice, reports of misconduct from individuals, reports of changes in employment from school districts, and disclosures of potential misconduct from applicants. The Commission reviews thousands of allegations of misconduct a year; the majority of which involve criminal conduct.⁴ Commission staff reviews the criminal conduct, gathers the necessary documents to evaluate the conduct, performs a legal review as to jurisdiction and defensibility, and initiates the discretionary investigation on behalf of the Committee. Additionally, Commission legal staff works with the members of the Committee to identify behaviors that the Committee has determined do not warrant a recommendation of an adverse credentialing action⁵.

Analysis

The Commission has historically interpreted the intent of the statutes governing the Committee as providing statutory due process prior to any discipline being imposed on a credential holder. The Committee on Education of the Assembly issued a report that addressed perceived deficiencies with the predecessor to the Committee of Credentials when it was under the auspices of the Department of Education (*The Restoration of Teaching: A Report of the Subcommittee of Personnel and Teacher Qualifications*, January 1967, pp. 21-35) which led to the Ryan Act that established the present day Commission and Committee. The recommendations of the subcommittee focused on providing greater due process and fairness to the Committee review process.

The language of subdivision (a) of section 44242.5 reads as follows:

Each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials.

In a recent audit report on the Commission, the State Auditor issued a *de facto* legal opinion in which she interpreted the above-referenced language to require "...where the allegation of misconduct is one that gives the committee initial jurisdiction and may subject a credential holder or applicant to adverse action, staff must present it to the committee" (California State Auditor Report 2010-119, p. 108.) Under this interpretation of the statute, every credential

⁴ See Division of Professional Practices Discipline Workload Report FY 2009-2010, Item 2A, December 9-10 Commission meeting.

⁵ Although a delegation of authority from the Committee was not viewed as applicable, Commission staff worked closely with the Committee to insure that its members were fully informed of staff's actions and were in agreement. Accordingly, Commission staff presented the Committee with information about the type of cases that cannot support discipline and the process of staff closing these cases was approved unanimously by a quorum of the Committee.

holder or applicant who was arrested for a crime, but not yet convicted would have to be presented to Committee for initial review, regardless of the nature of the crime or the status of the criminal case. The commencement of an initial review requires that the case be presented to the Committee for formal review within six months (section 44244(b)(1)) with a possibility of a six months extension from the chair of the Commission (section 44244(c)). If the individual is not convicted of the crime within this timeframe, the Committee would not have jurisdiction to proceed to the formal review absent Commission staff obtaining sworn statements from witnesses in multiple ongoing criminal investigations scattered throughout the state of California. The Commission has never taken the view that criminal charges that do not result in a conviction should routinely⁶ be pursued given the statutory relationship between initial review jurisdiction under 44242.5(b)(1) [official documents from court or law enforcement agency] and formal review jurisdiction under 44242.5(d)(1) [documents supporting a conviction].

The State Auditor's opinion is also based on the assumption that the Committee has delegation authority rather than the Commission. Based on the statutory structure outlined above, the Commission has taken the position that the Committee performs an invaluable function, but has no authority to delegate. All delegations of authority flow from the Commission (sections 44220, 44241, 44242, 44243, Policy Manual sections 500-512, and 600). Recognizing that a legal opinion of the State Auditor has no binding effect, the Audit recommended that the Commission seek a legal opinion from the Attorney General to provide guidance on this issue.

Historically, the "shall" language of this passive-voiced sentence in section 44242.5 has been interpreted by the Commission to mean that no discipline may be imposed on an applicant or credential holder unless the allegations are reviewed by the Committee. Commission staff, on behalf of the Commission, presents allegations of misconduct that have been reviewed for jurisdictional and legal sufficiency.

The Education Code does not contain a definition of "misconduct" and provides no specific guidance as to what criminal behavior has a sufficient nexus to holding a credential to warrant a discretionary review and a possible adverse action. Section 44421 provides a general statement for the grounds for imposing an adverse action:

The Commission on Teacher Credentialing shall privately admonish, publicly reprove, revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, or for any cause that would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service.

⁶ On relatively rare occasions, the Commission will obtain initial review jurisdiction pursuant to a police report or court document and attempt to obtain formal review jurisdiction by obtaining a sworn statement from an individual with firsthand knowledge of the alleged misconduct. These cases usually involve an allegation of sexual misconduct with a minor where the Commission has determined that if a sworn statement can be obtained the Commission has a reasonable probability of prevailing in the matter because of its lower burden of proof and the fact that the behavior does not have to be criminal to be unprofessional or immoral for licensing purposes. Current staff and resources do not allow such action in every case.

Grounds for denying an application are found in section 44345:

The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who falls under any of the following categories:

- (a) Lacks the qualifications which are prescribed by law or regulations adopted by the commission pursuant thereto.
- (b) Is physically or mentally so disabled as to be rendered unfit to perform the duties authorized by the credential for which he or she applies. However, the mere fact that an applicant has sought or received psychiatric treatment shall not be considered as preliminary evidence of mental disability and shall not provoke special scrutiny of such applicant's qualifications for a credential.
- (c) Is addicted to the use of intoxicating beverages to excess.
- (d) Is addicted to the use of controlled substances.
- (e) Has committed any act involving moral turpitude.
- (f) Has had a certification document revoked.
- (g) Has intentionally practiced or attempted to practice any material deception or fraud in his or her application.
- (h) Fails or refuses to furnish reasonable evidence of identification or good moral character.
- (i) Has been convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955.

Any denial pursuant to subdivisions (a) to (e), inclusive, shall be based upon reasons related to the applicant's fitness to teach or fitness to perform other duties for which that applicant is certificated, or competence to perform the duties which the credential would authorize the applicant to perform.

Based on this statutory guidance, it is not always clear which criminal behavior can sustain an adverse action. Section 44421 lists “unprofessional conduct” and “evident unfitness for service,” but does not define either term. Section 44345 lists moral turpitude as grounds for denying an application, but both alcohol and drug use appear to be limited to cases involving addiction. The seminal case that is now applied to almost all misconduct involving licensing is *Morrison v. State Board of Education*, 1 Cal. 3d 214 (1969), which list the so called *Morrison* factors, as follows:

We therefore conclude that the Board of Education cannot abstractly characterize the conduct in this case as 'immoral,' 'unprofessional,' or 'involving moral turpitude' within the meaning of section 13202 of the Education Code unless that conduct indicates that the petitioner is unfit to teach. In determining whether the teacher's conduct thus indicates unfitness to teach the board may consider such matters as the likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conduct, the likelihood of the recurrence of the questioned conduct, and the extent to which disciplinary action may inflict

an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. These factors are relevant to the extent that they assist the board in determining a teacher's fitness to teach, i.e., in determining whether the teacher's future classroom performance and overall impact on his students are likely to meet the board's standards *id.*, at pp. 229-230.

Even though *Morrison* involved non criminal conduct, it is now routinely applied to criminal behavior. In a case recently litigated by the Commission, an Administrative Law Judge (ALJ) issued a Proposed Decision dismissing an accusation imposing a 60 day suspension on a credential holder who had been convicted of three instances of driving under the influence of alcohol over a lengthy period of time. The credential holder introduced evidence that she was not addicted to alcohol and persuaded the ALJ that the conduct could not be found to be unprofessional under the Education Code and applicable law. The Commission rejected the Proposed Decision, called for the transcript, and issued its own decision finding that the behavior was unprofessional. The respondent sought judicial review and ultimately, the Court of Appeals for the Third Appellate District, using the *Morrison* factors, held that the three convictions supported an adverse action under applicable law. (*Broney v. California Commission on Teacher Credentialing* (2010) 184 Cal.App.4th 462.) Applying the *Morrison* factors, the legal staff on behalf of the Commission determines that a significant portion of the criminal misconduct involving credential holders or applicants for a credential cannot legally support an adverse action and those convictions have not been presented to the Committee. This is a case-by-case review and cases involving minor crimes with aggravating circumstances that may support discipline are presented to the Committee.

The contemporaneous administrative construction of an enactment by those charged with its enforcement is entitled to great weight, and courts generally will not depart from that construction unless it is clearly erroneous or unauthorized (*People ex rel. Lungren v. Superior Court* (1996) 14 Cal.4th 294, 309). The Commission is charged with interpreting its governing statutes in a manner that is true to the Legislative intent that allows the agency to effectively carry out its statutory functions. Statutes must be construed so as to give a reasonable and commonsense construction that is consistent with the apparent purpose and intention of the lawmakers, that is practical rather than technical, and that leads to wise policy rather than mischief or absurdity (*People v. Turner* (1993) 15 Cal.App.4th 1690, 1696). Interpreting subdivision (a) of section 44242.5⁷ to require a body that sits three days a month and has a very full agenda to review every arrest or even every conviction involving a credential holder or applicant for a credential holder that takes place throughout the state of California could result in such an absurdity.

⁷Although an attempt might be made to argue that section 80308 of Title 5 of The California Code of Regulations provides authority for a review other than that found in section 44242.5, the Commission was unsuccessful in defending a Writ of Mandate, *Hewitt v. CTC*, Sacramento County Superior Court No. 98CS01418 (1999) and did not file an appeal and is therefore binding on the agency. The decision limits the Commission's authority to investigate to the process set forth in section 44242.5 and specifically states that section 80308 of Title 5 of the California Code of Regulations does not provide a separate investigative authority. This case could be construed to mean that all cases presented to the Committee pursuant to section 44242.5 must go through the formal process set forth in subdivision (b) through (f) of the statute.

Unfortunately, subdivision (a) of section 44242.5 has not been the subject of litigation that resulted in a reported case that can be cited as precedent. An individual did file a Petition for a Writ of Mandate asserting that subdivision (a) of section 44242.5 required that his complaint against a credential holder be presented to the Committee for review (*Barrera v. Commission on Teacher Credentialing*, SF Superior Court CPF 10510855 (2010)). The Deputy Attorney General representing the Commission made a number of arguments in opposition of the writ, but after the case was briefed by both sides, the Court did not issue a tentative decision and posed the following question to be argued at the hearing on the matter:

On calendar for Thursday, December 16, 2010, Line 11, PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY SUPERINTENDENT OF SCHOOLS' Motion For Issuance Of Peremptory Writ Of Mandate, A HEARING IS REQUIRED. DOES SECTION 44242.5 (A) ALLOW DISCRETION CONCERNING WHICH MATTERS ARE REFERRED TO THE COMMITTEE OF CREDENTIALS?

After hearing argument, the Court issued the following ruling:

LAW AND MOTION 301, RULING - A R G U E D; PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY SUPERINTENDENT OF SCHOOLS' MOTION FOR ISSUANCE OF PEREMPTORY WRIT OF MANDATE IS DENIED. THE COURT FINDS THAT SECTION 44242.5 CANNOT BE READ TO IMPOSE A MANDATORY DUTY ON RESPONDENT TO PRESENT PLAINTIFF'S ALLEGATIONS TO THE COMMITTEE.

The Commission is aware such a case cannot serve as true precedent; however, it does serve as evidence that at least in this instance, subdivision (a) of section 44242.5 was not found to require an allegation of misconduct to be presented to the Committee.

Conclusion

In construing statutory language, a court must consider the language in the context of the entire statute and the statutory scheme of which it is a part. The court is required to give effect to statutes according to the usual, ordinary import of the language employed in framing them. If possible, significance should be given to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose. When used in a statute, words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear. Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole (*Dubois v. Workers' Comp. Appeals Bd.* (1993) 5 Cal.4th 382, 388).

The Commission is of the opinion that the statutory scheme governing the discretionary review process of the Committee when viewed in context with the statutes addressing the relationship of the Committee to the Commission and the delegation of authority to the Executive Director and his staff supports the following conclusion:

Only those allegations of misconduct that legal staff, acting on behalf of the Commission through its delegation of authority to the Executive Director, determine can support an adverse action are required to be presented to the Committee under subdivision (a) of section 44242.5.

If you have any questions please contact Mary Armstrong, General Counsel, at marmstrong@ctc.ca.gov.

Respectively submitted,

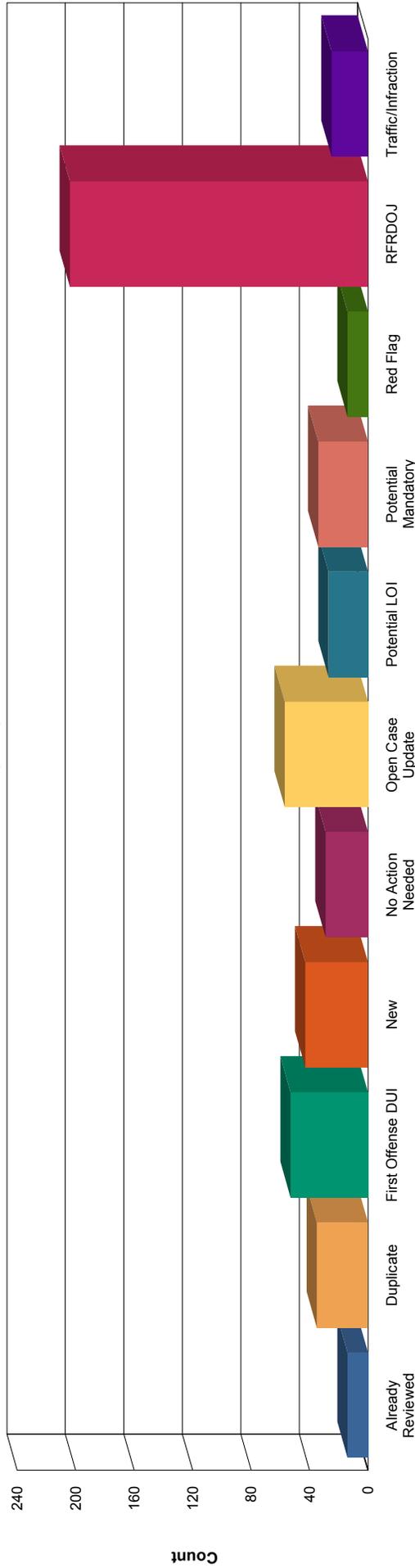
A handwritten signature in black ink, appearing to read "Dale Janssen", with a long horizontal flourish extending to the right.

Dale A. Janssen
Executive Director

Attachments

DPP RAP Sheet Processing Statistics for April 2011

RAPs by Type



Total RAPs: 535
Possible Cases: 157

Rap Categories

RAP CATEGORIES

Rap sheets are assigned to different categories depending on the level of review necessary which include determining factors, such as prior misconduct, type of current misconduct, type of credential held.

Raps are currently processed in two different groups. Raps that need additional processing and may result in a case file (*) and Raps that do not require additional processing.

CATEGORIES/DEFINITIONS

Already Reviewed: This is a rare category. Subsequent rap notifications are usually new misconduct. However, rap notifications may be received for misconduct previously reviewed.

Duplicate: If a Respondent has been fingerprinted on multiple occasions, the same rap sheet will be submitted to CTC on more than one occasion. The arrest/conviction information will be identical on these raps. The original fingerprint date will be different.

First Offense DUI: If a rap notification is received with DUI related information, DPP may review a singular DUI offense without any further processing, if it is the only misconduct within the past 5 years. Effective May 1, 2011 – all First Offense DUI's are considered Consent Calendar items and will go to COC.

***New:** Respondent has a rap with new charges, and a case needs to be opened.

No Action Necessary (NAN): Raps are considered No Action Necessary when a rap is received that reflects PROSECUTION RELEASE-DETENTION ONLY-LACK of SUFFICIENT EVIDENCE, or INADMISS SEARCH & SEIZ. These raps indicate there might have been an arrest, but no formal charges were filed against Respondent. In many of these cases, we do not have jurisdiction to review the case, and therefore No Action is Necessary. Cases are opened when they involve child crimes.

***Open Case Update:** A rap sheet may be categorized as Open Case Update if there is already an established case open regarding prior misconduct that is being reviewed by staff.

***Potential LOI:** The level of misconduct requires Committee review and are categorized Potential LOI. The Respondent's prior case history and current misconduct are all factored in to determine a level of review.

***Potential Mandatory:** The level of misconduct on the rap notification may require a Mandatory action by CTC upon receipt of a criminal conviction. Potential Mandatory actions may result in an auto-suspension while court charges are pending. These raps are priority and require immediate processing.

Red Flag: DPP currently has a date requirement in which we allow Respondents with an expired credential 3 months before officially removing their fingerprint clearance. Once FP clearance is removed, a Respondent MUST be re-fingerprinted. Red Flagging notifies all departments that DPP has information that must be reviewed prior to approval and granting of any/all applications.

Rap Categories

RFRDOJ: (Red Flag Reject Department of Justice) If a Respondent no longer has a valid credential or an application in Siebel, his rap sheet will be marked as RFRDOJ. An RFRDOJ rap occurs when the Respondent is NOT holding a credential, and their misconduct did not occur while they were holding. The Rap sheet is returned to DOJ and requires that Respondent be re-fingerprinted when submitting a subsequent application.

Traffic: Rap notifications with simple traffic citations may be reviewed depending on Respondent's prior misconduct (DUI, multiple license violations). These raps generally require no further processing.

Infraction: Rap notifications regarding minor misdemeanor to an infraction, or the charge may be a local ordinance violation, these raps may be categorized as Infractions. This rap requires no further processing.

2A

Information

Professional Practices Committee

Division of Professional Practices Discipline Workload Report FY 2009-2010

Executive Summary: This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2009-2010.

Recommended Action: For information only

Presenter: Mary Armstrong, Director, Division of Professional Practices

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

December 2010

Division of Professional Practices Discipline Workload Report FY 2009-2010

Introduction

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for FY 2009-2010.

Background

In addition to administering the laws and rules governing the issuance of credentials and approving educator preparation programs, the Commission on Teacher Credentialing (Commission) enforces professional conduct standards. In order to ensure a high level of public confidence in California teachers and other credentialed public school employees, DPP through the statutorily created Committee of Credentials (Committee), monitors the moral fitness and professional conduct of credential applicants and holders. The Commission has the authority to discipline an applicant or holder for fitness-related misconduct.

Applications and credentials may be adversely affected based on the applicant's or holder's immoral or unprofessional conduct, evident unfitness for service, refusal to obey laws regulating certified duties, unjustified refusal to perform under an employment contract, addiction to intoxicating beverages or controlled substances, commission of any act of moral turpitude, or intentional fraud or deceit in an application.

The Commission appoints the seven members of the Committee to review all alleged misconduct. The Committee includes three credential holders employed in public schools (one elementary teacher, one secondary teacher, and one administrator), one school board member, and three public members. The Committee meets once each month at the Commission's office in Sacramento and has the authority to close an investigation where the evidence does not support the allegations or to recommend discipline where the evidence supports the allegations. All discipline recommendations made by the Committee are subject to challenge and appeal by the credential applicant or holder and final approval by the full Commission.

The discipline investigation process is confidential, and only the discipline recommendation of the Committee and the Commission's final adoption of a disciplinary action are public information.

DPP Discipline Workload FY 2009-2010

Reports of Misconduct

DPP obtains jurisdiction to initiate an investigation of misconduct and/or moral fitness when it receives a report of an employment action taken as a result of misconduct by an employing school district; a complaint, under penalty of perjury, of alleged misconduct made from someone with firsthand knowledge; and as a result of reports of criminal convictions made by the Department of Justice (DOJ) and/or as a result of self-disclosure on an application. During FY 2009-10, the following reports of misconduct, by type were reviewed:

Reports of Misconduct

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
School District Reports	139	238	211	231	241
Complaints under penalty of perjury	139	47	223	135	130
All others (includes DOJ reports and self Disclosures)	4846	4490	3376	3777	5352
Total	5124	4775	3810	4143	5723

Caseload

Once jurisdiction is established, the reports of misconduct are reviewed by staff. A determination is made whether this alleged misconduct comes within the Commission's statutory authority. If yes, then a case is opened. The FY 2009-10 caseload is as follows:

New Cases Opened

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Applicants	851	423	348	409	360
Applicants/holders	453	737	672	561	558
First time applicants	2069	2665	2364	2404	2074
Holders	1271	1357	1283	820	2624
Waivers	81	74	84	94	46
Total	4725	5256	4751	4288	5662

Cases Opened Per Fiscal Year by Type

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Application	1677	2010	1537	1748	1221
Application & RAP	1654	1676	1549	1728	1913
Rap Sheet	1408	672	303	256	2115
School District/County Office of Education	139	238	211	221	241
Other	69	115	153	49	126
Arresting Agency	4	5	26	17	9
Affidavit/Complaint	139	47	21	15	27
Breach of Contract	8	4	3	8	21
State Test Misconduct	0	8	3	2	10
Waiver	18	1	11	95	46
Total	5116	4776	3817	4139	5729

Committee Review

After a case is opened, the matter is prepared for initial review by the Committee. The review is governed by statute and at any point the Committee can close the case on jurisdictional or evidentiary grounds. Following its final review, the Committee makes a recommendation regarding whether or not to take adverse action. The Committee's recommendation is placed on the Commission's Consent Calendar for final action.

Cases Completed

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Staff Action	5171	4224	3133	3087	4630
COC Grant/Close	562	585	574	538	150*
Commission	553	685	695	595	712
Total	6286	5494	4402	4220	5492

*Reflects change in procedure initiated in July 2009 which shifted portion of COC workload to staff action category resulting in increased number of staff actions.

Final Actions

Final actions fall into two categories. Mandatory actions are imposed by statute. The mandatory actions are delegated by the Commission to the Executive Director and are noticed on the Consent Calendar at the next scheduled Commission meeting. Discretionary actions are delegated by statute to the Committee for review and then the Committee's recommendation is sent to the Commission for final action. The Committee's recommendation can alternatively be appealed before a final action is taken and result in administrative adjudication (see next page).

Commission Final Actions FY 05/06 through 09/10

Mandatory Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocations	114	114	103	90	202
Denials	38	36	42	29	64

Discretionary Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocation	245	197	166	131	104
Denials	107	82	65	44	49
Suspension	172	267	279	194	207
Public Repeval	56	78	82	66	55
Private Admonition	16	16	24	20	19
Total Mandatory and Discretionary Actions	748	790	761	574	700

Administrative Adjudication

After its administrative review, the Committee may close its investigation or make a recommendation of adverse action. Respondents are provided notice of the recommendation and have the right to request an administrative appeal. The Commission is represented by the Attorney General and the matter is heard by an Administrative Law Judge who issues a proposed decision to the Commission. The Commission can adopt the proposed decision or reject it and call for the transcript. After review of the transcript, the Commission can adopt the Proposed Decision or issue its own decision.

Administrative Adjudication Workload FY 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Appeals Requested	N/A	N/A	103	161	159
Settlements (Commission)	N/A	N/A	68	62	46
Settlements (Attorney General)	N/A	N/A	15	10	24
Proposed Decisions Adopted by CTC	N/A	N/A	7	10	12
Decisions Issued by CTC	N/A	N/A	8	5	3
Judicial Actions (Writs)	N/A	N/A	2	2	6

Commission Disciplinary Workload

The Commission hears petitions for reinstatement, as provided by the Administrative Procedures Act, in closed session to determine whether petitioners whose credentials were revoked are fit to again hold a credential.

Petitions for Reinstatement FY 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Granted	3	7	5	9	9
Denied	7	8	10	15	15
Total Petitions	10	15	15	24	24

Other DPP Discipline Activities

In addition to the workload described above DPP provides telephonic and electronic mail responses to stakeholders and the public. A new telephone system was also fully implemented in 2009 to forward discipline related calls from the Commission's toll-free number to DPP. The number of telephone calls for does not reflect calls made directly to DPP.

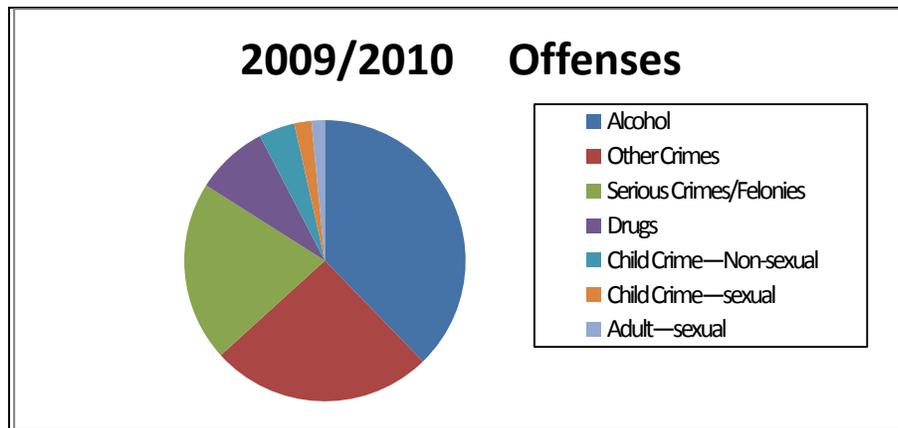
	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
E-mails Sent to DPP Info	N/A	N/A	592	4,588	5,630
Phone Calls	N/A	N/A	37,448	9,801	8,088

Analysis of Types of Criminal Misconduct

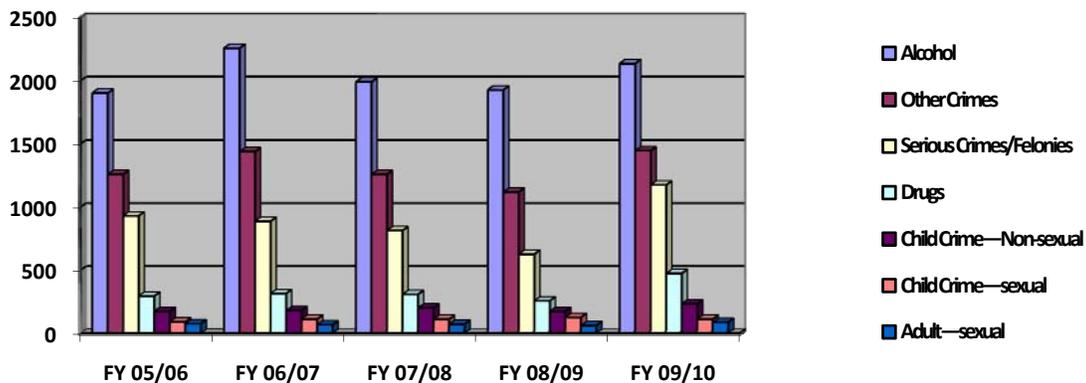
Of the total number of allegations of criminal misconduct reviewed during FY 2009-10, one-third of the offenses were alcohol related. This trend is consistent with the criminal misconduct over the previous four years.

Cases Opened by Offense Code FY 06 through 09-10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Alcohol	1901	2258	1990	1927	2136
Other Crimes	1259	1438	1258	1118	1446
Serious Crimes/Felonies	930	887	813	626	1174
Drugs	295	315	308	257	473
Child Crime—Non-sexual	175	179	201	173	234
Child Crime—Sexual	89	112	110	126	112
Adult—Sexual	76	67	71	61	87
Total	4725	5256	4751	4288	5662



Criminal Misconduct Cases by Type FY 05/06 through 09/10



Improvements Initiated During FY 2009-2010

DPP continues to review its processes and procedures to determine both efficiencies and streamlining of its work. The goal is to balance its mission of protection of California's public school children with the due process rights of credential holders and applicants. In the last half of FY 2008-2009 and throughout 2009-2010, DPP and the Attorney General's Office faced additional challenges with the imposition of furloughs for DPP and budget cuts at the Attorney General's Office. To that end DPP initiated the following improvements and changes during FY 2009-10.

- **Case Tracking System**

Final implementation of a computer based tracking system to identify and track documents, applications and cases as they are processed through DPP. This system provides weekly reports to staff members and management to ensure that cases are processed in a timely manner. In addition the system also identifies high priority cases and notifies management when activities are not completed and establishes a weekly report to track applications as soon as the application is assigned to DPP.

- **Improvements in Management of Criminal History Information Reports**

As a result of staff turnover, training issues and furloughs DPP faced a backlog in processing lower level criminal history information reports (raps) sent from the Department of Justice to the Commission. Unlike applicant information which is for the most part processed electronically, these reports were in a paper format sent to CAW and then to DPP. Many of the raps received in this manner do not result in a case being opened or considered by the COC. It was, however, necessary to sort and process the reports, enter relevant information as necessary into the system, track arrests to determine if the arrest led to a conviction, and, in some cases, obtain necessary police reports and court documents. In order to streamline the procedure, in early 2010 DPP moved to a paperless receipt and sort of raps. Raps are now sent electronically to DPP, entered in the system, sorted by priority and tracked, all on a same day basis. While this does not eliminate the workload that results if a case is opened, it does eliminate the number of raps waiting to be processed.

- **Streamline Processing of Pending COC Cases**

In early July 2009, as a result of both the limited amount of time the volunteer COC members have each month to meet and consider cases and the imposition of furloughs cancelling several meeting dates, staff and the Chair of the COC met with the Executive Director to discuss strategies to streamline the processing of pending COC cases. It was decided that matters which were unlikely to rise to the level of an Education Code §44242.5(b) informal review by the COC which previously had been presented to the COC on a consent agenda would be delegated to staff to grant or close. (These matters consist of a review of misconduct that was not the type which results in a COC recommendation for discipline because of various factors such as the length of time since the misconduct occurred, lack of recurring misconduct or evidence of rehabilitation provided with an application.) The new procedure has resulted in processing these matters one to seven weeks faster than the previous practice. The biggest benefit is to applicants who are awaiting a review and school districts that are not forced to remove an applicant from the classroom unnecessarily.

- **Consultation with Attorney General's Staff**

Periodic meetings are held with the staff at the Attorney General's Office to discuss the administrative workload process. Staff from both offices are developing and refining a case priority system to resolve cases at the administrative level in a timely manner. In June 2010, DPP and the Attorney General's office put in place a new process to handle high priority cases which involves direct assignment to a Deputy Attorney General who drafts the accusation rather than assignment to legal analysts. It is anticipated that this process will result in reducing the time it takes to bring a case to administrative hearing by a minimum of 12 months.

Next Steps

In FY 2010-2011, the Commission will complete the Credential Web Interface Project (CWIP) which will upgrade the Commission's existing computer system. DPP plans as part of the CWIP improvement project to achieve increased automation of its records, improve electronic monitoring of workload, improve DPP's continued use of technology to achieve greater efficiency and improve

and provide real time notification to school districts and the public regarding disciplinary actions. This will allow increased effectiveness in protecting California's public school children while at the same time providing credential holders and applicants with both due process and a faster processing time.

Criminal Offenses Requiring Denial or Revocation of Teaching Credentials

**Table 1 – Enumerated Crimes and Violent/Serious Felonies
in Education Code Sections 44346.1 and 44424**

Penal Code sections	Descriptions	Enumerated Crimes ¹	Violent Felonies ²	Serious Felonies ³
136.1	Intimidation of witness and victims		√	√
186.22	Any felony offense, which would also constitute a violation of section 186.22 (participation in criminal street gang)			√
187 – 191	Murder	√	√	√
187/664	Attempted murder	√	√	√
191.5	Gross vehicular manslaughter while intoxicated			√ ⁴
192(a)	Voluntary manslaughter	√	√	√
192(c)(1) or (3)	Vehicular manslaughter			√ ⁴
192.5(a) or (c)	Vehicular manslaughter while operating vessel			√ ⁴
193	Manslaughter	√		
194	Death of victim within 3 years and a day	√		
203	Mayhem	√	√	√
205	Aggravated mayhem	√	√	√
206	Torture	√		
207	Kidnapping	√	√	√
208	Kidnapping – victim under 14	√	√	√
209	Kidnapping for ransom or to commit other crimes	√	√	√
209.5	Kidnapping during carjacking	√	√	√
210	Pose as kidnapper to extort	√		
210.5	Taking hostages	√		
211	Robbery	√	√	√
212.5	Robbery	√	√	√
214	Train robbery	√		
215(a)	Carjacking	√	√	√
217.1	Assault on public officials	√		
220	Assault w/intent to commit mayhem, rape, sodomy, and oral copulation	√	√	√
222	Administering stupefying drugs during felony	√		
244	Assault w/caustic chemicals	√		√

¹Enumerated crimes are listed in Education Code § 44424 and includes misdemeanors except as otherwise noted.

²Violent felonies are listed in Penal code § 667.5(c).

³Serious felonies are listed in Penal Code §§ 1192.7(c) and 1192.8.

⁴The offense is only a serious felony when it involves the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon within the meaning of Penal Code §§ 1192.7(c)(8) or (23).

Penal Code sections	Descriptions	Enumerated Crimes ¹	Violent Felonies ²	Serious Felonies ³
245	Assault w/deadly weapon or by the means of force likely to produce great bodily injury	√		√
245.2	Assault w/deadly weapon/force on driver			√
245.3	Assault w/deadly weapon/force on custodial Officer			√
245.5	Assault w/deadly weapon/force on school Employee			√
246	Shooting at inhabited dwelling			√
261	Rape	√	√ ⁵	√
261.5	Unlawful sexual intercourse w/minor (statutory Rape)	√		
262	Rape of spouse	√	√ ⁶	
264.1	Voluntarily acting in concert with another...to commit an act in §§ 261, 262, or 289	√	√	√
265	Abduct women for marriage, etc.	√		
266	Entice minor female for prostitution, etc.	√		
266a	Take person for prostitution w/o consent	√		
266b	Take person for illicit relations	√		
266c	Inducing consent of sexual act by fraud or fear	√		
266d	Receive money for cohabitation placement	√		
266e	Purchase a person to work as prostitute	√		
266f	Sell person for immoral purpose	√		
266g	Place wife in brothel	√		
266h	Pimping/pimping a minor	√		
266i	Pandering/pandering with a minor	√		
266j	Procure a child under 14 years for lewd or lascivious acts	√		
267	Abduct minor for prostitution	√		
272	Contributing to the delinquency of a minor (involving lewd or lascivious conduct)	√		
273a	Willful cruelty to child	√		
273ab	Assault resulting in death to child	√		
273d	Corporal punishment or injury to child	√		
273f	Sending minor to immoral place	√		
273g	Immoral acts before child	√		
278	Child stealing	√		
285	Incest	√		
286	Sodomy	√	√	√
286.5	Sexual assault on animal	√		
288	Lewd or lascivious acts	√	√ ⁷ √	√ ⁶
288.2	Harmful matter sent w/intent to seduce minor	√		
288.5	Continuous sexual abuse of child	√	√	√
288a	Oral copulation	√	√	√
289(a)	Forcible acts of sexual penetration		√	√

⁵Includes only violations of Penal Code §§ 261(a)(2) or (6).

⁶Includes only violations of Penal Code §§262(a)(1) or (a)(4).

⁷Includes only offenses involving a child under 14 years.

Penal Code sections	Descriptions	Enumerated Crimes ¹	Violent Felonies ²	Serious Felonies ³
422	Making criminal threats			√
424	Embezzlement by public officer	√		
425	Failure to pay public money	√		
451	Arson			√
451(a) or (b)	Arson		√	
459	Burglary in the first degree, as defined in 460(a)		√ ⁸	√
484	Theft of personal property (felony only)	√		
484b	Diversion of funds (felony only)	√		
484c	Obtain money by false voucher (felony only)	√		
484e	Theft of access card (felony only)	√		
484f	Forge access card (felony only)	√		
484g	Fraudulent use of access card (felony only)	√		
484h	Access card offenses by retailer (felony only)	√		
484i	Possess access card equipment (felony only)	√		
484j	Publication of access card number w/intent to defraud (felony only)	√		
484.1	False representation to pawnbroker (felony only)	√		
485	Theft: Appropriate lost property (felony only)	√		
487	Grand theft (felony only)	√		√ ⁹
487a	Grand theft: animal carcass (felony only)	√		
487b	Grand theft: convert real property (felony only)	√		
487d	Grand theft: gold dust, mining equip (felony only)	√		
487e	Grand theft: dog (felony only)	√		
487g	Grand theft: animal for sale/research (felony only)	√		
503	Embezzlement	√		
504	Embezzlement	√		
518	Extortion		√	
4500	Assault w/force by a prisoner			√
4501	Assault w/deadly weapon by a prisoner			√
4503	Holding of hostages by a prisoner			√
11418(b) or (c)	Using weapons of mass destruction		√	√
12022.53	Commit felony w/use of firearm		√	√
12034(c) or (d)	Discharge of firearm from vehicle			√
12303.3	Exploding a destructive device w/intent to injure			√
12308	Use of destructive device w/intent to murder		√	√
12309	Exploding destructive device		√	√
12310	Exploding destructive device		√	√
H & S § 11055(d)(2) & (f)(1)(A)	Providing illegal drugs			√
H & S § 11100(a)	Providing illegal drugs			√

⁸The offense is a violent felony if "it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary." See Penal Code § 487(d)(2).

⁹Includes only grand theft involving a firearm – Penal Code § 487(d)(2).

Penal Code sections	Descriptions	Enumerated Crimes ¹	Violent Felonies ²	Serious Felonies ³
Vehicle Code § 2800.3	Willful flight			√ ⁴
Vehicle Code § 23104(b)	Reckless driving			√ ⁴
Vehicle Code § 23153	DUI			√ ⁴
Various	Any attempt to commit an enumerated crime, a violent felony, or a serious felony	√	√	√ ¹⁰
Various	Any conspiracy to commit a serious felony			√
Various	Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more enumerated offenses, violent felonies, or serious felonies ¹¹	√	√	√
Various	Any felony punishable by death or life imprisonment in the state prison		√	√
Various	Any felony where the defendant personally uses a dangerous or deadly weapon, or a firearm		√	√
Various	Any felony where the defendant personally inflicts great bodily injury on those other than accomplices		√	√
Various	Assault w/intent to commit rape			√
Various	Assault w/intent to commit robbery			√
Various	Attempt to commit felony punishable by death or life imprisonment			√
Various	Felony w/personal use of dangerous/deadly weapon			√
Various	Grand theft involving firearm			√

¹⁰Other than assault – see Penal Code § 1192.7(39).

¹¹See Education Code §§ 44424(a), 44346.1(b).

Table 2 – Sex Offenses

Penal Code Section	Descriptions	See Education Code § 44010, subsection:
220	Assault to commit rape	(a)
243.4(a)(b)(c)	Sexual battery	
261	Rape	
261.5	Unlawful sexual intercourse with minor (statutory rape)	
262	Rape of spouse by force/fear/threat	
264.1	Aiding and abetting rape	
266	Entice minor female for prostitution/etc.	
266j	Providing or transporting child under 16 for purpose of lewd or lascivious act	
267	Abduct minor for prostitution	
272	(On or after 9/15/61) Contributing to the delinquency of a minor involving lewd or lascivious conduct	
285	Incest	(a)
286	Sodomy	(a), (g)
288	Lewd or lascivious acts with child under 14 years	(a)
288.3	Contact minor w/intent to commit sexual offense	(j)
288.4	Contact minor w/intent to commit sexual offense	(j)
288.5	Lewd or lascivious acts	(a)
288a	Oral copulation	(a), (g)
289	Penetration by foreign object	(a)
290	Registration as a sex offender and for any conviction resulting in requirement to register as a sex offender	(j) Ed. Code §44425(d)
311(1)	(After 9/7/55 but before 9/15/61) Indecent exposure	(d)
311(2)	(Before 9/15/61) Procuring another's lewd exposure or excitation lewd thoughts	(b)
311.1	Sent or brought into state for sale or distribution, matter depicting sexual conduct by minor	(a)
311.2	Sending or bringing into state for sale or distribution, matter depicting sexual conduct by minor; transaction with minor	
311.3	Sexual exploitation of child	
311.4	Employment or use of minor to perform prohibited acts	
311.10	Advertising for sale or distribution obscene matter depicting a person under the age of 18 years engaging in or simulating sexual conduct	
311.11	Possession or control of matter depicting minor engaging or simulating sexual conduct	
313.1	Distribute harmful matter to minors	
314	(On or after 9/15/61) Indecent exposure	(c)
647(a)	Disorderly conduct: solicit lewd act	(a)
647(d)	Disorderly conduct: loiter in or about toilet	
647a	(Before 12/31/87) Annoy/molest children	
647b	Loitering about adult schools; molesting of pupils	(b)
647(5)	(Before 9/15/61) Vagrancy, lewd: solicitation of homosexual activity	
647.6	(After 1/1/88) Annoy/molest children	(a)
Various	Any attempt to commit any of the above-mentioned offenses	(h)
Various	Any commission or attempt in another state or against the laws of the United States, which if committed in California would have been punishable as one or more of the above-mentioned offenses. [Including §290 per Ed. Code §44425(d)]	(i) Ed. Code §44425(d)
Wel & Inst §702	(Prior to 9/15/61) Lewd and lascivious conduct	(f)
Wel & Inst §6300	Commitment as a mentally disordered sex offender under former article (commencing with §6300) of Chapter 2 of Part 2 of the Welfare & Institutions Code, repealed by Chapter 928 of the statutes of 1981.	(k)

Table 3 – Controlled Substance Offenses

Health & Safety Code Sections	Descriptions	See Education Code § 44011, subsection:	
11350	Possession of designated controlled substances	(a)	
11351	Possession/purchase of designated controlled substances for sale		
11351.5	Possession of cocaine for sale		
11352	Transportation/etc. designated controlled substances		
11352.1	Dispensing or furnishing drugs without a license		
11352.5	Sale of heroin		
11353	Adult induces/etc. minor to violate controlled substance provisions		
11353.1	Violation of 11353 by an adult near other minors		
11353.4	Multiple violations of 11353 by an adult; involving minor under 14 yrs		
11353.5	Sale/etc. of controlled substance by adult to a minor under 14 yrs and near other minors		
11354	Minor induces/etc. another minor to violate controlled substance provisions		
11355	Sale/etc. of substance in lieu of controlled substance		
11361	Employment of minor under 14 yrs to transport/sell/etc.		
11366	Open/maintain place to sell/etc. controlled substance		
11368	Forged or altered narcotic prescription		
11377	Possession of controlled substance		
11378	Possession of controlled substance for sale		
11378.5	Possession of phencyclidine for sale		
11379	Transportation/etc. of controlled substance		
11379.2	Possession for sale, or sale of ketamine		
11379.5	Transportation/etc. of phencyclidine		
11379.6	Manufacture/etc. of controlled substances		
11379.7	Violation of specified offenses near child under 16		
11379.8	Violation of 11379.6 with specified controlled substances		
11379.9	Causing death or great bodily injury of another person		
11380	Use/etc. of minor by an adult to violate controlled substance provisions		(a)
11380.1	Violation of 11380 with specified controlled substances		
11380.5	Furnishing/etc. minor with specified controlled substances		
11382	Sale/etc. of substance in lieu of controlled substance		
11550	Use/under the influence of controlled substance	(b)	
Various	Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.		
11500	(Former section) Unlawful possession of a controlled substance	(c)	
11500.5	(Former section) Unlawful possession of controlled substance for sale		
11501	(Former section) Unlawful transportation of controlled substance		
11502	(Former section) Inducing minor's violation of controlled substance provisions		
11502.1	(Former section) Inducing minor's violation of controlled substance provisions		
11503	(Former section) Unlawful sale, transportation, etc. of controlled substance		
11557	(Former section) Operating or maintaining place for dispensing Controlled substance		
11715	(Former section) Forging or altering prescription		

Educator Discipline Workflow

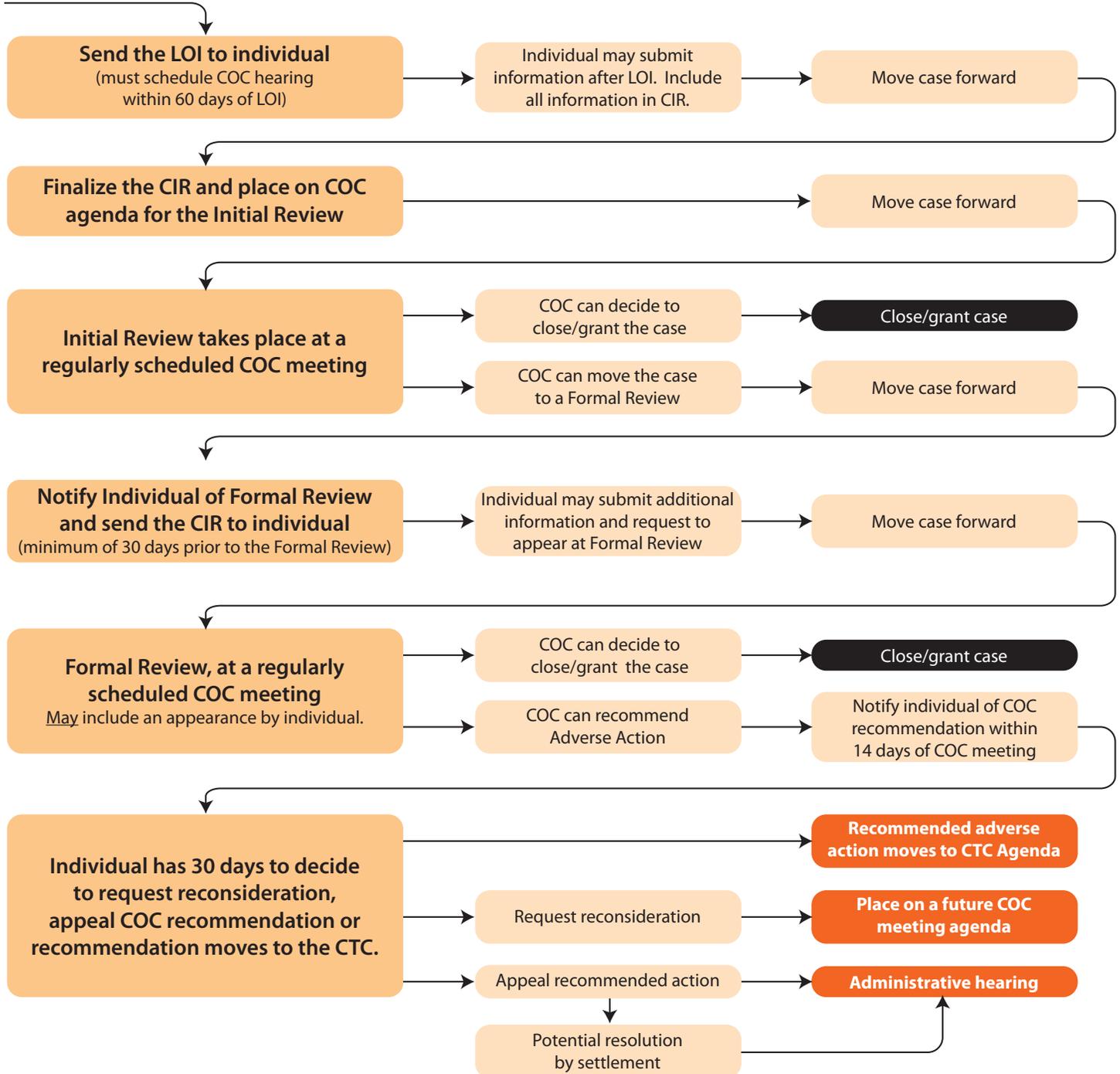
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COC Actions or possible Adverse Actions:

Applicant: "Grant" or "Deny the Credential"

Holder: "Close Case", "Private Admonition", "Public Reproval", "Suspend" (1-365 days), or "Revoke" all Credentials

NOTE:

Applicants have the burden of proof — they are applying for a license. Actions are to "Grant the credential" or "Deny the credential." Credential holders hold a credential and the Commission has the burden of proof because the Commission would be taking away the individual's property right to that credential.

Educator Discipline Workflow

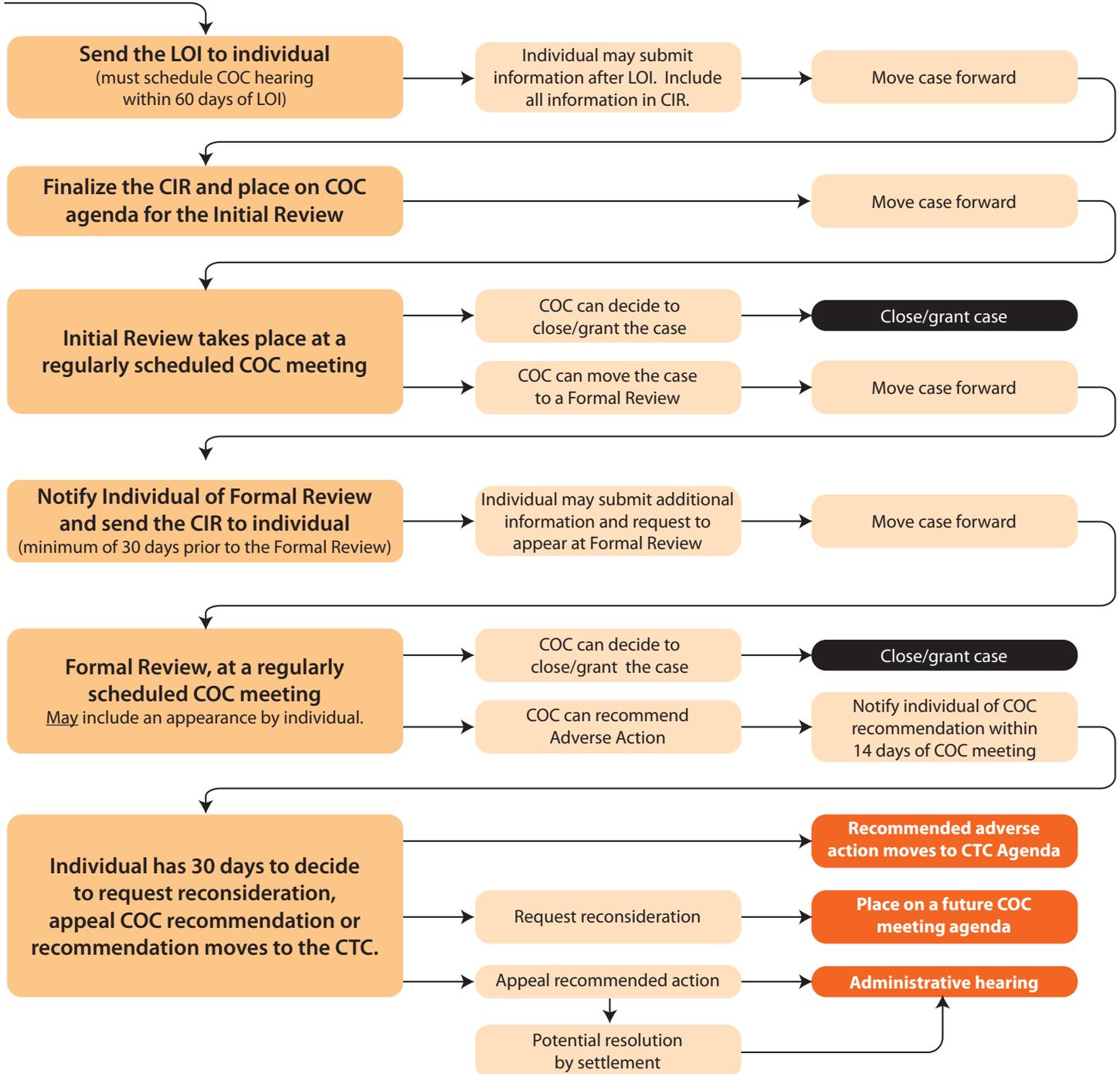
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**Commission on Teacher Credentialing
Six-month Progress Report**

Table of Supporting Documentation

Recommendation	Exhibit/Supporting Documentation	Page
1	Description of DOJ/NLI Process	Tab 1-3
	Coded Correspondence: Certificate of Clearance Validity	Tab 1-7
	Monthly DPP RAPs Received and Processed Report	Tab 1-10
	Description of RAP Categories	Tab 1-11
2	Press release announcing new general counsel	Tab 2-2
	Quarterly Agenda Planning Schedule for January 2012 Agenda Items	Tab 2-3
3	Division of Professional Practices Reports	Tab 3-3
	Transfer of position from CAW to DPP	Tab 3-24
	Hiring Freeze Exemption Request	Tab 3-38
4	Attorney General Opinion Assignment Letter (July 1, 2011)	Tab 4-3
	Committee on Credentials Cases on Agenda	Tab 4-61
5	Field Update Memo Announcing Educator Discipline Survey	Tab 5-2
	Educator Discipline Stakeholder Survey	Tab 5-3
	Teacher Discipline Improvement Initiative Web Page	Tab 5-9
6	Intranet screen shot – accessibility of DPP manuals	Tab 6-2
	Intake Data Dictionary	Tab 6-3
	Intake Database Procedures	Tab 6-10
	DPP User’s Manual for CASE Activities	Tab 6-13
	DPP Intranet Webpage	Tab 6-18
7	DPP Training Log	Tab 7-2
	Intake Database Training PowerPoint	Tab 7-3
8	Intake Database System – sample screen shot	Tab 8-3
9		
10	Hiring Handbook	Tab 10-2
	Manager Training on Commission Hiring Policies	Tab 10-25
11	CTC Employee Intranet Webpage	Tab 11-3
	EEO Policy	Tab 11-4
	Zero Tolerance Sexual Harassment Policy	Tab 11-7
	Workplace Violence Policy	Tab 11-16
	Equal Employment Opportunity Handbook	Tab 11-19
	SEIU Training Handout	Tab 11-29
	Workplace Retaliation Training Handout	Tab 11-34
	EEO Training Handouts	Tab 11-38
	Enhancing Resilience During Change Training Handout	Tab 11-84
Miscellaneous Workplace Information and Training	Tab 11-105	

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation One: To comply with the law and reduce unnecessary workload, the division should continue to notify Justice of individuals for whom it is no longer interested in receiving RAP sheets.</p>	<p>The Commission is notifying DOJ of individuals for whom it is no longer interested in receiving RAP sheets¹. Specifically:</p> <ul style="list-style-type: none"> • The Commission now designates certain individuals as “No Longer Interested” (NLI) if they have not applied for a credential within three years of submitting fingerprints or have credentials that have been expired for more than three years. <p>As of September 30, 2011, there are an estimated 330,000 persons in the CTC database who have been designated as NLI. Of those, about 18,000 did apply for a credential after being fingerprinted, and 312,000 have expired credentials. DOJ is able to process NLI requests electronically in batches up to 10,000 records per day, but only for those persons whose records exist in their digitized database. DOJ has provided a list of all such persons of interest to CTC, and approximately half of the NLI persons in the CTC database appear on this list. The remainder must be submitted to DOJ for manual processing in smaller batches. Staff is working with DOJ to determine the appropriate daily manual batch size.</p> <p>CTC staff estimates that the electronic submission of NLI records will be complete within 30 calendar days of implementation of the automated system now being developed and expected to be deployed by November 1, 2011. The submission of manually processed records will take significantly longer, the exact time being a function of the capacity of DOJ to receive manual batches (i.e. a function of the maximum manual batch size established by DOJ).</p> <ul style="list-style-type: none"> ○ On August 10, 2011, CTC staff began manually flagging records for NLI in the CTC database. To date, 3,400 records have been flagged. Of those, 156 were submitted to DOJ for manual processing on September 6, 2011; 944 will be submitted in early October. The remaining 2,300 flagged records are qualified for

¹ Although the Commission has returned 908 physical RAPs to DOJ, staff and DOJ have determined that a more efficient process for both agencies is for the Commission to provide DOJ electronic notification of individuals for whom it is no longer interested in receiving RAPs (see first bullet, above). Once the process is fully automated, the CTC will no longer receive RAPs for NLI-designated individuals. Until that time, the Division Director will develop and implement a written policy regarding the confidential retention and disposition of RAPs received for NLI-designated individuals.

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<p>automated batching and will be submitted when the NLI automation project is complete and functioning.</p> <ul style="list-style-type: none"> ○ Once fully automated, NLI lists will be generated automatically and will be provided to DOJ daily to ensure the Commission does not receive and process RAPs for persons who meet the criteria stated above. ○ The Commission is pursuing regulatory changes to reduce the NLI period from three years to 18 months which could yield up to 40,000 additional individuals designated as NLI. <ul style="list-style-type: none"> ● The Commission notified local educational agencies and other stakeholders of changes in fingerprint retention policy to ensure that returning educators whose fingerprint information has been invalidated are properly re-fingerprinted before being hired. ● The Commission is closely monitoring and tracking RAPs as they are received. The Division produces a monthly RAP Report shows the number of RAPs received each month, by category, and how they are processed. <p><i>Special note:</i> Despite previous thorough searches of office spaces, cubicles, and storage rooms, a box of 2,300 RAPs was discovered on Saturday, September 17, 2011 by staff. (It is thought that the box was part of the original 12,000 backlog of RAPs from 2009 because the RAPs were bundled and sorted.) Staff determined approximately 1,800 of the RAPs are NLI. The remaining RAPs are now being processed according to Division protocols. All workspaces in the Division were searched again and no additional unprocessed RAPs were located.</p>

Description of CTC DOJ/NLI Process

CTC has identified three broad categories under which a person may qualify for termination of RAP data from DOJ:

1. Persons who have submitted fingerprints but have not applied for a credential within three years,
2. Persons whose credentials have been expired for more than three years, and
3. Persons identified by CTC staff according to other business rules.

(A policy change has been proposed which would reduce the three year period to 18 months.)

Initial estimates indicate that the CTC database contains records for approximately 30,000 persons in category 1 and 270,000 persons in category 2. Category 3 is difficult to quantify because persons are qualified for different business/procedural reasons and not necessarily according to pre-determined time boundaries. Still, the percentage of persons in the teacher population generating reports of criminal activity is historically below 5%, so the actual reduction of RAPs requiring processing at CTC would likely be a similar percentage of the total number targeted for termination.

In preparation for the development of processes for managing the termination of DOJ RAP notifications, CTC has been coordinating with DOJ to better understand their capabilities and requirements, which may be summarized as follows:

1. DOJ systems support the submission of a data file via secure FTP as a means of terminating RAP notifications.
2. Some person records may be processed by DOJ using the automated method described above, while others require manual processing. (DOJ has provided a list of those persons whose records may be processed via automation.)
3. DOJ requests that records be submitted to them for manual processing only if they cannot be processed using automation.
4. Data submitted for automated processing must be submitted in batches of 10,000 records or less.
5. Large batches of data submitted for manual processing may be delivered as a list (several entries per page) while smaller batches may be delivered on DOJ's "NLI" form (one entry per page).
6. Batches for manual processing may be submitted via mail or fax.

CTC has adopted a phased approach to managing the termination of DOJ RAP notifications for qualified persons. The first phase is a semi-automated process focused on persons qualified under category 3 above. It was implemented August 10, 2011, and consists of the following:

1. Persons qualifying under category 3 above will be flagged in the CASE database:
2. At the beginning of each month, those records flagged during the previous month which don't match records in the "automatable" list provided by DOJ will be automatically printed to paper for submission to DOJ for manual processing.
3. Processing of flagged records which DO match records in the "automatable" list will be deferred pending development of an automated process for capturing, batching and transmitting them to DOJ for automated processing.

Description of CTC DOJ/NLI Process

The second phase will automate the processing of persons qualified under category 2 above. The goal of this phase is to allow the continuous monitoring of CTC data such that, as records qualify under category 2 defined above, they are prepared and batched on a daily basis for submission to DOJ according to whether they appear on the DOJ "automatable" list, as described above. We're working to develop this phase for implementation starting in October 2011.

The final phase will be a fully automated process focused on persons qualified under category 1 above, and will encompass the other two categories as well. This process will identify those persons whose fingerprints have been screened on behalf of CTC but have never applied for a credential. Records for these persons will be batched for automated or manual processing by the DOJ according to DOJ's requirements.

Once the systems are fully automated, processing will be configured to occur on a regular schedule to be determined according to business needs – at least monthly and possibly weekly or daily.

Because of the large number of CTC records currently qualifying for termination, the workload for DOJ during the initial implementation will be substantial. CTC will meter the data submitted for automated processing such that each batch conforms to their stated limit of 10,000 records daily. CTC will also coordinate directly with DOJ staff to ensure that data requiring manual processing is submitted in quantities that allow DOJ to process them effectively.

**** Transmit Conf. Report ****

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Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 1-888-921-2682 Fax (916) 323-6735 www.ctc.ca.gov

Division of Professional Practices

F A X

Total pages including cover: 17

To: Rose Diaz

Fax number: 916-227-4722

From: Gary Chapman

Fax number: 916-323-6735

Date: 9/8/2011

Regarding:

NLI

Phone number for follow-up:

916-445-2516

Hi Rose-

Attached is list of persons whom the Commission on Teacher Credentialing is no longer interested in receiving subsequent rap notifications.

Please let me know if you have any questions or concerns regarding this transmission.

Thank you,

Gary Chapman

Description of CTC DOJ/NLI Process

Sample of list for manual submission to DOJ (personal information has been masked):

Name	Sex	DOB	AppType	SSN	NLI Date
Name 00001	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00002	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00003	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00004	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00005	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00006	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00007	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00008	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00009	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011
Name 00010	X	*****	92078 (APPLICANT TCC) - OR - 90000 (APPLICANT LCP) - OR - 92117 (ASCC PER 44346.5 EC)	*****	09/07/2011



CODED CORRESPONDENCE

DATE: September 15, 2011	NUMBER: 11-15
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Elizabeth Graybill Interim Executive Director Commission on Teacher Credentialing
SUBJECT: Certificate of Clearance Validity and Fingerprint Retention	

Summary:

This coded correspondence explains changes to the validity of Certificates of Clearance (COC) and the retention of fingerprint information by the Commission’s Division of Professional Practices (DPP) as recommended by the Bureau of State Audits (BSA).

Key Provisions:

Certificates of Clearance

Amendments to 5 California Code of Regulations §80028 took effect on July 1, 2007 and limit the validity period of a COC to five years. A link to Coded Correspondence 07-07 is available in the References section of this correspondence. At the time the amendments were implemented, the five-year validity period only applied to COCs issued on or after July 1, 2007. However, closer review of Education Code §44350 revealed that every document issued by the Commission is required to bear an expiration date. Thus it has been determined that the five-year validity period applies to all COCs regardless of issuance date.

Beginning the month of October 2011 and through to the end of the year, the Commission will manually add a five-year expiration date to all COCs issued prior to July 1, 2007. The five-year validity period will be calculated from the original issue date of a COC. The associated fee credit will no longer be available after a COC expiration date. In addition, the fingerprint information will be invalidated for individuals who have not held any other type of valid document for three or more years after the expiration date of a COC. The fingerprint process will need to be repeated when individuals whose fingerprints have been invalidated subsequently apply for certification, including applications for new COCs.

Livescan Submissions

The Commission routinely receives electronic fingerprint information from the Department of Justice (DOJ) for individuals who do not subsequently file an application

for a credential, certificate, permit, or waiver. The tracking of the fingerprint information for these individuals creates an unnecessary workload for DPP, especially when Reports of Arrest and Prosecution (RAP) sheets are received for individuals who do not hold a valid document or do not have an application pending at the Commission.

Beginning in the month of October 2011, the fingerprint information will be invalidated for individuals who complete the Livescan process but do not subsequently file an application with the Commission for a document in three or more years.

Expired Teaching or Services Documents

Currently, RAP sheets are provided by the DOJ for individuals issued a document by the Commission, even if their documents have been expired for many years. At the beginning of August 2011, there were approximately 270,000 individuals in our database who have not held a valid document for more than three years. Beginning in the month of October 2011, the fingerprint information will be invalidated for individuals whose teaching or services documents (credential, certificate, permit, or waiver) have been expired for three or more years. New fingerprint information will be required if an individual subsequently elects to reactivate a document or apply for a new type of document.

Invalidated Fingerprint Information

The BSA report found that DPP spends between one and five weeks yearly handling RAP sheets for individuals who do not hold valid documents. Invalidating fingerprint information in the situations described in this coded correspondence will allow DPP to notify the DOJ that we are no longer interested in receiving RAP sheets for the affected individuals. New fingerprint information (Livescan for California residents; two fingerprint cards and the fingerprint processing fee for out-of-state residents) will be required with the next application for a new document or renewal of a previously issued document from individuals with invalidated fingerprint information. Links to the *Fee Information* leaflet and the *Request for Livescan Service (41-LS)* form are available in the References section.

Background:

The Joint Legislative Audit Committee requested that the Bureau of State Audits within the California State Auditor's office conduct an audit of the Commission's educator discipline process. The audit report, completed in April 2011, included a recommendation that the Commission notify the DOJ when it no longer needs RAP sheets on an individual for misconduct that occurs in California. A link to the audit report is available in the References section.

Since a credential, certificate, permit, or waiver issued by the Commission is required for employment of certificated individuals in California's public schools, the assumption may be made that an individual who has not held a valid document issued by the Commission for three or more years is no longer employed in the public schools. The resubmission of fingerprint information by the individuals affected by this coded correspondence will trigger a new check of the DOJ and FBI criminal records, as well as reestablish the reporting of subsequent RAP sheets by the DOJ.

Commission staff has proposed regulation amendments that will reduce the timeframe for invalidation of fingerprint information from three years to 18 months. It is anticipated that the public hearing for the proposed regulations will be held at the Commission meeting in December 2011. A coded correspondence announcing the public hearing will be posted to the Commission's website at least 45 days prior to the meeting date.

Source:

Education Code §§44339, 44340, and 44350

Penal Code §11105.2

Title 5 §80028

References:

Bureau of State Audits Report: <http://www.ctc.ca.gov/audit/2010-119-BSA-report.pdf>

Coded Correspondence 07-07 – Approval of Regulations Pertaining to the Certificate of Clearance and Fees: <http://www.ctc.ca.gov/notices/coded/0707/0707.pdf>

Fee Information Leaflet CL 659:

<http://www.ctc.ca.gov/credentials/fee-and-fingerprint.html>

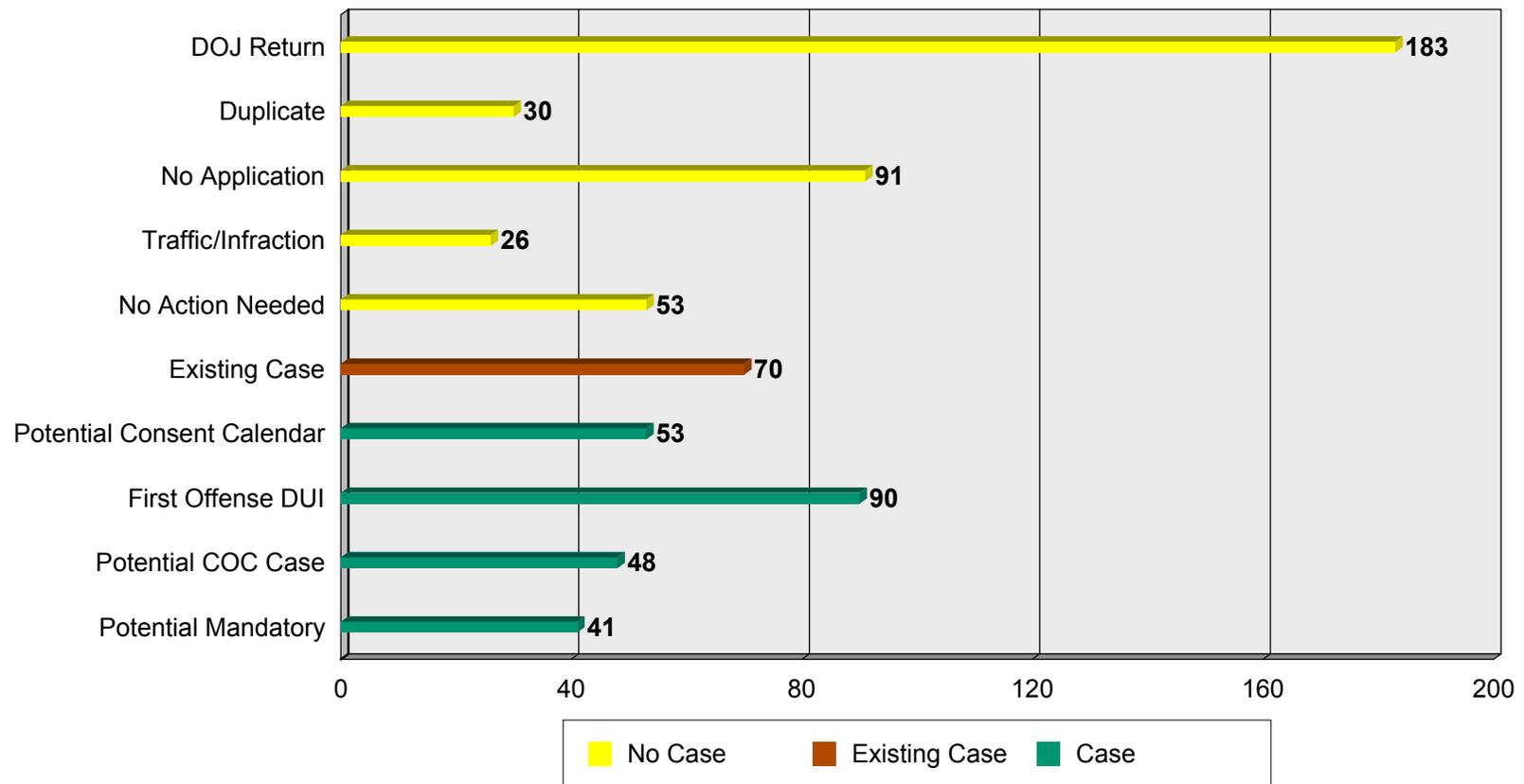
Request for Live Scan Service (41-LS):

<http://www.ctc.ca.gov/credentials/leaflets/41-LS.pdf>

Contact Information:

Commission's Information Services Unit by telephone at 1-888-921-2682, Monday through Friday from 12:00 pm to 4:45 pm or by email at credentials@ctc.ca.gov.

DPP RAPs Received and Processed August 2011



No Case	383
Existing Case	70
Case	232
Total RAPs	685

Rap Categories

RAP CATEGORIES

Rap sheets are assigned to different categories depending on the level of review necessary which include determining factors, such as prior misconduct, type of current misconduct, type of credential held.

Raps are currently processed in two different groups. Raps that need additional processing and may result in a case file (*) and Raps that do not require additional processing.

CATEGORIES/DEFINITIONS

Already Reviewed: This is a rare category. Subsequent rap notifications are usually new misconduct. However, rap notifications may be received for misconduct previously reviewed.

Duplicate: If a Respondent has been fingerprinted on multiple occasions, the same rap sheet will be submitted to CTC on more than one occasion. The arrest/conviction information will be identical on these raps. The original fingerprint date will be different.

First Offense DUI: If a rap notification is received with DUI related information, DPP may review a singular DUI offense without any further processing, if it is the only misconduct within the past 5 years. Effective May 1, 2011 – all First Offense DUI's are considered Consent Calendar items and will go to COC.

***New:** Respondent has a rap with new charges, and a case needs to be opened.

No Action Necessary (NAN): Raps are considered No Action Necessary when a rap is received that reflects PROSECUTION RELEASE-DETENTION ONLY-LACK of SUFFICIENT EVIDENCE, or INADMISS SEARCH & SEIZ. These raps indicate there might have been an arrest, but no formal charges were filed against Respondent. In many of these cases, we do not have jurisdiction to review the case, and therefore No Action is Necessary. Cases are opened when they involve child crimes.

***Open Case Update:** A rap sheet may be categorized as Open Case Update if there is already an established case open regarding prior misconduct that is being reviewed by staff.

***Potential LOI:** The level of misconduct requires Committee review and are categorized Potential LOI. The Respondent's prior case history and current misconduct are all factored in to determine a level of review.

***Potential Mandatory:** The level of misconduct on the rap notification may require a Mandatory action by CTC upon receipt of a criminal conviction. Potential Mandatory actions may result in an auto-suspension while court charges are pending. These raps are priority and require immediate processing.

Red Flag: DPP currently has a date requirement in which we allow Respondents with an expired credential 3 months before officially removing their fingerprint clearance. Once FP clearance is removed, a Respondent MUST be re-fingerprinted. Red Flagging notifies all departments that DPP has information that must be reviewed prior to approval and granting of any/all applications.

Rap Categories

RFRDOJ: (Red Flag Reject Department of Justice) If a Respondent no longer has a valid credential or an application in Siebel, his rap sheet will be marked as RFRDOJ. An RFRDOJ rap occurs when the Respondent is NOT holding a credential, and their misconduct did not occur while they were holding. The Rap sheet is returned to DOJ and requires that Respondent be re-fingerprinted when submitting a subsequent application.

Traffic: Rap notifications with simple traffic citations may be reviewed depending on Respondent's prior misconduct (DUI, multiple license violations). These raps generally require no further processing.

Infraction: Rap notifications regarding minor misdemeanor to an infraction, or the charge may be a local ordinance violation, these raps may be categorized as Infractions. This rap requires no further processing.

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Two: The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.</p>	<p>Because the Executive Director plays a critical role in the development and implementation of the Commission’s strategic plan, the Commission will revise its strategic plan pursuant to this recommendation once the new Executive Director is appointed. Updating the Strategic Plan will include consulting with the new General Counsel to identify the programmatic, organizational, and external challenges that face the Division and the Committee of Credentials (COC).</p> <ul style="list-style-type: none"> • The Commission hired Nanette Rufo, J.D. to serve as its new General Counsel and Director of the Division of Professional Practices. Ms. Rufo began her service on September 12, 2011. • The Commission is expected to take action to appoint a new executive director at the October 5-6, 2011 meeting. The new Executive Director is expected to begin on or before November 1, 2011. • The Commission’s Quarterly Agenda calls for the new Executive Director to present a plan for revising the strategic plan to the Commission at its January 2012 meeting including how the Commission will identify the programmatic, organizational, and external challenges that face the Division and the COC and the goals and actions necessary to accomplish its mission.



PRESS RELEASE
FOR IMMEDIATE RELEASE
WEDNESDAY, SEPTEMBER 7, 2011

COMMISSION ANNOUNCES NEW GENERAL COUNSEL

SACRAMENTO – Beth Graybill, Interim Executive Director, Commission on Teacher Credentialing (Commission), announced the appointment of Nanette F. Rufo as General Counsel and Director of the Division of Professional Practices, effective September 12, 2011. Nanette Rufo succeeds Mary C. Armstrong who announced her retirement last month. The [Division of Professional Practices](#) supports the disciplinary work of the Commission and the Committee of Credentials.

Ms. Rufo, a graduate of McGeorge School of Law, brings a wealth of legal knowledge and insight to the Commission, including several years of experience in the 1990's at the Commission as Staff Counsel. Her legal experience spans over 30 years and includes Staff Counsel positions at the Department of Alcohol and Drug Programs, Department of Youth Authority and Fair Political Practices Commission, in addition to private practice.

“Nanette brings new leadership to the Division of Professional Practices,” said Ms. Graybill. “In addition to her extensive legal background, Nanette was part of team that successfully implemented the SMART¹ project, a major, multi-department technology project at the Department of Alcohol and Drug Programs. This experience will be helpful in implementing the Commission’s [Teacher Discipline Improvement Initiative \(TDII\)](#). ”

The Commission’s TDII will streamline discipline workload processing and reporting capabilities, clarify delegation authority and revise personnel policies to address recommendations made in the State Auditor's April 7, 2011 report.

###

¹ Short-Doyle Medi-Cal Remediation Technology (SMART) system

1J

Information

General Session

New Business

Executive Summary: The Quarterly Agenda will be presented for planning and information purposes.

Recommended Action: For information only

Presenter: Beth Graybill, Interim Executive Director

Strategic Plan Goal: 2

Support policy development related to educator preparation, conduct and professional growth

October 2011

Quarterly Agenda

November 2011, December 2011, and January 2012

Planning Schedule

Items listed below are subject to change

November 3, 2011 Commission Meeting

Agenda Item	Committee	Item Type
Status of Legislation	LEG	Information
Approval of Agreement Awards Over \$150,000 for Fiscal Year 2011-12	FPPC	Action
Update on the Proposed 2012-13 Governor's Budget	FPPC	Information
Proposed Amendments and Additions to 5 California Code of Regulations Pertaining to Teacher Librarian Service Credentials	C&CA	Information
Annual Report on Teacher Development Programs	PSC	Action
Initial Institutional Approval	PSC	Action
Recommendations from the Administrative Services Advisory Panel	PSC	Action
Annual Report from the Committee on Accreditation	PSC	Information
Subject Matter Requirements and Standards for Single Subject: World Languages-English as a New Language Program	PSC	Information
Workload Report Regarding the BSA's Audit Recommendations	PPC	Information

December 8-9, 2011 Commission Meeting

Agenda Item	Committee	Item Type
Legislative Concepts for Commission Consideration	LEG	Action
Approval of Agreement Awards Over \$150,000 for Fiscal Year 2011-12	FPPC	Action
Proposed Budget Change Proposals for Fiscal Year 2012-13	FPPC	Action
Update on the Proposed 2012-13 Governor's Budget	FPPC	Information
Fiscal Report for FY 2010-11 and Report on the Fiscal Outlook of the Commission	FPPC	Information
Proposed Amendments and Additions to 5 California Code of Regulations Pertaining to Teacher Librarian Service Credentials	C&CA	Action

Subject Matter Requirements and Standards for Single Subject: World Languages-English as a New Language Programs (Subject Matter Programs)	PSC	Action
ELD Program Standard 8B(n) and Preconditions	PSC	Information
Teaching Performance Assessment	PSC	Information
Report on Stakeholder Meeting on Approving Non-regionally Accredited Coursework for Child Development Permit	PSC	Information
Alternative Certification: Description of current practices in California	PSC	Information
Common Core Standards	PSC	Information
Workload Report Regarding the BSA's Audit Recommendations	PPC	Information
Nominations and Elections for the Chair and Vice Chair of the Commission on Teacher Credentialing for 2012	GS	Action

January 26-27, 2012 Commission Meeting

Agenda Item	Committee	Item Type
Status of Legislation	LEG	Information
Analysis of Bills	LEG	Action
Approval of Agreement Awards Over \$150,000 for Fiscal Year 2011-12	FPPC	Action
Proposed Budget Change Proposals for Fiscal Year 2012-13	FPPC	Action
Update on the Proposed 2012-13 Governor's Budget	FPPC	Information
ELD Program Standards and Preconditions	PSC	Action
ELD Program Standard 8B(n) and Preconditions	PSC	Action
Report on Stakeholder Meeting on Approving Non-regionally Accredited Coursework for Child Development Permit	PSC	Action
Report on collection of TPA data for 2010-11	PSC	Information
Report on Passing Rates of Commission-Approved Examinations from 2005-06 to 2010-11	PSC	Information
Report on Services Credentials	PSC	Information
Update on the Teacher Preparation Advisory Panel	PSC	Information
EL Specialist Program Standards	PSC	Information
Report on Stakeholder Meetings on California's Educator Discipline Process	PPC	Information
Workload Report Regarding the BSA's Audit Recommendations	PPC	Information
Strategic Plan Discussion	GS	Information

Key

AHC	Ad Hoc Committee
C&CA	Credentialing and Certificated Assignments Committee
EC	Executive Committee
FPPC	Fiscal Policy and Planning Committee
GS	General Session
LEG	Legislative Committee
PPC	Professional Practices Committee
PSC	Professional Services Committee

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Three: To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.</p>	<p>The Commission is collecting, organizing, analyzing and using data to identify staffing levels necessary to accommodate its workload.</p> <ul style="list-style-type: none"> • Management and oversight reports have been developed and implemented in response to the BSA recommendations will help supervisors and the Division Director monitor workload and staffing levels. These reports include: <ul style="list-style-type: none"> ○ Daily Intake Reports ○ Weekly Intake Summary Reports ○ Weekly LOI (cases identified for Initial Review)/Potential Mandatory Case Reports ○ Monthly Activity Summary Workload Reports • Management reports have been developed to allow supervisors to monitor the progress of cases through the discipline process, including: <ul style="list-style-type: none"> ○ Case Aging Reports by Case Status, Credential Status, and Offense (monthly) ○ DPP PENA (Pending Action) Application Aging Report (daily) ○ DPP Monthly Activity Report ○ Cases Ready for Committee Report (twice monthly) ○ Potential LOI/Mandatory Reports (twice monthly) • The General Counsel will continue to regularly report division workload data at Commission meetings. <i>(See Agenda Items under “Informing the Commission” tab).</i> To enable Commissioners to stay informed, Division workload data is also posted on a monthly basis on the Commissioner’s website. • To address critical need for staffing in the near term, the Commission has adjusted management and staffing in the division. (The Division is allocated 29 FTE positions and currently has 5 vacancies.) <ul style="list-style-type: none"> ○ Management is in the process of moving a vacant position from the Certification Division to the Division of Professional Practices. Once filled, the incumbent will provide supervision and oversight of disciplinary processing function of the division.

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<ul style="list-style-type: none"><li data-bbox="856 272 1948 412">○ The Commission submitted a freeze-exemption request to the Department of Finance (DOF) to fill existing vacancies in order to manage existing caseload and to implement procedures and structures necessary to comply with the Audit. The Commission received approval for this request on September 21.<li data-bbox="785 456 1948 672">● The General Counsel will, as part of the annual budget development process, review workload data for the purpose of identifying staffing levels needed to accommodate its workload. The Commission will work with control agencies as appropriate to adjust staffing levels to meet workload demands. If the appropriate staffing level cannot be adjusted within the Commission’s existing authorization, the Commission will seek approval through a Budget Change Proposal.

Division of Professional Practices Reports

BSA Recommendations:	DPP Reports
3, 8, 9	Intake Daily and Weekly Reports (Monthly Report Pending)
3, 9	Daily and Weekly Rap Sheet Reports (Monthly Report Pending)
3, 9	Monthly Activity Summary and Existing Inventory - By Status and Type
3, 9	RAPs Received and Processed Monthly (graph)
9	Cases Closed by Type (graph)
9	Daily PENA Application Report
3, 9	PENA Application Aging Report
9	Potential LOI Report
3, 9	Potential Mandatory Report
3, 9	Cases Ready for Committee Report
3, 9	Case Aging Report
3	Open Cases Aged by Credential Type and Offense (chart) ✓
3	Open Cases Aged by Credential Status and Offense (chart) ✓
4	Consent Calendar
4	Consent Calendar (Discuss)

**Division of Professional Practices
INTAKE PREVIOUS DAY SUMMARY REPORT**

Printed on 9/10/2011

Pending Documents by Type

Case Type	Count
SRC request	3
School Report	2
Respondent	2
Miscellaneous	10
Fax	3
Court	33
Arrest	18
Total Case Type	71

List of Cases that are still pending (open)

Page 1 of 4

ID	CTC Person	FIRST NAME	DATE RECIEVED	CTC CASE	
BRUTLEDGE					
Miscellaneous					
11090911DNE8N	[REDACTED]	[REDACTED]	9/9/11	1-59709760	Total 1
CTHOMASON					
Court					
11090911DMPQF	[REDACTED]	[REDACTED]	9/9/11	1-75678454	Total 1
Arrest					
11090911DNEKT	[REDACTED]	[REDACTED]	9/9/11	1-72901352	Total 2
DMANSKER					
Respondent					
11090911DNE8P	[REDACTED]	[REDACTED]	9/9/11	1-65790132	Total 1
EKLOCKGETHER					
Miscellaneous					
11090911DNE8L	[REDACTED]	[REDACTED]	9/9/11	1-71502775	Total 1
EMCCREADY					
Miscellaneous					
11090911DNEDA	[REDACTED]	[REDACTED]	9/9/11	1-65402372	
11090911DNEDC	[REDACTED]	[REDACTED]	9/9/11	1-66844181	
11090911DNEDD	[REDACTED]	[REDACTED]	9/9/11	1-67730915	
11090911DNEDB	[REDACTED]	[REDACTED]	9/9/11	1-67952593	
11090911DNED8	[REDACTED]	[REDACTED]	9/9/11	1-71318924	
11090911DNED9	[REDACTED]	[REDACTED]	9/9/11	1-73603814	
11090911DNE8K	[REDACTED]	[REDACTED]	9/9/11	1-81690737	Total 7
JCULLUM					
School Report					
11090911DNEDE	[REDACTED]	[REDACTED]	9/9/11		Total 1
Court					

Division of Professional Practices
INTAKE WEEKLY SUMMARY REPORT
 Generated on 9/11/2011 for Period 09/05/2011 to 09/10/2011

Pending Documents by Type

Case Type	Count
SRC request	3
School Report	1
Respondent	7
Miscellaneous	19
Fax	5
Court	51
Arrest	29
Total Case Type	115

List of Cases that are still pending (open)

ID	CTC Person	FIRST NAME	DATE RECEIVED	CTC CASE	
BRUTLEDGE					
Miscellaneous					
11090911DNE8N	[REDACTED]	[REDACTED]	9/9/11	1-59709760	Total 1
STHOMASON					
Respondent					
11090711DL02L	[REDACTED]	[REDACTED]	9/7/11	1-65807110	Total 2
11090711DL04R	[REDACTED]	[REDACTED]	9/7/11	1-65807110	
Court					
11090911DMPQF	[REDACTED]	[REDACTED]	9/9/11	1-75678454	Total 4
11090811DMTUQ	[REDACTED]	[REDACTED]	9/8/11	1-77930314	
Arrest					
11090811DMTT2	[REDACTED]	[REDACTED]	9/8/11	1-71439619	Total 6
11090911DNEKT	[REDACTED]	[REDACTED]	9/9/11	1-72901352	
EKLOCKGETHER					
Miscellaneous					
11090911DNE8L	[REDACTED]	[REDACTED]	9/9/11	1-71502775	Total 1
EMCCREADY					
Miscellaneous					
11090911DNEDA	[REDACTED]	[REDACTED]	9/9/11	1-65402372	Total 13
11090711DM031	[REDACTED]	[REDACTED]	9/7/11	1-65790159	
11090711DKZN5	[REDACTED]	[REDACTED]	9/7/11	1-66547579	
11090711DL04W	[REDACTED]	[REDACTED]	9/7/11	1-66583229	
11090911DNEDC	[REDACTED]	[REDACTED]	9/9/11	1-66844181	
11090911DNEDD	[REDACTED]	[REDACTED]	9/9/11	1-67730915	
11090911DNEDB	[REDACTED]	[REDACTED]	9/9/11	1-67952593	
11090711DL04X	[REDACTED]	[REDACTED]	9/7/11	1-70225838	
11090911DNED8	[REDACTED]	[REDACTED]	9/9/11	1-71318924	
11090711DKZN6	[REDACTED]	[REDACTED]	9/7/11	1-71536464	
11090711DL04Y	[REDACTED]	[REDACTED]	9/7/11	1-73414053	
11090911DNED9	[REDACTED]	[REDACTED]	9/9/11	1-73603814	

**Division of Professional Practices
Daily Incoming Rap Sheet/Attachment Report
For Raps Recorded 8/26/2011**

Printed 8/26/2011 11:51:01PM
Page 1 of 2

Already Reviewed

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	1-76255646

Items Reported as **Already Reviewed**: 1

First Offense DUI

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	VC 23152(a)(b) arr

Items Reported as **First Offense DUI**: 1

New

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	PC 243(e)(1)

Items Reported as **New**: 1

Open Case Update

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	1-73191601
08/26/2011	[REDACTED]	[REDACTED]	1-67906444

Items Reported as **Open Case Update**: 2

Potential LOI

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	VC 23152(a)(b) arrest
08/26/2011	[REDACTED]	[REDACTED]	PC 597(a)

Items Reported as **Potential LOI**: 2

Red Flag

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	FEL PC 273.5 COC ONLY
08/26/2011	[REDACTED]	[REDACTED]	EX 06/2011
08/26/2011	[REDACTED]	[REDACTED]	PC 415 DISMISSED COC ONLY
08/26/2011	[REDACTED]	[REDACTED]	EX 12/2009
08/26/2011	[REDACTED]	[REDACTED]	VC 23152(a) arr COC ONLY SINCE 2004
08/26/2011	[REDACTED]	[REDACTED]	VC 23152(a) COC ONLY since 2006

Items Reported as **Red Flag**: 6

RFRDOJ

Date	Name	SSN	Comment
08/26/2011	[REDACTED]	[REDACTED]	REJECTED
08/26/2011	[REDACTED]	[REDACTED]	REJECTED
08/26/2011	[REDACTED]	[REDACTED]	REJECTED
08/26/2011	[REDACTED]	[REDACTED]	DENIED 2005
08/26/2011	[REDACTED]	[REDACTED]	NIS: FPs from 06/2007
08/26/2011	[REDACTED]	[REDACTED]	EX 2005

Items Reported as **RFRDOJ**: 6

**Division of Professional Practices
Weekly Rap Sheet Status/Summary Report
For the Week Ending 9/5/2011**

Printed 9/6/2011 8:40:04AM

Page 1 of 2

Raps Recorded Week Ending 09/05/2011

Rap Status	Count
Already Reviewed	4
First Offense DUI	17
New	3
No Action Needed	6
Open Case Update	11
Potential LOI	8
Red Flag	7
RFRDOJ	31
Traffic/Infraction	1
Total Raps	88

New

Date	Name	SSN	Comment	Case Status
09/01/2011	[REDACTED]	[REDACTED]	FEL PC 273.5	1-83159318 - 09/01/2011
09/01/2011	[REDACTED]	[REDACTED]	VC 23152(a)(b) arrest	1-83196499 - 09/01/2011
09/01/2011	[REDACTED]	[REDACTED]	VC 23152(b) conv	1-83159336 - 09/01/2011

Items Reported as New: 3

Potential LOI

Date	Name	SSN	Comment	Case Status
08/30/2011	[REDACTED]	[REDACTED]	FEL PC 273.5 with prior DUI	1-83092506 - 08/30/2011
09/02/2011	[REDACTED]	[REDACTED]	PC 484	1-83216218 - 09/02/2011
08/29/2011	[REDACTED]	[REDACTED]	PC 236 & PC 242	1-83055445 - 08/29/2011
08/30/2011	[REDACTED]	[REDACTED]	FEL HS 11173(a)	1-83092398 - 08/30/2011
08/29/2011	[REDACTED]	[REDACTED]	VC 23152(b) with accident	1-83064982 - 08/29/2011
09/02/2011	[REDACTED]	[REDACTED]	PC 243(e)(1)	1-83189195 - 09/02/2011
08/30/2011	[REDACTED]	[REDACTED]	VC 23152(a)(b) with priors	1-83092691 - 08/30/2011
09/02/2011	[REDACTED]	[REDACTED]	PC 484	1-83216207 - 09/02/2011
09/02/2011	[REDACTED]	[REDACTED]	PC 243(e)(1)	1-83216242 - 09/02/2011
08/30/2011	[REDACTED]	[REDACTED]	VC 23152(a)(b) with Priors	1-83092643 - 08/30/2011

Items Reported as Potential LOI: 10

Potential Mandatory

Date	Name	SSN	Comment	Case Status
08/29/2011	[REDACTED]	[REDACTED]	HS 11377 & HS 11550	1-83036469 - 08/29/2011
08/29/2011	[REDACTED]	[REDACTED]	PC 245(a)(1) & PC 422	1-83036700 - 08/29/2011

Items Reported as Potential Mandatory: 2

DPP Monthly Activity Summary

Activity During August 2011

Pre COC

Work Received in DPP

	Items Rec'd	Cases Opened
RAPs	685	285
Apps	1,395	203
SD Reports *	23	5
Misc *	15	9
Total	2,118	502

* Work related to cases opened may have been received in a prior period

Document Requests

Arrest	220
Court	425

COC Inventory

Initial Review	60
Formal Review	65
Consent Review	96

COC Work Completed (August 2011)

Cases to COC

Initial Review	82
Formal Review	50
Reconsideration	1
Consent Review	251

Cases Completed

Closed	108
Granted	162
Adverse Actions	0

Post COC

Settlement	5
AG	2
CTC	0

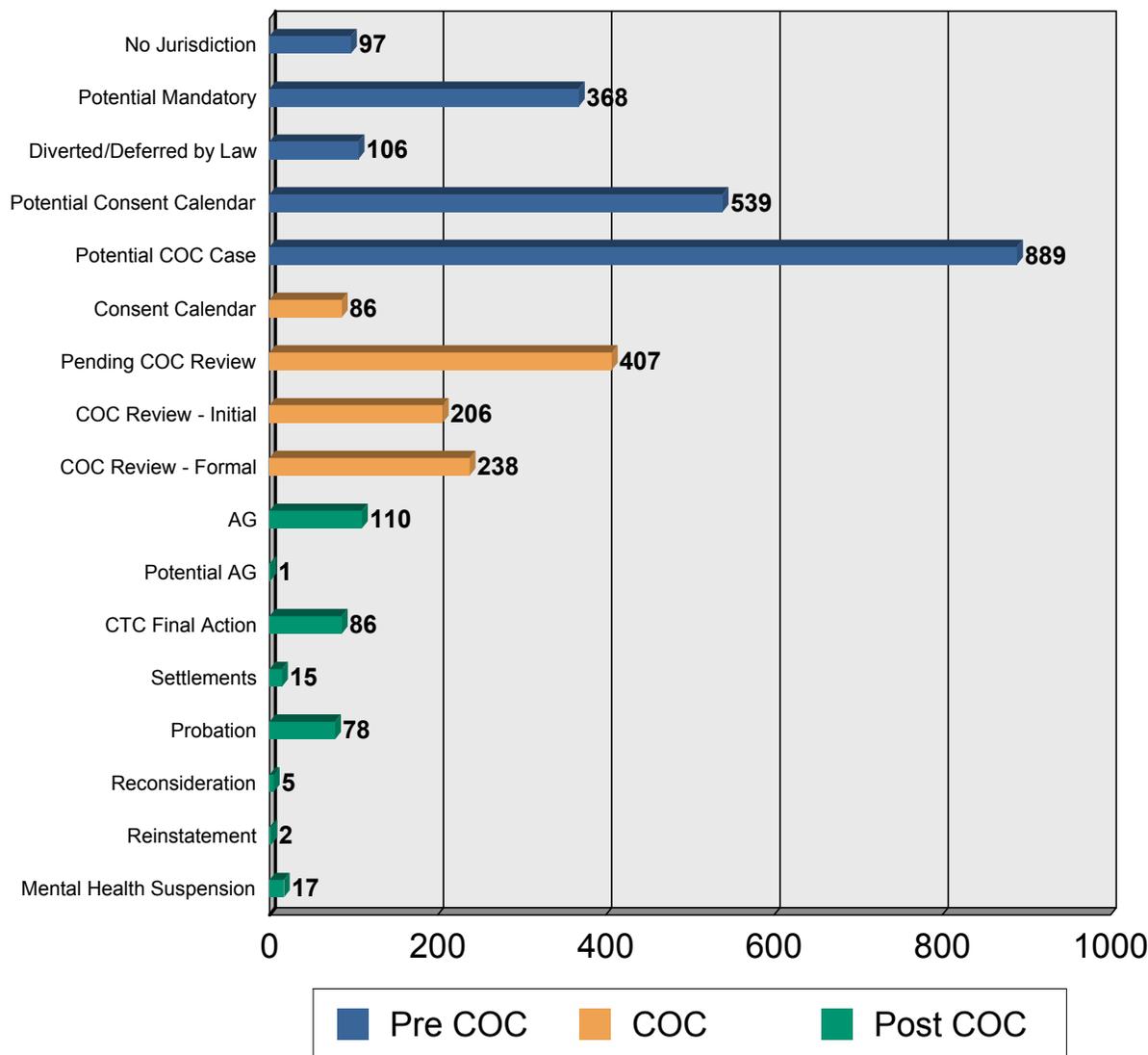
Mandatory Actions

Revocations	10
Denials	4
Automatic Suspensions	8

Inventory for August 2011

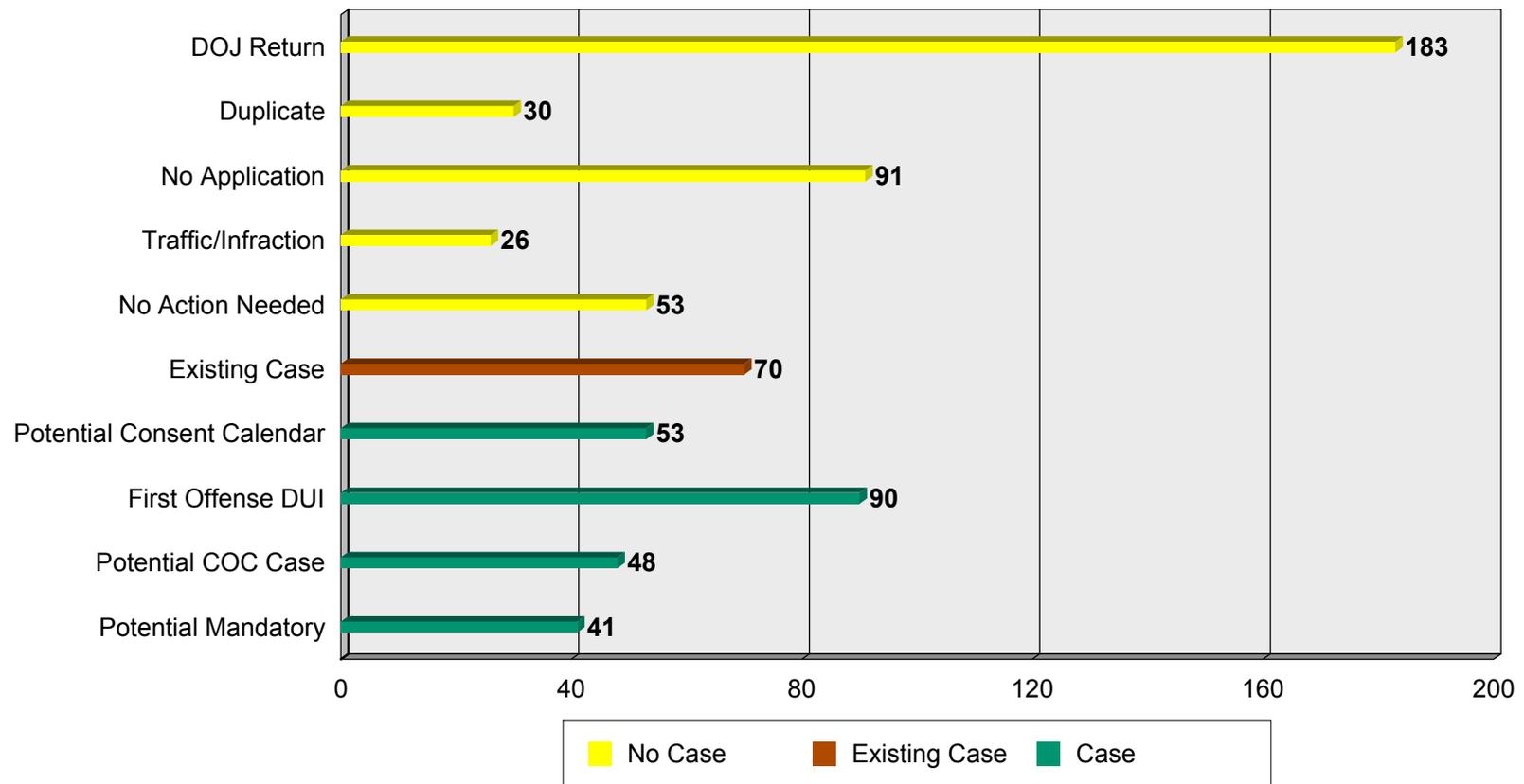
Starting Case Load	3,196
Cases Opened	502
Cases Closed	448
Ending Case Load	3,250

Open Cases by Status and Type as of August 31, 2011



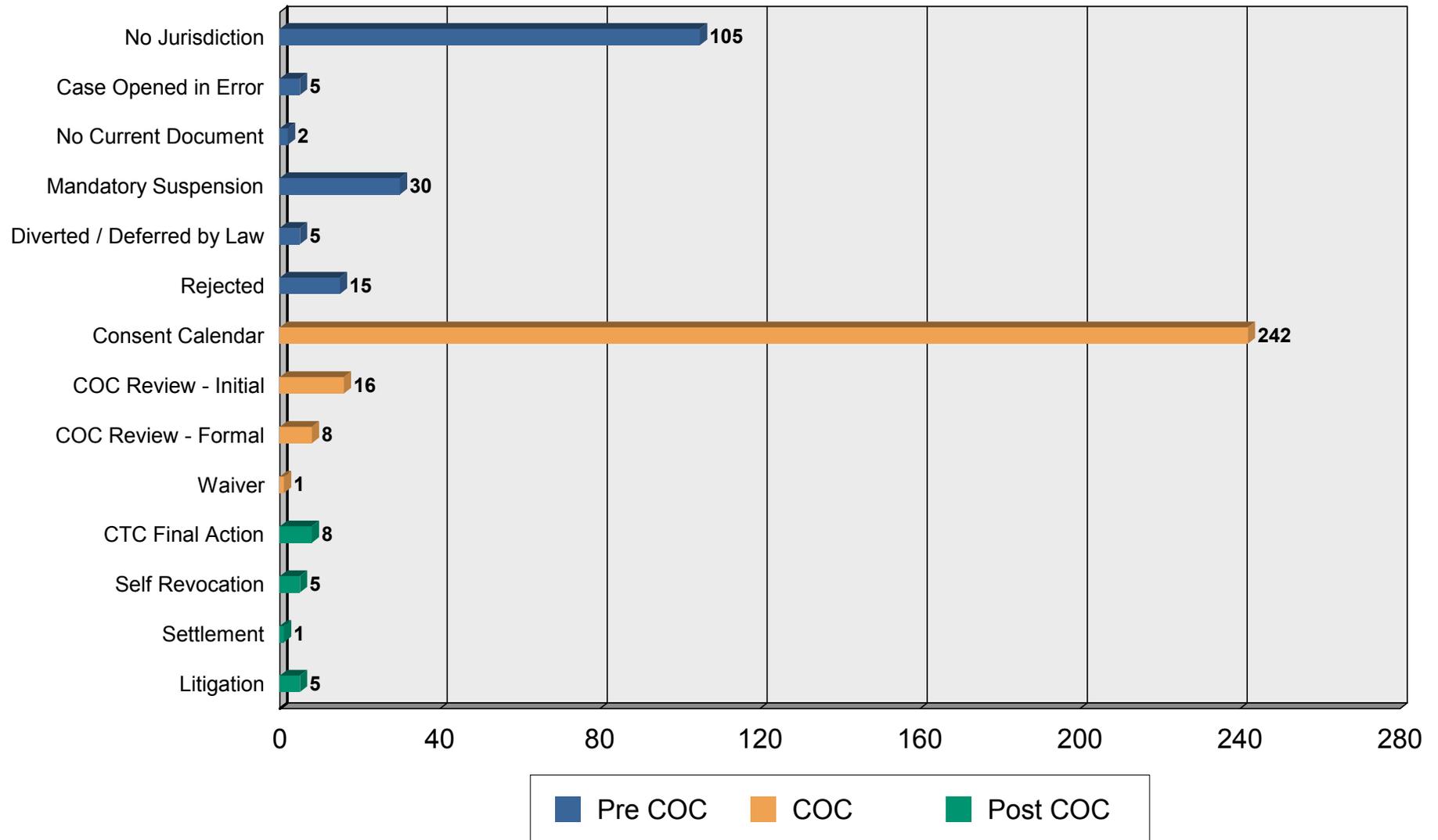
Pre COC	1,999
COC	937
Post COC	314
Total Open Cases	3,250

DPP RAPs Received and Processed August 2011



No Case	383
Existing Case	70
Case	232
Total RAPs	685

Cases Closed by Type During August 2011



Pre COC	162
COC	267
Post COC	19
Total Cases Closed	448

Daily PENA Application Summary

Name	SSN	DOB	App Stamp	PENA Date
1	*****		1109064827	09/06/2011
2	*****		1109064790	09/06/2011
3	*****		1109067140	09/06/2011
4	*****		1109067141	09/06/2011
5	*****		1109064297	09/06/2011
6	*****		1109067163	09/06/2011
7	*****		1109064081	09/06/2011
8	*****		1109064668	09/06/2011
9	*****		1109067288	09/06/2011
10	*****		1109064816	09/06/2011
11	*****		1109064177	09/06/2011
12	*****		1109067258	09/06/2011
13	*****		1109064674	09/06/2011
14	*****		1109064453	09/06/2011
15	*****		1109064648	09/06/2011
16	*****		1109067033	09/06/2011
17	*****		1109064450	09/06/2011
18	*****		1109067270	09/06/2011
19	*****		1109064910	09/06/2011
20	*****		1109064578	09/06/2011
21	*****		1109064579	09/06/2011
22	*****		1109064051	09/06/2011
23	*****		1109067099	09/06/2011
24	*****		1109064606	09/06/2011
25	*****		1109064869	09/06/2011
26	*****		1109064806	09/06/2011
27	*****		1109067034	09/06/2011
28	*****		1109064472	09/06/2011
29	*****		1109064267	09/06/2011
30	*****		1109064052	09/06/2011
31	*****		1109064697	09/06/2011
32	*****		1109064753	09/06/2011
33	*****		1109064754	09/06/2011
34	*****		1109064670	09/06/2011
35	*****		1109064671	09/06/2011
36	*****		1109064092	09/06/2011
37	*****		1109067274	09/06/2011
38	*****		1109067130	09/06/2011
39	*****		1109064146	09/06/2011
40	*****		1109064196	09/06/2011
41	*****		1109064197	09/06/2011
42	*****		1109064205	09/06/2011
43	*****		1109064735	09/06/2011
44	*****		1109067181	09/06/2011
45	*****		1109064690	09/06/2011
46	*****		1109064864	09/06/2011
47	*****		1109064345	09/06/2011
48	*****		1109064346	09/06/2011
49	*****		1109067166	09/06/2011
50	*****		1109064689	09/06/2011
51	*****		1109067153	09/06/2011
52	*****		1109067031	09/06/2011
53	*****		1109064054	09/06/2011
54	*****		1109064110	09/06/2011
55	*****		1109064856	09/06/2011
56	*****		1109067297	09/06/2011
57	*****		1108237231	09/06/2011
58	*****		1109064301	09/06/2011
59	*****		1109067307	09/06/2011
60	*****		1109064686	09/06/2011
61	*****		1109064294	09/06/2011
62	*****		1109064456	09/06/2011
63	*****		1109064457	09/06/2011
64	*****		1109064600	09/06/2011

DPP Status: C - Cleared
DOJ Status: C - Cleared
FBI Status: C - Cleared

SSN *****

STREET

Home Ph

DOB

Work Ph

Email

Application Information

Moved to PENA 09/06/2011

Stamp Num 1109064827 App Type Online Application
Status PENA Term Emergency
Assigned To VCOX Title 30-Day Substitute Teaching Permit

Answers to Professional Fitness Questions

Misconduct Have you ever been dismissed, non-reelected, or suspended without pay for more than ten days, or retired or resigned from, or otherwise left school because of allegations of misconduct or while allegations of misconduct were pending?

No

Conviction Have you ever been convicted, including a conviction based on a plea of no contest, of any felony or misdemeanor in California or any other place? You must disclose your conviction even if the case was dismissed pursuant to Penal Code Section 1203.4. You may omit misdemeanor marijuana-related convictions that occurred more than two years prior to this application, except convictions involving concentrated cannabis, which must be disclosed regardless of the date of such a conviction.

Reference: Misdemeanor Conviction: On July 10, 1997 I was detained for shoplifting. In my possession were two AA batteries. I was approached by the store security and was detained. I was arrested and met with a judge. The outcome was a plea bargain and was fined \$32.00 dollars.

Investigated Are you currently the subject of any inquiry or investigation by a state or federal law enforcement agency or a licensing agency in California or any other state OR have you ever been the subject an inquiry or investigation by a state or federal law enforcement agency or a licensing agency in California or any other state regarding alleged misconduct that involved children or took place on school property?

No

Charged Are any criminal charges currently pending against you?

No

Disciplined Is any disciplinary action now pending against you in any school district or with any other school employer?

No

Revoked Have you ever had any professional or vocational license or any credential, including but not limited to, any Certificate of Clearance, permit, credential, license or other document authorizing public school service or teaching, revoked and/or otherwise subjected to any other disciplinary action (including an action that was stayed) for cause in California or any other state or place?

No

Denied Have you ever had any application for a credential, including but not limited to, any Certificate of Clearance, permit, credential, license, or other document authorizing public school service or teaching, denied and/or rejected for cause in California or any other state or place?

No

Oath and Affidavit

I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. I hereby certify (or declare) under penalty of perjury under the laws of the State of California that all the foregoing statements in this application are true and correct.

Executed September 2, 2011 at Corona, Riverside County, CALIFORNIA, UNITED STATES

Other Indicators

DOJ Rap Sheet - Y
FBI Rap Sheet - N

Arrest or Conviction - N
In Person/Notes

Rap Sheet in - N
Person/Attachments

NASDTEC Note in - N
Person/Notes

DPP PEN Application Aging Report (Items aged as of 9/7/2011)

Printed 9/7/2011 6:01:49AM

Application Info			Case Info		Last Activity Info	
Name	SSN		Case Number	Case Opened	Creation Date	Activity Group
App Stamp	App Date	Age (Days)	Case Manager		Effective Date	Activity Type
App Status			Case Type	Designation	Created By	Activity Note
Offense Code						
A						
360 + Days						
[REDACTED]	**** [REDACTED]	[REDACTED]	1-50284419	06/25/2008	06/29/2011	PENDING ARRIVAL
[REDACTED]	03/12/2009	909	Ferrari, S		05/10/2011	FURTHER INFO REQUEST
NDL			CTC		Rutledge, B	DAG IS ATTEMPTING TO OBTAIN RESPONDENT'S WITHDRAWAL OF REQUEST FOR HEARING IN WRITING. RESPONDENT ALREADY REQUESTED CANCELLATION OF THE OAH HEARING BEFORE IT OCCURED.
			S	FIRST APP		
[REDACTED]	**** [REDACTED]	[REDACTED]	1-73300014	08/19/2010	08/27/2011	PREPARE DOCUMENT
[REDACTED]	05/04/2009	855	Klockgether, E		08/27/2011	ARREST REPORT (FIRST)
PENA			POTENTIAL MANDATORY		Grizzaffi, R	NEED ARREST FOR 7/20/2011
			CCOX*	APP/HOLD		
[REDACTED]	**** [REDACTED]	[REDACTED]	1-64665829	09/30/2009	08/22/2011	STAFF ACTION
[REDACTED]	07/21/2010	413	Romo, K		08/22/2011	COPY FILE FOR AG_NORM PRIORITY
NDL			POTENTIAL AG		Rutledge, B	
			O	APP/HOLD		
[REDACTED]	**** [REDACTED]	[REDACTED]	1-72980875	08/11/2010	09/01/2011	DELAY ACTION
[REDACTED]	07/27/2010	406	Klockgether, E		09/07/2011	NOTICE OF DELAY
PENA			LOI		Klockgether, E	
			CCO	APP/HOLD		
241 - 360 Days						
[REDACTED]	**** [REDACTED]	[REDACTED]	1-59070265	02/09/2009	05/04/2011	STAFF ACTION
[REDACTED]	11/04/2010	307	Mansker, D		05/04/2011	COPY FILE FOR AG_NORM PRIORITY
NDL			AG		Rutledge, B	
			AX	APP		
[REDACTED]	**** [REDACTED]	[REDACTED]	1-76612498	12/28/2010	07/18/2011	ASSIGNED TO
[REDACTED]	12/10/2010	271	Gonzalez, G		07/18/2011	PENDING LOI (I)
PENA			PENDING LOI		Cullum, J	
			CCO	APP/HOLD		

Division Professional Practices
 Potential LOI/Mandatory - Aging Report

Printed 9/1/2011 6:00:33AM

Page 1 of 24

POTENTIAL LOI

Case Num	Name	Designation	Offense	Susp Date	Reinst Date	Last Activity			Age (days)
						Date	Group	Type	
		HOLDER	C			10/07/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	1,423
		HOLDER	O			07/14/2011	ASSIGNED TO	TECH	1,387
		HOLDER	OX			08/12/2011	PENDING ARRIVAL	ARREST REPORT	1,210
		APP/HOLD	CX			08/31/2011	PENDING ARRIVAL	SCHOOL DISTRICT INFO	969
		APP/HOLD	CCS*	05/05/2009	09/29/2009	08/17/2011	PREPARE DOCUMENT	SCHOOL DISTRICT INFO	841
		HOLDER	D			08/22/2011	PENDING ARRIVAL	ARREST REPORT	794
		HOLDER	C			09/22/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	701
		HOLDER	CCO			08/12/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	687
		APP/HOLD	CCO			08/15/2011	PENDING ARRIVAL	COURT DOCUMENTS	660
		HOLDER	C			07/01/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	637
		HOLDER	AX			08/13/2011	PREPARE DOCUMENT	ARREST REPORT (FIRST)	625
		HOLDER	D			08/23/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	624
		HOLDER	O			08/13/2011	ASSIGNED TO	MANAGER	574
		APP/HOLD	C			08/12/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	574
		HOLDER	D			05/01/2011	ASSIGNED TO	TECH	568
		HOLDER	C			08/24/2011	PENDING ARRIVAL	LA SHERIFF	568
		HOLDER	C			08/24/2011	ASSIGNED TO	REVIEW FOR LETTER OF INQUIRY	568
		APP/HOLD	AX			08/22/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	568
		HOLDER	CX			08/22/2011	PENDING ARRIVAL	COURT DOCUMENTS	567
		HOLDER	C			05/01/2011	ASSIGNED TO	TECH	560
		HOLDER	C			08/15/2011	PENDING ARRIVAL	COURT DOCUMENTS(SECOND REQ)	555
		HOLDER	A			08/22/2011	PENDING ARRIVAL	COURT DOCUMENTS	553
		HOLDER	AX			08/22/2011	PENDING ARRIVAL	COURT DOCUMENTS	553
		FIRST APP	CX			08/13/2011	ASSIGNED TO	MANAGER	548
		HOLDER	AX			08/13/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	548
		HOLDER	D*			08/18/2011	ASSIGNED TO	MANAGER	548
		HOLDER	CCO*			08/25/2011	ASSIGNED TO	MANAGER	547
		HOLDER	C			08/13/2011	ASSIGNED TO	MANAGER	546
		APP/HOLD	C			07/23/2011	ASSIGNED TO	ANALYST	528
		HOLDER	C			07/22/2011	PENDING ARRIVAL	LA SHERIFF	518
		HOLDER	C			08/31/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	512
		APP/HOLD	C*			05/26/2011	PENDING ARRIVAL	COURT DOCUMENTS(SECOND REQ)	511
		HOLDER	D			08/03/2011	PENDING ARRIVAL	COURT DOCUMENTS	490

POTENTIAL MANDATORY

Case Num	Name	Designation	Offense	Susp Date	Reinst Date	Last Activity			Age (days)
						Date	Group	Type	
		HOLDER	CX*			03/09/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	2,383
		HOLDER	C*			08/26/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	2,060
		HOLDER	CCS*	04/05/2007		08/02/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,610
		HOLDER	CCS*	04/05/2007		08/02/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,610
		HOLDER	CX*			07/26/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	1,500
		HOLDER	CX*			07/26/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	1,500
		HOLDER	CX*			07/26/2011	PREPARE DOCUMENT	COURT UPDATE NEEDED	1,500
		HOLDER	CCS*	12/26/2007		08/25/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,345
		HOLDER	CCS*	12/26/2007		08/25/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,345
		APP	CCS*			06/16/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,275
		HOLDER	C*			08/27/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,270
		HOLDER	C*			08/27/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,270
		HOLDER	C*			08/27/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,270
		HOLDER	CCS*	09/09/2008		08/29/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,134
		HOLDER	C*			06/13/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,116
		HOLDER	CCS*	12/24/2008		08/29/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,050
		HOLDER	C*			08/05/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,037
		HOLDER	CCS*	05/06/2009		08/30/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,037
		HOLDER	CCS*	11/03/2008		08/02/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	1,032
		HOLDER	CCS*	04/15/2009		08/26/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	972
		HOLDER	CCS*	04/28/2009		08/01/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	853
		HOLDER	CCS*	10/26/2009		07/14/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	853
		HOLDER	C*			07/20/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	772
		HOLDER	CCS*	08/12/2009		07/20/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	751
		HOLDER	CCS*	09/29/2009	07/26/2010	08/18/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	743
		HOLDER	CCS*	12/02/2009		08/17/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	716
		APP/HOLD	CCS*	11/03/2010		08/08/2011	PENDING ARRIVAL	COURT DOCUMENTS UPDATE	706

PENDING LOI (I)

Gonzalez, G

Page 1 of 4 for Gonzalez, G

Case Num	Respondent	App/ AppHld	Offense Code	Opened	Assigned	Case Age
1-70487346			S*	05/24/2010	08/11/2011	465
1-72122665			O	07/14/2010	03/14/2011	414
1-72221166		✓	C	07/15/2010	10/27/2010	413
1-72400063			O	07/21/2010	02/28/2011	407
1-72362342			O	07/21/2010	11/24/2010	407
1-72362768			O	07/21/2010	02/28/2011	407
1-72361373			O	07/21/2010	02/28/2011	407
1-72362255			CCO	07/21/2010	09/01/2010	407
1-72362876			CCO	07/21/2010	02/28/2011	407
1-72362561			CCO	07/21/2010	02/28/2011	407
1-72437511			CCOX	07/22/2010	02/28/2011	406
1-72452251			CCO	07/23/2010	02/28/2011	405
1-72452160			CCO	07/23/2010	03/14/2011	405
1-72452225			DX	07/23/2010	03/25/2011	405
1-72452258			OX	07/23/2010	03/21/2011	405
1-72452365			OX	07/23/2010	09/08/2010	405
1-72452152			O	07/23/2010	02/28/2011	405
1-72534015			CCO	07/26/2010	02/28/2011	402
1-72620580			O	07/29/2010	02/28/2011	399
1-72620727			S	07/29/2010	02/28/2011	399
1-72620836			O	07/29/2010	09/02/2010	399
1-72626961		✓	C	07/30/2010	10/14/2010	398
1-72751785			C	08/03/2010	06/16/2011	394
1-73300773			CCO*	08/23/2010	03/11/2011	374
1-73741849			O	09/03/2010	11/12/2010	363
1-73879430			C*	09/09/2010	09/27/2010	357
1-74516278			O	09/30/2010	10/14/2010	336
1-74516379			O	09/30/2010	10/14/2010	336
1-74516365			O	09/30/2010	10/14/2010	336
1-74534022			S*	10/04/2010	11/29/2010	332
1-74707981			O	10/07/2010	03/25/2011	329
1-74845053			OX	10/14/2010	10/18/2010	322
1-74907627			O	10/14/2010	02/28/2011	322
1-74844912			O	10/14/2010	02/28/2011	322
1-75095071			O	10/21/2010	10/29/2010	315
1-75108256			OX	10/21/2010	03/14/2011	315
1-75108273			O	10/21/2010	02/28/2011	315
1-75205657			DX	10/28/2010	08/23/2011	308

DPP Case Aging Report (Cases aged through September 1, 2011)

Printed 9/1/2011 1:22PM

Person Info		Case Info		Last Activity Info	
Name	DOB	Case Num	Offense	Created	Creator
SSN		Case Opened	Case Type	Effective	Owner
		Case Designation		Activity Group	
		Age (Days)		Activity Type	
				(Activity Notes)	
A					
Aged 360+ Days					
[REDACTED]	[REDACTED]	1-47671157 05/09/2008 HOLDER 1,210	OX POTENTIAL LOI	08/12/2011 08/12/2011 PENDING ARRIVAL ARREST REPORT STANISLAUS CO DA // PER PH CALL TO DA'S OFFICE	MZUNIGA MZUNIGA
[REDACTED]	[REDACTED]	1-9233835 02/01/2006 HOLDER 2,038	CCS* PROBATION	05/25/2010 05/25/2010 STAFF ACTION OPEN/CLOSE PREVIOUSLY CLEAR	JCONDIT JCONDIT
[REDACTED]	[REDACTED]	1-69000070 03/22/2010 HOLDER 528	D 30-DAY	09/01/2011 09/01/2011 ASSIGNED TO INVESTIGATOR SEPT. '11 FORMAL REVIEW	GGONZALEZ GFUKUSHIMA
[REDACTED]	[REDACTED]	1-47644348 05/08/2008 HOLDER 1,211	DX* POTENTIAL COC CONSENT CALENDAR	08/18/2011 08/18/2011 PENDING ARRIVAL MISCONDUCT REVIEW FORM	LNG DGONZALES
[REDACTED]	[REDACTED]	1-68065073 02/18/2010 HOLDER 560	C 30-DAY	07/28/2011 07/29/2011 COC ACTION REVOKE & DENY ANY PENDING APPS	EMCCREADY EMCCREADY
[REDACTED]	[REDACTED]	1-73300014 08/19/2010 APP/HOLD 378	CCOX* POTENTIAL MANDATORY	08/27/2011 08/27/2011 PREPARE DOCUMENT ARREST REPORT (FIRST) NEED ARREST FOR 7/20/2011	RGRIZZAFFI EKLOCKGETHER

Name	Case Designation	Case Number	Case Charges
[REDACTED]	HOLDER	[REDACTED]	Date/Location of Arrest: 05/22/11 - Stockton, CA Date of Conviction: 06/27/11 Convicted of: VC 23152(b) - DUI Level of Offense: M 1 F 0 1203.4 0 17b 0 Child/School Involved 0 Explanation: Rap received; CA DMV shows conviction.
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI			
[REDACTED]	APP/HOLD	[REDACTED]	Date/Location of Arrest: 02/02/11 - Location unknown Date of Conviction: Pending Arrested for: VC 23152(a)(b) - DUI Level of Offense: M 1 F 0 1203.4 0 17b 0 Child/School Involved 0 Explanation: No rap received; resp disclosed on app. Pending final disposition from court. CA DMV does not show any convictions. Prior: Staff Grant 11/19/09 Date/Location of Arrest: 1998; Oklahoma Date of Conviction: 1998 Convicted of: Possession of Marijuana under 28 g (self-disclosed) Level of Offense: Misdemeanor
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI			
[REDACTED]	FIRST APP	[REDACTED]	Date/Location of Arrest: 1997 - Hayward, CA Date of Conviction: 01/30/1997 Convicted of: PC 273.5(a); PC 415 Level of Offense: M 1 F 0 1203.4 0 17b 0 Child/School Involved 0 Explanation: Rap received; resp failed to disclose on app. Per DOJ, resp convicted of PC 415; however, per document received from Alameda County, resp convicted of both counts.
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI			
[REDACTED]	HOLDER	[REDACTED]	Date/Location of Arrest: December 18, 2007, in Vista, CA. Date of Conviction: January 29, 2008. Convicted of: VC 23152(B); driving with a BAC .08% or above. Level of Offense: M 1 F 0 1203.4 0 17b 0 Child/School Involved 0 Explanation: No RAP generated. DMV shows this same conviction. Respondent disclosed same DUI.
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI			
[REDACTED]	FIRST APP	[REDACTED]	Date/Location of Arrest: 07/14/01 - Westminster, CA Date of Conviction: 08/24/01 Convicted of: PC 466 Possess burglary tools; PC 459-460(b) Burglary: Second degree Level of Offense: M 1 F 0 1203.4 1 17b 0 Child/School Involved 0 Explanation: Per resp explan and arrest report, resp had stolen items from Sears totaling \$93.96. Case dismissed per PC 1203.4 on 11/05/04.
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI			

Name	Case Designation	Case Number	Case Charges
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI	FIRST APP		Date/Location of Arrest: 5-26-2009; San Mateo Date of Conviction: 7-31-2009 Convicted of: Petty Theft Level of Offense: Misd <hr/> Date/Location of Arrest: 8-25-2006; Los Angeles Date of Conviction: 10-11-2006 Convicted of: Allowing Unlicensed Driver to Operate (her) Vehicle Level of Offense: Misd <hr/> Date/Location of Arrest: 7-5-2004; Los Angeles Date of Conviction: 9-7-2004 Convicted of: Wet/Reckless Level of Offense: Misd
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI	HOLDER		Date/Location of Arrest: April 24, 2011, in Anaheim, CA. Date of Conviction: June 30, 2011. Convicted of: PC 148(A)(1); resisting a public/peace officer. Explanation: RAP verifies same as conviction. Per police report, respondent attacked her mother with unknown object, cutting her hand. PC 242 Battery & 245/245(A)(1) assault w/deadly weapon/not firearm{hanger were dismissed.
Recording Secretary: <input type="checkbox"/> Grant <input type="checkbox"/> Close/Grant <input type="checkbox"/> Close <input type="checkbox"/> Pursue/Send LOI	FIRST APP		Date/Location of Arrest: 7-20-2006; Los Angeles Date of Conviction: 9-18-2006 Convicted of: 23152(a) VC, DUI; 146011.2(A) special violation; 14601.3(A) habitual traffic offender Level of Offense: Misd <hr/> Date/Location of Arrest: 10-28-2006; Orange Date of Conviction: 3-21-2007 Convicted of: 23152(b) DUI; 14601.2(A) special violation Level of Offense: Misd <hr/> Date/Location of Arrest: 9-8-2005; Orange Date of Conviction: 11-10-2005 Convicted of: 23152(b) DUI; Level of Offense: Misd

Open Cases Aged by Case Status, Case Type, and Offense as of August 31, 2011

Status	Case Type	Offense Code	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	450 + Days	Total
Pre COC	No Jurisdiction	Child Crime - Non-sexual	1	1	0	0	0	1	3
		Adult - Sexual	0	2	0	1	0	0	3
		Drugs	0	2	0	1	1	0	4
		Serious Crimes/Felonies	1	10	4	5	6	5	31
		Alcohol	2	5	0	1	1	1	10
		Other Crimes/Misdemeanors	13	22	0	2	2	2	41
		Total	17	42	4	10	10	9	92
	Potential Mandatory	Child Crime - Sexual	20	17	10	10	10	23	90
		Child Crime - Non-sexual	11	17	8	2	3	5	46
		Adult - Sexual	6	5	0	1	2	2	16
		Drugs	29	10	8	4	11	5	67
		Serious Crimes/Felonies	47	25	20	11	10	22	135
		Alcohol	6	3	3	0	1	0	13
		Other Crimes/Misdemeanors	0	0	2	0	0	1	3
	Total	119	77	51	28	37	58	370	
	Diverted / Deferred by Law	Child Crime - Non-sexual	0	0	0	0	0	4	4
		Drugs	1	7	11	6	13	26	64
		Serious Crimes/Felonies	2	5	1	4	5	6	23
		Alcohol	0	1	0	0	0	3	4
		Other Crimes/Misdemeanors	2	2	3	1	0	3	11
	Total	5	15	15	11	18	42	106	
	Potential Consent Calendar	Child Crime - Non-sexual	4	2	0	0	0	0	6
		Adult - Sexual	3	0	1	1	0	0	5
		Drugs	9	8	1	3	1	2	24
		Serious Crimes/Felonies	32	23	7	4	3	3	72
		Alcohol	237	46	4	10	6	1	304
		Other Crimes/Misdemeanors	94	52	4	6	2	0	158
		Total	379	131	17	24	12	6	569
	Potential COC Case	Child Crime - Sexual	1	2	2	0	0	1	6
		Child Crime - Non-sexual	15	27	1	2	0	8	53
		Adult - Sexual	2	6	1	3	1	0	13
		Drugs	14	11	1	5	5	7	43
Serious Crimes/Felonies		97	59	40	37	21	18	272	
Alcohol		97	71	47	32	32	11	290	
Other Crimes/Misdemeanors		96	58	44	24	8	3	233	
Total		322	234	136	103	67	48	910	
Total	842	499	223	176	144	163	2,047		
COC	All Case Types	All Offense Types	51	85	105	149	189	311	890
		Total	51	85	105	149	189	311	890
	Total	51	85	105	149	189	311	890	
Post COC	All Case Types	All Offense Types	1	5	2	4	18	283	313
		Total	1	5	2	4	18	283	313
	Total	1	5	2	4	18	283	313	
Total			894	589	330	329	351	757	3,250

Open Cases Aged by Case Status, Credential Status, and Offense - as of August 31, 2011

Case Status	Credential Status	Offense	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
Pre COC	Authorized	Child Crime - Sexual	4	5	0	0	0	1	10
		Child Crime - Non-sexual	19	34	5	4	2	12	76
		Adult - Sexual	8	11	1	4	2	0	26
		Drugs	36	23	16	15	19	27	136
		Serious Crimes/Felonies	118	81	54	46	26	41	366
		Alcohol	270	100	45	31	33	15	494
		Other Crimes/Misdemeanors	150	105	38	26	8	5	332
		Total	605	359	159	126	90	101	1,440
	Not Authorized - Docs Suspended	Child Crime - Sexual	16	13	10	10	10	22	81
		Child Crime - Non-sexual	0	1	1	0	0	2	4
		Adult - Sexual	1	1	0	0	1	1	4
		Serious Crimes/Felonies	0	0	0	0	1	1	2
		Alcohol	0	0	1	0	0	0	1
		Total	17	15	12	10	12	26	92
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	1	1	0	0	1	3
		Child Crime - Non-sexual	4	6	0	0	1	1	12
		Adult - Sexual	0	0	1	2	0	1	4
		Drugs	13	12	1	3	1	3	33
		Serious Crimes/Felonies	49	27	6	3	2	6	93
		Alcohol	60	17	1	4	1	0	83
		Other Crimes/Misdemeanors	49	25	6	3	1	0	84
		Total	175	88	16	15	6	12	312
	Not Authorized - No App(s) Pending	Child Crime - Sexual	1	0	1	0	0	0	2
		Child Crime - Non-sexual	8	6	3	0	0	3	20
		Adult - Sexual	2	1	0	0	0	0	3
		Drugs	4	3	4	1	11	10	33
		Serious Crimes/Felonies	12	14	12	12	16	6	72
Alcohol		12	9	7	8	6	1	43	
Other Crimes/Misdemeanors		6	4	9	4	3	4	30	
Total		45	37	36	25	36	24	203	
Total	842	499	223	176	144	163	2,047		
COC	Authorized	Child Crime - Sexual	0	2	1	5	2	5	15
		Child Crime - Non-sexual	3	13	18	17	14	16	81
		Adult - Sexual	0	6	2	1	3	7	19
		Drugs	0	1	2	5	6	9	23
		Serious Crimes/Felonies	1	5	14	15	31	59	125
		Alcohol	14	5	12	22	51	66	170
		Other Crimes/Misdemeanors	7	31	27	51	38	71	225
		Total	25	63	76	116	145	233	658
	Not Authorized - Docs Suspended	Child Crime - Non-sexual	0	1	2	0	1	1	5
		Adult - Sexual	0	0	0	0	0	1	1
		Drugs	0	0	0	0	0	1	1
		Serious Crimes/Felonies	0	0	0	1	2	0	3
		Total	0	1	2	0	1	1	5

			90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
COC	Not Authorized - Docs Suspended	Other Crimes/Misdemeanors	0	0	1	0	0	1	2
		Total	0	1	3	1	3	4	12
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	0	1	1	0	0	2
		Child Crime - Non-sexual	0	1	4	0	1	1	7
		Adult - Sexual	0	1	2	0	1	0	4
		Drugs	1	1	1	1	0	1	5
		Serious Crimes/Felonies	5	4	4	4	5	9	31
		Alcohol	17	2	5	4	8	6	42
		Other Crimes/Misdemeanors	3	9	6	10	2	8	38
		Total	26	18	23	20	17	25	129
	Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	1	1	1	3
		Child Crime - Non-sexual	0	0	1	2	1	3	7
		Adult - Sexual	0	0	0	0	0	4	4
		Drugs	0	0	0	1	0	6	7
		Serious Crimes/Felonies	0	0	1	3	8	14	26
		Alcohol	0	1	1	1	9	10	22
		Other Crimes/Misdemeanors	0	2	0	4	5	11	22
		Total	0	3	3	12	24	49	91
	Total		51	85	105	149	189	311	890
	Post COC	Authorized	Child Crime - Sexual	0	0	0	0	0	20
Child Crime - Non-sexual			0	0	0	0	2	24	26
Adult - Sexual			0	0	0	1	0	6	7
Drugs			0	0	0	0	1	5	6
Serious Crimes/Felonies			0	0	0	0	0	25	25
Alcohol			0	0	0	0	6	33	39
Other Crimes/Misdemeanors			0	0	0	1	2	77	80
Total		0	0	0	2	11	190	203	
Not Authorized - Docs Suspended		Child Crime - Sexual	0	0	0	0	0	3	3
		Child Crime - Non-sexual	0	0	0	0	0	3	3
		Drugs	0	0	0	0	0	1	1
		Serious Crimes/Felonies	0	0	0	0	0	3	3
		Alcohol	0	0	0	0	0	2	2
		Other Crimes/Misdemeanors	0	0	0	0	0	13	13
		Total	0	0	0	0	0	25	25
Not Authorized - App(s) Pending		Child Crime - Sexual	0	2	0	0	1	5	8
		Child Crime - Non-sexual	0	1	0	0	1	7	9
		Adult - Sexual	0	0	0	0	0	1	1
		Drugs	0	0	0	0	2	1	3
		Serious Crimes/Felonies	0	1	0	0	0	15	16
	Alcohol	0	0	0	0	0	9	9	
	Other Crimes/Misdemeanors	1	1	2	1	2	1	8	
Total	1	5	2	1	6	39	54		
Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	0	0	4	4	
	Child Crime - Non-sexual	0	0	0	0	0	3	3	
	Drugs	0	0	0	0	0	2	2	

			90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
Post COC	Not Authorized - No App(s) Pending	Serious Crimes/Felonies	0	0	0	0	0	6	6
		Alcohol	0	0	0	0	0	3	3
		Other Crimes/Misdemeanors	0	0	0	1	1	11	13
		Total	0	0	0	1	1	29	31
	Total	1	5	2	4	18	283	313	
Total		894	589	330	329	351	757	3,250	

STATE OF CALIFORNIA
 COMMISSION ON TEACHER CREDENTIALING
REQUEST FOR PERSONNEL ACTION (RPA)
 CCTC-OHR 100 (Rev. 06/11)

OHR USE ONLY
Log No. _____
FBS/EEO USE ONLY
Date Rec'd _____

Instructions: 1) Managers/Supervisors please complete Sections A through D, as appropriate; 2) Attach corresponding documents as outlined in the Hiring Handbook for the RPA package. 3) Obtain Division approvals; 4) Route to the Office of Human Resources. 5) Office of Human Resources and Fiscal and Business Services Section will complete Sections E through G, as needed.

A. TYPE OF POSITION ACTION REQUESTED

1. Establish New Position

2. Refill Existing Position (No change in Duties)

3. Refill Existing Position (Change in Duties) (Attach CTC- HR 55)

4. Reclassify/Transfer Existing Position (Attach CTC- HR 55)

5. Other (Specify): _____

Effective Date of Proposed Action _____

E. APPOINTMENT INFORMATION (continued)

2. Type of Appointment: (Check one)

Reinstatement List T&D Assignment (Attach CTC-PERS 19)

Transfer From: _____ (Department or Division/Section Unit)

Out-of-Class Other: _____ (Attach CTC- PERS 2)

3. Salary: (If special salary requested, please specify below.) _____

4. Effective Date of Appointment _____

B. CURRENT POSITION INFORMATION

1. Division/Section: CAW Division

2. Class Title: Management Services Technician/Office Assistant (G)

3. Position Number: 192-102-1441-102

Tenure: Permanent Temporary

Time Base: Full-time Part time

4. Funding Source: Budgeted Blanket Other: _____

F. FISCAL & BUSINESS SERVICES/EEO USE ONLY

Comments:	Initials	Date

C. PROPOSED POSITION INFORMATION (Complete only for changes)

1. Reclassify to: Staff Services Manager III (Classification)

Permanently Temporary _____ (No. of Months)

2. Transfer to Division of Professional Practices (Division/Section/Unit)

Permanently Temporary _____ (No. of Months)

3. Other: _____

G. OFFICE OF HUMAN RESOURCES USE ONLY

1. <input type="checkbox"/> Job Opportunity Bulletin	Date Distributed: _____
	FFD: _____
2. <input checked="" type="checkbox"/> VPOS	Date Keyed: _____
3. <input type="checkbox"/> Cert/SROA List	Date Ordered: _____
Cert # _____	Date Cleared: _____
4. <input type="checkbox"/> Contact/SROA Letters	Date Ordered: _____
	Date Mailed: _____
5. <input type="checkbox"/> Hiring Freeze _____ (date to DOF)	DOF Approval Date: _____
6. <input type="checkbox"/> Surplus Applications Rec'd	Date Cleared: _____
7. <input checked="" type="checkbox"/> 607 Required	Date Completed: _____
<input type="checkbox"/> DOF Approval Required	Approval Date: _____
8. <input type="checkbox"/> DPA Approval Required (625)	Approval Date: _____
9. <input type="checkbox"/> Fingerprint Questionnaire	Date Received: _____
<input type="checkbox"/> Fingerprint Clearance	DOJ Clearance Date: _____
10. <input type="checkbox"/> Typing Certificate Required	Date Received: _____
11. Appoint to Range: _____	Approved by: _____
12. New Position Number: <u>192-302-4802-001</u>	
13. Other: _____	
14. Keyed by: _____ (Initial/Date)	Reviewed by: _____ (Initial/Date)

D. RECRUITMENT ACTION REQUESTED (Check action requested)

Certification List Contact Letters VPOS

Job Opportunity Bulletin:

Advertising Period: 3 weeks Until Filled

Tenure: Permanent Limited Term _____ (No. of Months)

Time Base: Full-time Part-Time _____ (1/2, 3/4, etc.)

Intermittent _____ (Approx. Numbers Hours/Month)

E. APPOINTMENT INFORMATION

1. Name: _____

Tenure: Permanent Temporary _____ (months)

Time Base: Full-time Part Time _____ (1/2, 3/4, etc.)

Intermittent _____ (Approx. Number Hours/Month)

Attached: Application Fingerprint Questionnaire

HQ Typing Certificate (If Required)

Comments or Special Instructions: Transferring vacant position from CAW to DPP and reclassifying it to meet the needs of the department - advertise to fill.

PKwohle 8/29/11

COMMISSION ROUTING AND APPROVALS			
APPROVER	Date	APPROVER	Date
Division Manager		Office of Human Resources Manager	
Division Director		Administrative Services Director/EEO Officer	
<i>Mark Ennett</i>	8/29/11	Executive Director	
Office Of Human Resources Analyst			

Job Opportunity

Commission on Teacher Credentialing

Ensuring high quality educators for California's diverse students, schools and communities



IT IS AN OBJECTIVE OF THE STATE OF CALIFORNIA TO ACHIEVE A DRUG-FREE WORKPLACE. ANY APPLICANT FOR STATE EMPLOYMENT WILL BE EXPECTED TO BEHAVE IN ACCORDANCE WITH THIS OBJECTIVE BECAUSE THE USE OF ILLEGAL DRUGS IS INCONSISTENT WITH THE LAW OF THE STATE, THE RULES GOVERNING CIVIL SERVICE AND THE SPECIAL TRUST PLACE IN PUBLIC SERVANTS.

STAFF SERVICES MANAGER III

Salary:	\$6,779 - \$7,474	Work Hours:	Between core hours of 8:00 a.m. - 5:00 p.m.
Tenure/Timebase:	Permanent/Fulltime	Final Filing Date:	DATE
Contact:	Ashim Gardner (916) 324-3937 agardner@ctc.ca.gov	Office/Location:	Commission on Teacher Credentialing Division Professional Practices 1900 Capitol Avenue Sacramento, CA 95811-4213

The Commission on Teacher Credentialing (CTC) is a **Special Funded** agency and is conveniently located in the downtown area near many popular restaurants, shops, public transportation, and affordable parking options. The purpose of the CTC is to ensure integrity and high quality in the preparation, conduct and professional growth of the educators who serve California's public schools. Its work shall reflect both statutory mandates that govern the Commission and research on professional practices.

DUTIES:

Under general supervision of the General Counsel, CEAIII, the Staff Services Manager III performs the following essential functions:

- Plan, organize, direct and manage the Professional Practices Section through subordinate managers, overseeing the disciplinary processing function for the CTC. Ensure that systems and procedures are in place and deadlines are met; train, review and evaluate individual performance; provide or initiate work improvement counseling and training to correct performance deficiencies; initiate and recommend adverse action; assist with individual staff development efforts.
- Interpret and evaluate current statutes and regulations and analyze proposed statutory and regulatory changes. Work with subordinate managers and information technology staff in the development of enhancements to the Seibel system. Responsible for providing consultation and recommendations to the Director of the Division of Professional Practices on policy and procedure changes related to disciplinary processing and the general administration of the Section including staffing, purchases, training and contracts.
- Participate in the development of the strategic plan including the development of goals and objectives and the measuring and evaluation of those goals and objectives. Serve as a member of the Division's policymaking team. Represent the Division in the absence of the Director, including weekly senior management meetings. Develop agenda items for the commission meetings and attend the Committee of Credentials as needed.
- Represent the division at public meetings imparting policy level information related to credential processing to Commission stakeholders. Interact with Commissioners and high level county and district personnel in response to sensitive inquiries.
- Acts as the Division Director in the absence of the General Counsel. Other duties as required.

AN EQUAL OPPORTUNITY EMPLOYER TO ALL REGARDLESS OF RACE, COLOR, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, MARITAL STATUS, DISABILITY, RELIGIOUS OR POLITICAL AFFILIATION, AGE, OR SEXUAL ORIENTATION.

Bulletin Release Date: August xxx, 2011

RPA No. XXXXXX

KNOWLEDGE AND ABILITIES

Knowledge of:

1. Current laws and codes regarding teacher education and disciplinary practices in California
2. Administrative functions, organization and structure of Commission on Teacher Credentialing.
3. Trends and practices in the disciplinary process of teacher education
4. National and regional policies and procedures regarding disciplinary practices
5. California principles and methods of disciplinary practices for teachers

Ability to:

1. Interpret and apply provisions of the California Education Code, Penal Code and the policies and regulations of the Commission on Teacher Credentialing
2. Analyze policy issues in teacher discipline
3. Analyze legislation and its fiscal impact on the Commission
4. Perform in an independent and creative manner
5. Speak effectively and write clear, concise reports
6. Utilize effective techniques in human relations
7. Analyze situations accurately and take effective action
8. Analyze policy issues related to the evaluation of professional practices
9. Utilize alternative approaches to the determination of program status
10. Implement data systems to improve efficiency of DPP division
11. Prepare policy recommendations, workload reports and agenda items

DESIRABLE QUALIFICATIONS:

- **Integrity** – consistently adheres to his/her duties to execute the mission and responsibilities of the CTC.
- **Expertise** – be a reliable source of accurate information.
- **Teamwork** – works collaboratively and in recognition of the contribution each makes to the common purpose.
- **Respect** – recognizes the validity of other points of view and treats others with civility.
- **Problem Solving** – strives to find practical and effective solutions to achieving desired goals.

CONDITIONS OF EMPLOYMENT: *Fingerprint Clearance is Required.*

WHO MAY APPLY:

Individuals who possess the desirable qualifications listed above, and are currently at the Staff Services Manager III classification or who have list, transfer, or reinstatement eligibility to the above class may apply. Appointment is subject to the State restriction of Appointment (SROA). Appointment is pending a Hiring Freeze exemption.

IMPORTANT NOTE:

Interested applicants must submit a State Application form, STD 678 to the above address and contact person postmarked no later than the final filing date. Emailed or faxed applications will not be accepted. All applicants must clearly indicate the basis of their eligibility (*i.e., SROA, surplus, reemployment, reinstatement, transfer, or list eligibility*) and include RPA No. XXXX. If you are eligible to transfer to the SSA classification, please provide a copy of your SSA transfer exam results or prior SSA written exam results with your application. Candidates who took the online Life Experience Questionnaire based on a 4 year degree must submit a copy of their official transcripts with their application (original official transcripts must be shown upon hire). The applications will be screened and only the most qualified applicants will be invited for an interview.

Instructions: This form is used for position reclassification, position upgrading, changing duties, or reorganizing a Division, Section, or Unit. Each position change requires a form and multiple position changes cannot be included on one form. This form must be submitted to Human Resources (HR) at the time the Request for Personnel Action (RPA) is initiated.
FILL OUT FORM, PRINT, & OBTAIN DIVISION MANAGER AND DIVISION DIRECTOR SIGNATURES PRIOR TO SUBMISSION TO HR.

REASON FOR POSITION CHANGE: Critical need for high level management

CURRENT CLASSIFICATION Management Services Technician/Office Assistant (G)	PROPOSED CLASSIFICATION Staff Services Manager III
CURRENT POSITION LOCATION (Division/Section/Unit) CAW	PROPOSED POSITION LOCATION (Division/Section/Unit) DPP

HUMAN RESOURCES USE ONLY	
CURRENT POSITION NUMBER	PROPOSED POSITION NUMBER

JUSTIFICATION FOR CHANGE IN POSITION (Use additional pages if necessary)

1. Background: Provide some historical perspective about the organization setting of the proposed position. (i.e. role of the division/section, duties performed when the position was originally established, and how the position's duties relate to the division's program.

In April, 2011 the Commission on Teacher Credentialing (Commission) received a report from the Bureau of State Audits (2010-119) in response to an audit they had been conducting for the past year on our disciplinary process. Since that time the Commission have begun to make numerous changes including management and supervisory changes, database system changes, increased control processes, oversight and management workload reports, development of procedures and other workflow changes.

The audit resulted in the removal of several key staff including the General Counsel, the Assistant Chief Counsel and the Staff Services Manager II. Two individuals retired early and the latter has been reassigned to a specialist classification that does not involve supervision.

It is critical that the Commission redirect a position from Certification, Assignment, and Waivers Division (CAW) to be a high level production Manager in the division, much like the CAWD organizational structure recently implemented. This individual will function as the Assistant Division Director of Division of Professional Practices (DPP) under the new General Counsel. In the audit it was determined that the division lacked management oversight, management reports and the understanding of a high level manager to bring forth the needs of the division such as for BCP's to address backlogs. Commission believes redirecting a position to DPP and filling it at the level of SSMIII will be critical in the long term success of the division.

2. What changes have taken place in the organization, workload, or structure that caused the change in duties and/or movement of position?

The BSA audit has resulted in numerous changes including staffing changes, system changes, management report changes, work flow changes and increased need for oversight through an Oversight Plan. Some efficiencies have been gained but additional statutory changes need to occur to streamline the work of the Committee on Credentials (COC). These changes will require input from Stakeholders and the development of recommendations brought forward to the commission in the form of agenda items. Once recommendations are adapted it will involve work associated with an implementation plan that will involve policy development and procedure modifications necessary from a high level management position within the organization with a focus on the production areas of the work.

3. What would be the consequence of error if the proposed class's incumbents did not perform their jobs (program problems, lost funding, public safety compromised, etc?)

Because this division deals with the misconduct of teachers and the need to deal with any serious misconduct in an immediate fashion to ensure the safety of children in the classroom there is a high consequence if an error occurs. A teacher who should have their license revoked may end up staying in a classroom and committing a similar crime against another student.

4. What are the decision making responsibilities of the proposed class? What are the purposes, types, and levels of contacts made by incumbents in this class? (IF APPLICABLE)

The SSMIII will be required to make high level policy decisions in conjunction with the General Counsel that will require substantial change to how things are performed in the division at this time. They will be critical in the development of the strategic plan which is another recommendation of the audit and will clearly have a large focus on the disciplinary process this year given the amount of press and high visibility of the issues.

This individual may deal with press inquiries, legislative inquiries, commission members, high level senior management within the organization. Other state agencies such as DOJ, DOF, CDE and others as well as national credentialing organizations and their disciplinary staff in other states.

5. What are the analytical requirements expected of incumbents in the proposed class? (IF APPLICABLE)

Strong understanding of the Education and Penal code and the ability to apply the rules to a variety of situations of educator misconduct. Strong analytical and managerial skills to ensure quality products are coming out of the division with strong evidentiary data.

Must use good judgement and deal with highly sensitive and confidential data regarding educator misconduct. Must use discretion in what can be discussed with who. Deal with high level individuals in other organizations and use tact and diplomacy.

Division Manager Approval

Date

Division Director Approval

Date

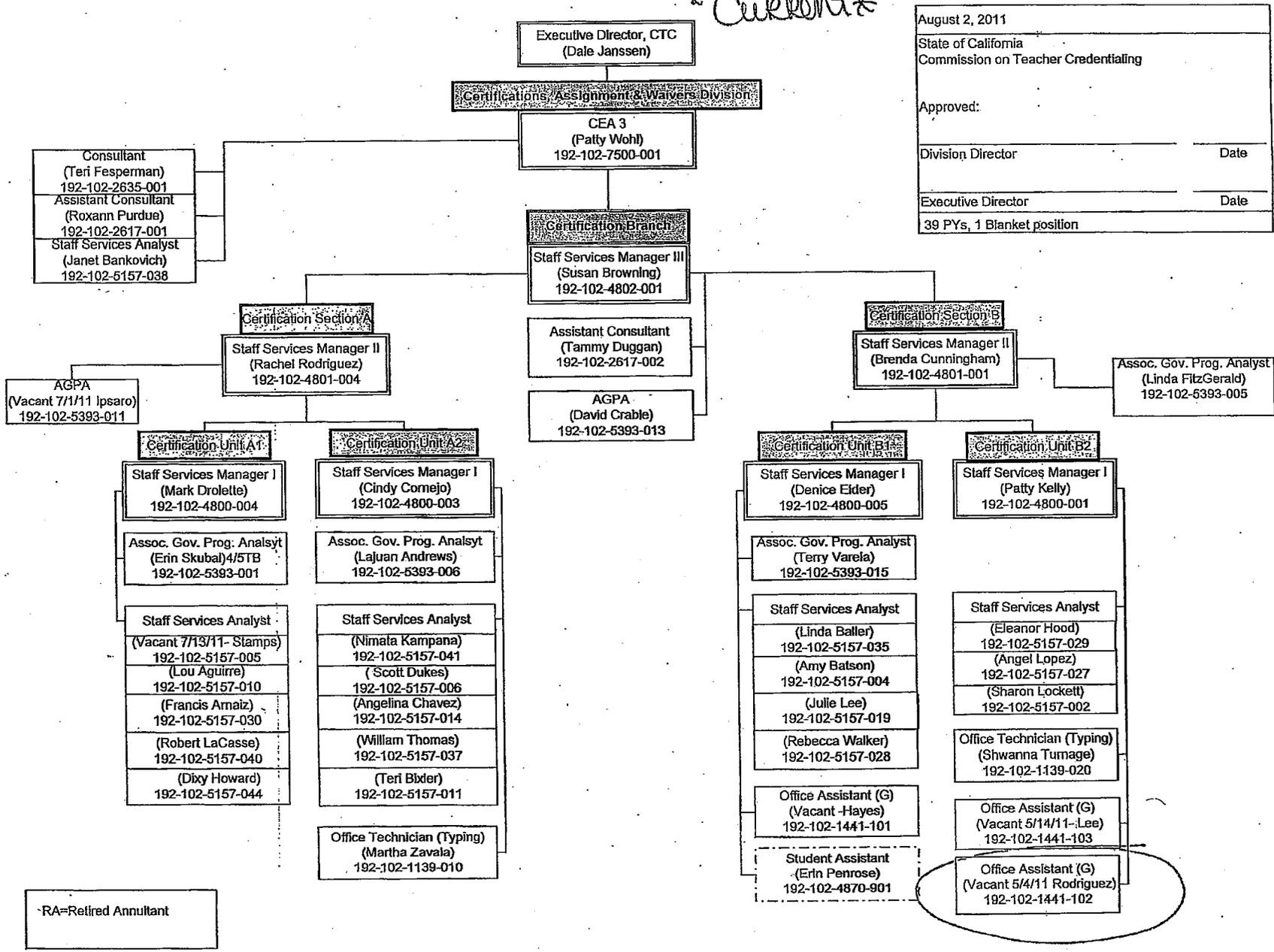


8/29/11

Personnel Officer Approval

Date

* Currents



August 2, 2011

State of California
Commission on Teacher Credentialing

Approved:

Division Director	Date
Executive Director	Date

39 PYs, 1 Blanket position

Current DPP

September 1, 2011	
State of California Commission on Teacher Credentialing	
Approved:	
Division Director	Date
Executive Director	Date

Interim Executive Director,
CTC
(Beth Graybill)

Division of Professional
Practices
CEA 3
(Vacant 8/2/11 -Armstrong)
192-302-7500-001

Assistant Chief Counsel
(Vacant - Pope)
192-302-5778-003

Support Section
Staff Services Manager II
(Dan Gonzales)
192-302-4801-001

Assoc Gov Prog Analyst
(Diana Mansker)
192-302-5393-001
Assoc Gov Prog Analyst
(Eileen Klockgether)
192-302-5393-002
Assoc Gov Prog Analyst
(Larry Ng)
192-302-5393-003
Assoc Gov Prog Analyst
(Rachel Grizzaffi)
192-302-5393-004

Staff Services Analyst
(Erin McCready)
192-302-5157-003
(Sylvia Ferrari)
192-302-5157-004
(John Yamamoto)
102-302-5157-186

Office Technician (T)
(Patty Vassar)
192-302-1139-001
(Monica Zuniga)
192-302-1139-002
(Janice Nakamura)
192-302-1139-006
(Cynthia Thomason)
192-302-1139-007
(Linda Hernandez)
192-302-1139-188
(Melissa Standen)
192-302-1139-005
(Mike Mostafanejad) (RA)
192-302-1139-901

Office Assistant (G)
(Vacant 3/2/11- Zuniga)
192-302-1441-100
Office Assistant (G)
(Vacant 6/6/11- Schmitt)
192-302-1441-101

Student Assistant
192-302-4870-901
(Kyle Tabler)
(Lauren Blume)
(Sarah Wills)

Investigations/Probations Unit
Supervising Special Investigator I
(Gilberto Gonzalez)
192-302-8549-001

Special Investigator
(Karen Romo)
192-302-8612-002
(Judy Louie)
192-302-8612-183
(Gayle Dameron)
192-302-8612-182
(Vacant 9/1/11 Jensen)
192-302-8612-003

Assoc Gov Prog Analyst
(Judith Cullum)
192-302-5393-005

(RA) Retired Annuitant

Committee of Credentials
Staff Counsel III
(Ani Kindall)
192-302-5795-161

Staff Counsel III
(Monica Silva)
192-302-5795-002

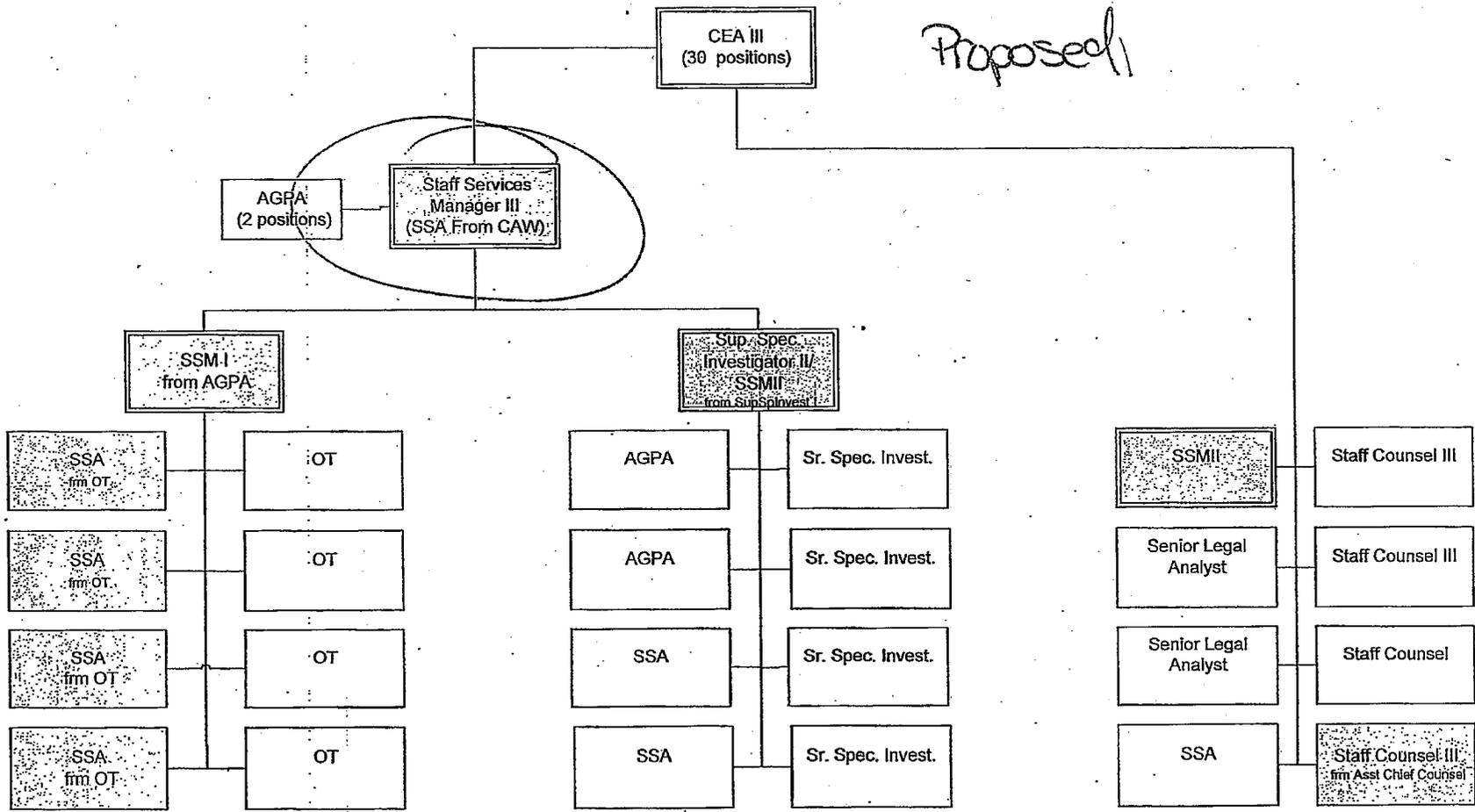
Staff Counsel
(Brittney Lee)
192-302-5778-001

Senior Legal Analyst
(Brenda Rutledge)
192-302-5333-001

Senior Legal Analyst
(Sherry Henderson)
192-302-5333-002

DPP Org Chart – Re-Org Proposal

Proposed



* Current *

COMMISSION ON TEACHER CREDENTIALING DUTY STATEMENT

EMPLOYEE NAME <i>Rebecca Rodriguez</i>	EFFECTIVE DATE <i>10/1/08</i>	RPA # <i>10-030</i>	CLASSIFICATION <i>Management Services Technician</i>
POSITION NUMBER <i>192-102-5278-002</i>	DIVISION / SECTION <i>CAW / Operational Support</i>		DATE LAST REVIEWED <i>October 2008</i>
COLLECTIVE BARGAINING UNIT <i>R01</i>		CONFLICT OF INTEREST CATEGORY <i>n/a</i>	

Under general supervision of Office Services Supervisor III the Management Services Technician performs the following:

ESSENTIAL FUNCTIONS

- 75% | Review and analyze requests to convert credential documentation contained in microfilm jackets into the Credential Automation System (CAS) by reviewing the documentation on a microfilm reader, determining the appropriate credential to be updated including ancillary authorizations and entering the data into CAS. The MST must be an expert on statutory and regulatory rules that governed the credential system from the 1960's to 1989. Resolve the most obscure and complex conversions. Responsible for analyzing and correcting Social Security Number discrepancies for files with multiple or incorrect numbers. Handle the most sensitive employer or controlled correspondence requests.
- 20% | Draft original responses to e-mail, correspondence and telephone inquiries from employers and individuals related to teacher life credential documents needing to be converted. Prioritize work that may require urgency because it directly relates to employment.

MARGINAL FUNCTIONS

- 5% | Other related duties as required.

PHYSICAL DEMANDS

Must possess and maintain sufficient strength, agility, endurance, and sensory ability to perform the duties contained in this duty statement with or without reasonable accommodation.

MENTAL REQUIREMENTS

Ability to communicate clearly and tactfully; read and follow written and oral instructions; and to change tasks and work with multiple task assignments.

TYPICAL WORKING CONDITIONS

Requires prolonged sitting, use of telephone and terminals, frequent contact with employees and some public contact. Requires mobility to various areas of the CTC and work business hours of 8:00 a.m. to 5:00 p.m.

ADDITIONAL REQUIREMENTS

Demonstrates a commitment to performing duties in a service-oriented manner. Demonstrates a commitment to maintaining a work environment free from discrimination and sexual harassment. Maintains good work habits and adheres to all policies and procedures. Fingerprint clearance.

SUPERVISION EXERCISED

None.

PERSONAL CONTACTS

Has daily contact with Commission management and staff.

ACTIONS AND CONSEQUENCES

Failure to use good judgment in handling sensitive and confidential information could result in confidential and/or incorrect information being released to unauthorized persons, and may result in adverse actions.

APPLICANT'S CERTIFICATION OF ESSENTIAL FUNCTIONS

I certify that I have read the essential functions of the job listed above and considering my current health status (please check one of the boxes below):

- I am able to perform all of the essential functions of the job without a need for reasonable accommodation.
- I am able to perform all of the essential functions of the job, but will require reasonable accommodation (please describe your requested accommodation in the Reasonable Accommodation section below).
- I am unable to perform one or more of the essential functions of the job, even with reasonable accommodation.
- I am not sure if I am able to perform one or more of the essential functions of the job. I have identified the functional limitations that I believe may limit my ability to perform the essential functions of the job in the Request for Essential Functions Evaluation section below.

REASONABLE ACCOMODATION (If necessary, you may attach additional pages)

For each essential function of the job for which you require reasonable accommodation, please describe the reasonable accommodation you are requesting:

**REQUEST FOR ESSENTIAL FUNCTIONS EVALUATION
(If necessary, you may attach additional pages)**

I am not sure whether I have a physical or mental limitation that may prevent or otherwise impair me from performing the essential functions of the job. Below I have listed the essential functions in question and my specific functional limitations that I believe may prevent or otherwise impair me from performing the listed essential functions of the job. I authorize the hiring authority, if necessary, to refer this information to the State Personnel Board's Medical Officer, or his/her delegate, to determine my ability to perform the essential functions of the job with or without reasonable accommodation.

ACKNOWLEDGEMENT

I certify the information I have provided concerning my ability to perform the essential functions of the job is true and complete to the best of my knowledge.

APPLICANT'S NAME (Print or type)	APPLICANT'S SIGNATURE	DATE
Rebecca Rodriguez		

ACKNOWLEDGEMENT

I certify the duties listed above represent the essential functions of the job and classification listed above.

SUPERVISOR'S NAME	SUPERVISOR'S SIGNATURE	DATE
PERSONNEL OFFICER'S NAME	PERSONNEL OFFICER'S SIGNATURE	DATE

STATE OF CALIFORNIA
 COMMISSION ON TEACHER CREDENTIALING
DUTY STATEMENT
 CCTC-AGENCY xxx (REV 06/11)

* Proposed

RPA #	EFFECTIVE DATE: 9-XX-11
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EMPLOYEE'S NAME Vacant	POSITION NUMBER (Agency - Unit - Class - Serial) 192-302-4802-001
DIVISION/UNIT DPP - Div of Professional Practices	CLASS TITLE Staff Services Manager III

You are a valued member of the Commission on Teacher Credentialing (CTC). You are expected to work cooperatively with all employees, our customers and members of the public to enable the CTC to provide the highest level of service possible. Your creativity and ingenuity are encouraged. Your commitment to treat others fairly, honestly, respectfully and professionally is critical to the success of the CTC's Mission.

BRIEFLY (in 3 sentences) DESCRIBE THE POSITION'S PRIMARY ROLE AND PURPOSE. PLEASE INCLUDE THE POSITION'S REPORTING RELATIONSHIP AND LEVEL OF INDEPENDENCE.

Under the general supervision of the General Counsel, CEA III, the Staff Services Manager III performs the following essential functions:

Percentage of time performing duties | **Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first.**

30%	<p><u>ESSENTIAL FUNCTIONS</u> Plan, organize, direct and manage the Professional Practices Section through subordinate managers, overseeing the disciplinary processing function for the CTC. Ensure that systems and procedures are in place and deadlines are met; train, review and evaluate individual performance; provide or initiate work improvement counseling and training to correct performance deficiencies; initiate and recommend adverse action; assist with individual staff development efforts.</p>
30%	<p>Interpret and evaluate current statutes and regulations and analyze proposed statutory and regulatory changes. Work with subordinate managers and ETSS staff in the development of enhancements to the Seibel system. Responsible for providing consultation and recommendations to the Director of the Professional Practices division on policy and procedure changes related to disciplinary processing and the general administration of the Section including staffing, purchases, training and contracts.</p>
25%	<p>Participate in the development of the strategic plan including the development of goals and objectives and the measuring and evaluation of those goals and objectives. Serve as a member of the Division's policymaking team. Represent the Division in the absence of the Director, including weekly senior management meetings. Develop agenda items for the commission meetings and attend the committee of Credentials as needed.</p>
10%	<p>Represent the division at public meetings imparting policy level information related to credential processing to Commission stakeholders. Interact with Commissioners and high level county and district personnel in response to sensitive inquiries.</p>

DUTY STATEMENT

CCTC-AGENCY xxx (REV 06/11)

5%

MARGINAL FUNCTIONS

Acts as the Division Director in the absence of the General Counsel. Other duties as required.

KNOWLEDGE AND ABILITIES

Knowledge of:

1. Current laws and codes regarding teacher education and disciplinary practices in California
2. Administrative functions, organization and structure of Commission on Teacher Credentialing.
3. Trends and practices in the disciplinary process of teacher education
4. National and regional policies and procedures regarding disciplinary practices
5. California principles and methods of disciplinary practices for teachers

Ability to:

1. Interpret and apply provisions of the California Education Code, Penal Code and the policies and regulations of the Commission on Teacher Credentialing
2. Analyze policy issues in teacher discipline
3. Analyze legislation and its fiscal impact on the Commission.
4. Perform in an independent and creative manner
5. Speak effectively and write clear, concise reports
6. Utilize effective techniques in human relations
7. Analyze situations accurately and take effective action
8. Analyze policy issues related to the evaluation of professional practices
9. Utilize alternative approaches to the determination of program status
10. Implement data systems to improve efficiency of DPP division
11. Prepare policy recommendations, workload reports and agenda items

DESIRABLE QUALIFICATIONS

- **Integrity** – consistently adheres to his/her duties to execute the mission and responsibilities of the CTC.
- **Expertise** – be a reliable source of accurate information.
- **Teamwork** – works collaboratively and in recognition of the contribution each makes to the common purpose.
- **Respect** – recognizes the validity of other points of view and treats others with civility.
- **Problem Solving** – strives to find practical and effective solutions to achieving desired goals

SPECIAL PERSONAL CHARACTERISTICS (optional...if not on the class spec, do not include)

- N/A

INTERPERSONAL SKILLS (optional)

- N/A

WORK ENVIRONMENT, PHYSICAL OR MENTAL ABILITIES

DUTY STATEMENT

CCTC-AGENCY xxx (REV 06/11)

Work Environment:

- Willing to travel
- Overtime may be necessary depending upon the situation (ie travel, attendance at conferences etc.)
- Requires prolonged sitting, use of telephones, and computers, frequent contact with employees and some public contact. Requires mobility to various areas of the CTC and the ability to work regular business hours between 8 am and 5 pm.
- Demonstrates a commitment to perform duties in a service-oriented manner. Demonstrates a commitment to maintaining a work environment free from discrimination and sexual harassment. Maintains good work habits and adheres to all policies and procedures.
- Requires fingerprint clearance
- Has daily contact with Commission management and staff

Physical Ability

- Must possess and maintain sufficient strength, agility, endurance and sensory ability to perform the duties contained in this duty statement with or without reasonable accommodation

Mental Ability

- Ability to communicate clearly and tactfully; read and follow written and oral instructions; and to change tasks and work with multiple task assignments

Some of the requirements above may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

PERSONAL CONTACTS

- CTC management and staff
- Educators and the Public
- Stakeholders
- Commission members
- Committee on Credentials members

LEVEL OF RESPONSIBILITY – ACTIONS AND CONSEQUENCES

Incumbent will have a very high level of responsibility. Failure to use good judgment in handling sensitive and confidential information could result in confidential and/or incorrect information being released to unauthorized person, and may result in adverse actions. The actions of the individual can and will affect the Commission public responsibility and the safety of the children of California.

MANAGER/SUPERVISOR'S STATEMENT: I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE.

MANAGER/SUPERVISOR'S NAME (Print)	MANAGER/SUPERVISOR'S SIGNATURE	DATE
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EMPLOYEE'S STATEMENT: I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT.

The statements contained in this duty statement reflect general details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise balance the workload.

EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE
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**REQUEST FOR HIRING FREEZE EXEMPTION
GROUP**

PART I

Request Date: August 3, 2011 Request Number: CTC-006

Requesting Entity Org Code: 6360 Requesting Entity Name: Commission on Teacher Credentialing

Total Vacant Positions: 13 Total Salary Savings Positions: 8.3 Total Work Force Cap Positions: 0

Total Positions in Group: 30 Total Vacant Positions in Group: 5

Total exemptions being requested: 30 Total estimated cost: \$2,187,000 (Salaries & Benefits)

Fund Split: GF % OF 100 %

Does this request include attachments? Yes No Please indicate the total number of pages: 17

PART II

A. Type of Exemption:

- | | |
|--|---|
| <input checked="" type="checkbox"/> New hire(s) | <input checked="" type="checkbox"/> Interdepartmental Transfer(s) |
| <input checked="" type="checkbox"/> Increased Time Base(s) | <input checked="" type="checkbox"/> Permanent Intermittent Appointment(s) |
| <input type="checkbox"/> Seasonal Appointment(s) | <input type="checkbox"/> Other, Specify _____ |

B. Responsibility that meets exemption criteria:

- Direct, hands-on services to clients in 24-hour care institutions
- Emergency response and public safety
- Revenue generation
- Core functions of departments' statutory mission
- Essential function that will result in more overtime costs than position savings

C. Reason position(s) meet the criteria:

The Division of Professional Practices is responsible for the discipline of credential applicants and holders and the legal activities of the Commission. The Division supports the Committee of Credentials (COC), a statutory body that is responsible for conducting investigations of charges of misconduct against a credential holder or applicant upon initial application for a credential, when a credential is renewed, or when there are allegations against a credential holder relating to criminal activity, unprofessional conduct, or misconduct that would impact the status of a license. The COC reviews cases and makes recommendations to the Commission regarding adverse actions that may be taken against a credential holder or applicant. The Division's staff supports the work of the COC. The legal staff provides legal counsel and advice to the Commission, the Committee of Credentials, and other divisions within the Commission.

In April 2011, the State Auditor released a report "Despite Delays In Discipline Of Teacher Misconduct, The Division Of Professional Practices Has Not Developed An Adequate Strategy Or Implemented Processes That Will Safeguard Against Future Backlogs" (April 2011 2010-119), <http://www.ctc.ca.gov/audit/2010-119-BSA-report.pdf>, that included a number of findings and recommendations regarding the Division of Professional Practices. Specifically, the BSA report noted that the processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and person(s) responsible for the case. The data need to be complete, accurately and consistently entered into the database and useful as a management tool. An oversight process needs to be developed to ensure the accuracy of the data entered into the database. The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. (BSA recommendations 2, 3, 6, 7, 8, and 9) The ability to hire staff as needed within this division is critical to ensure that the Commission can address the findings of the audit in a timely manner as well as continue to maintain the workload of the Division.

D. Consequence if exemption(s) not granted:

If the exemption is not granted it will be difficult for the Commission to achieve and maintain the objectives of the audit, address the day-to-day operations, or monitor caseload in a timely manner to ensure pupil safety. The Commission has redirected staff time within the agency as an interim solution however this does not address the long term need to ensure that the workload within the Division of Professional Practices is maintained due to the expertise necessary to complete various tasks. Having hired staff with the specific knowledge, skills and abilities to complete the various tasks within the Division of Professional Practices is essential in maintaining the operations of the Division of Professional Practices. The Commission takes very seriously our responsibility to California's 6 million school children and their parents and are taking immediate steps to address and correct the recent findings of the State Auditor.

It is important to note that the Commission is considering an organizational change for the Division of Professional Practices. Per the BSA Audit, the Commission is currently in the process of collecting the data needed to identify the staffing levels needed to accommodate the Division of Professional Practices' workload. A new General Counsel should be selected by September 2011 and additional hires will be essential to ensure a smooth transition. The Commission will be working with the Department of Personnel Administration (DPA) as necessary to ensure the appropriate approvals are in place. However the proposed organizational changes are necessary to ensure that the span of control (supervision) is adequately addressed based on the allocation guidelines established by the DPA.

E. Position Data:

Position Numbers: Various (Please see the attached Organization Chart Dated August 1, 2011)
Classification Title(s): Various (Please see the attached Organization Chart Dated August 1, 2011)

Contact Person: Crista Hill Telephone Number: (916) 322-3459 ext.
E-mail Address: chill@ctc.ca.gov

F. Signature:

I certify that the above requested action has been evaluated and that the needs described above cannot be met in any other manner than by obtaining this exemption.

Beth Graybill 8/3/11
Department Director Date

Agency Secretary (if applicable) Date

Number of Exemptions Approved _____ Denied _____

Governor's Office Date

August 2, 2011	
State of California Commission on Teacher Credentialing	
Approved:	
Division Director	Date
Executive Director	Date

Executive Director, CTC
(Dale Janssen)

Division of Professional Practices

CEA 3
(Vacant 8/2/11 -Armstrong)
192-302-7500-001

Support Section

Staff Services Manager II
(Dan Gonzales)
192-302-4801-001

Investigations/Probations Unit

Supervising Special Investigator I
(Gilberto Gonzalez)
192-302-8549-001

Committee of Credentials

Staff Counsel III
(Ani Kindall)
192-302-5795-161

Assoc Gov Prog Analyst
(Diana Mansker)
192-302-5393-001

Assoc Gov Prog Analyst
(Eileen Klockgether)
192-302-5393-002

Assoc Gov Prog Analyst
(Larry Ng)
192-302-5393-003

Assoc Gov Prog Analyst
(Rachel Grizzaffi)
192-302-5393-004

Office Technician (T)
(Patty Vassar)
192-302-1139-001

(Monica Zuniga)
192-302-1139-002

(Janice Nakamura)
192-302-1139-006

(Cynthia Thomason)
192-302-1139-007

(Linda Hernandez)
192-302-1139-188

(Melissa Standen)
192-302-1139-005

Special Investigator
(Karen Romo)
192-302-8612-002

(Judy Louie)
192-302-8612-183

(Gayle Dameron)
192-302-8612-182

(Sheila Jensen)
192-302-8612-003

Staff Counsel III
(Monica Silva)
192-302-5795-002

Staff Counsel
(Brittney Lee)
192-302-5778-001

Staff Counsel
(Vacant - Pope)
192-302-5778-003

Staff Counsel
(Janet Vining) (RA)
192-302-5778-901

Staff Services Analyst
(Erin McCreedy)
192-302-5157-003

(Sylvia Ferrari)
192-302-5157-004

(John Yamamoto)
102-302-5157-186

Office Assistant (G)
(Vacant 3/2/11- Zuniga)
192-302-1441-100

Office Assistant (G)
(Vacant 6/6/11- Schmitt)
192-302-1441-101

Assoc Gov Prog Analyst
(Judith Cullum)
192-302-5393-005

Senior Legal Analyst
(Brenda Rutledge)
192-302-5333-001

Senior Legal Analyst
(Sherry Henderson)
192-302-5333-002

Student Assistant
192-302-4870-901
(Kyle Tabler)

(Lauren Blume)

(Sarah Willis)

(RA) Retired Annuitant

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Four: The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.</p>	<p>The Commission has requested a legal opinion from the Attorney General to determine the legal authority and extent to which the COC may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review. Specifically:</p> <ul style="list-style-type: none"> • On July 1, 2011, the Attorney General notified the Commission that Opinion 11-606 was assigned to Deputy Attorney General Diane Eisenberg in the Opinion Unit of the Department of Justice. This opinion is pending review. According to Ms. Eisenberg, an opinion is not expected until early 2012. • Commission staff no longer closes investigations of alleged misconduct prior to COC review and action. Cases that used to be reviewed and “closed” by the Commission’s legal staff are now presented to the Commission as follows: <ul style="list-style-type: none"> ○ “Low level” cases (such as first-time DUI, petty theft, disturbing the peace, resisting arrest, etc.) are now presented to the COC on a Consent Calendar. Cases can be taken off consent at the request of any COC member. ○ Cases that follow similar patterns and lend themselves to shorter discussions are presented on a “Discuss Calendar” at each meeting. Cases can be taken off the discuss calendar at the request of any COC member who wishes to have a more in-depth discussion of the case. <p>The Discuss Calendar contributes to moving more cases through the system while the purpose of the Consent Calendar is to move the decision point from legal staff to the COC.</p> <ul style="list-style-type: none"> • By adding the Consent and Discuss calendars to each month’s agenda, the physical number of cases handled by the Committee each month has increased. (Prior to the audit, the COC handled 50-60 Initial Review cases each month. About 75% to 85% of the Initial Review cases return for “formal review” 60 days after that initial review, suggesting that prior to the audit, the COC handled, on average, 50-60 Initial Reviews and an additional 40-45 “formal review” cases each month.)

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<p><i>Next step to fully meet the BSA recommendation:</i></p> <ul style="list-style-type: none">• Once the Attorney General’s opinion is received, the Commission will conform its policies and procedures as necessary to comply with the opinion.



455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

Public: 415-703-5500
Telephone: (415) 703-5876
Facsimile: (415) 703-5480
E-Mail: Susan.Lee@doj.ca.gov

July 1, 2011

Dale A. Janssen, Executive Director
Commission On Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95811

RE: Opinion No. 11-606

Dear Mr. Janssen:

By letter dated May 2, 2011, you requested an opinion of the Attorney General on the following question:

May the Commission on Teacher Credentialing delegate to its Executive Director, and through him or her to subordinate staff, the authority to review and determine which cases are required to be presented to the Committee of Credentials? (See Educ. Code §§ 44220(b)m 4424,5(a); see also California State Auditor's Report No. 2010-119.)

Your request has been assigned to Deputy Attorney General Diane Eisenberg, in the Opinion Unit. We will solicit the views of all interested parties. Please let us know of those you wish to have contacted for their views. Your request and our opinion will be treated as public records subject to disclosure under the Public Records Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Duncan Lee".

SUSAN DUNCAN LEE
Supervising Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

SDL:em

cc: David Chaney; Dane Gillette; Matt Rodriguez; Jonathan Renner, Secretary for Legal Affairs, Governor's Office; Jennifer Kim, Senior Assistant Attorney General, Health, Education and Welfare; Leslie McElroy, Deputy Attorney General, Health, Education and Welfare; Diane Eisenberg

SF2011101693; 20480426.doc



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 322-6253 Fax (916) 445-0800
www.ctc.ca.gov

Office of the Executive Director

May 2, 2011

Susan Lee, Supervising Deputy Attorney General
Opinion Unit
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

Request for Opinion

Dear Ms. Lee:

The Commission on Teacher Credentialing (Commission) requests an opinion interpreting the statute delegating authority to the Executive Director as it relates to the discretionary disciplinary process of the Commission and the Committee of Credentials (Committee.) Specifically:

May the Commission pursuant to subdivision (b) of section 44220 of the Education Code delegate to the Executive Director and through him his subordinate staff, the authority to review and determine which cases are required to be presented to the Committee in accordance with subdivision (a) of section 44242.5 of the Education Code?

Background and Statutory Framework

The Commission is an agency in the Executive Branch of California State Government. It was created in 1970 by the Ryan Act (Teacher Preparation and Licensing Act of 1970, Education Code Sections 44200 *et. seq.*), and is the oldest of the autonomous state standards boards in the nation. The major purpose of the agency is to serve as a state standards board for educator preparation for the public schools of California, the licensing and credentialing of professional educators in the State, the enforcement of professional practices of educators, and the discipline of credential holders in the State of California.

Section 44220 of the Education Code¹ gives a broad delegation of authority to the Executive Director. Subdivision (b) of section 44220 reads as follows:

Any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate is delegated to the executive director, unless the commission specifically has reserved the same for its own action.

The powers and duties provision of the Commission contained in section 44225 sets forth an extensive list of tasks that the Commission is required to perform, but it contains no specific reference to discipline. The Commission has not specifically reserved any functions that relate

¹ All statutory references are to the Education Code unless otherwise noted.

to the discretionary disciplinary review process in regulations promulgated by the Commission (Title 5 of the California Code of Regulations (commencing with section 80000)) nor in the Commission's Policy Manual (Commission on Teacher Credentialing Policy Manual, updated December 2007.) Section 600 of the Policy Manual reiterates and explains the statutory delegation to the Executive Director as follows:

(b) Any power, duty purpose, function, or jurisdiction which the Commission may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Director unless it is shown that the Commission has specifically reserved the same for its own action.

(e) The Executive Director may authorize such assisting staff to perform in the name of the Executive Director, any of the authorized duties of the Executive Director.

The statutory provisions governing the discretionary² review process of disciplinary matters concerning credential holders and applicants for credentials is set forth in the sections 44240 through 44246. Section 44240 requires the Commission to appoint the Committee members in designated categories. The Education Code does not set forth a powers and duties provision for the Committee and there is no Legislative intent language in the statutes relating to the Committee. Section 44241 applies various administrative provisions to the Committee, including the delegation authority to the Executive Director found in section 44220. Section 44242 states that the Committee is under the direct supervision of the Commission and section 44243 states that the Commission may assign administrative duties to the Committee and shall supervise the work of the Committee and provide statements of policy and procedure as it deems appropriate. The Commission addresses its relationship with the Committee in sections 500 through 512 of the Policy Manual.

In order to perform its statutory duties, the members of the Committee meet once a month in Sacramento for three days to review the cases prepared by Commission staff. In order to investigate acts of misconduct, jurisdiction for an initial review must be established under the provisions of subdivision (b) of section 44242.5. At the initial review, the Committee determines whether to close the investigation or to proceed to a formal review pursuant to section 44244. A separate jurisdictional basis is required under subdivision (d) of 44242.5 to proceed to the formal review³. Respondents have a right to make a personal appearance at the formal review. The appearances limit the number of formal reviews the Committee can conduct during each meeting. After the formal review, the Committee may close the investigation or recommend an adverse action. The respondent may accept the recommendation of the Committee which is presented to the Commission on a

² The Education Code contains provisions requiring the denial of an application or revocation of a credential by operation of law based on a specified criminal conviction (sections 44346, 44346.1, 44423.6, 44424, 44425, 44425.5, and 44426.) The Commission's involvement in these cases is purely ministerial (*DiGenova v. State Board of Education*, 45 Cal. 2d 255, 260.)

³ For example, a police report or court document reflecting an individual has been arrested or charged with a crime would provide jurisdiction to conduct an initial review under section 44242.5(b)(1), but a conviction would be required to proceed to formal review under section 44242.5(d)(1). A sworn statement or an employment action provides jurisdiction for both initial and formal review under sections 44242.5(b)(2) and (b)(3) and 44242.5 (d)(2) and (d)(3).

Consent Calendar for adoption pursuant to section 44244.1. The respondent may appeal the recommendation of the Committee pursuant to section 44246 and the matter is adjudicated under the Administrative Procedures Act. The Commission is represented during these proceedings by the Office of the Attorney General.

The Division of Professional Practices (DPP) is the division charged with the responsibility of supporting the work of the Committee. DPP is also the legal department for the Commission and the Director of DPP serves as the General Counsel for the Commission. The Director/General Counsel oversees a staff of attorneys, investigators, analysts, and technicians. In support of the work of the Committee, Commission staff reviews criminal justice summaries (RAP sheets) received from the Department of Justice, reports of misconduct from individuals, reports of changes in employment from school districts, and disclosures of potential misconduct from applicants. The Commission reviews thousands of allegations of misconduct a year; the majority of which involve criminal conduct.⁴ Commission staff reviews the criminal conduct, gathers the necessary documents to evaluate the conduct, performs a legal review as to jurisdiction and defensibility, and initiates the discretionary investigation on behalf of the Committee. Additionally, Commission legal staff works with the members of the Committee to identify behaviors that the Committee has determined do not warrant a recommendation of an adverse credentialing action⁵.

Analysis

The Commission has historically interpreted the intent of the statutes governing the Committee as providing statutory due process prior to any discipline being imposed on a credential holder. The Committee on Education of the Assembly issued a report that addressed perceived deficiencies with the predecessor to the Committee of Credentials when it was under the auspices of the Department of Education (*The Restoration of Teaching: A Report of the Subcommittee of Personnel and Teacher Qualifications*, January 1967, pp. 21-35) which led to the Ryan Act that established the present day Commission and Committee. The recommendations of the subcommittee focused on providing greater due process and fairness to the Committee review process.

The language of subdivision (a) of section 44242.5 reads as follows:

Each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials.

In a recent audit report on the Commission, the State Auditor issued a *de facto* legal opinion in which she interpreted the above-referenced language to require "...where the allegation of misconduct is one that gives the committee initial jurisdiction and may subject a credential holder or applicant to adverse action, staff must present it to the committee" (California State Auditor Report 2010-119, p. 108.) Under this interpretation of the statute, every credential

⁴ See Division of Professional Practices Discipline Workload Report FY 2009-2010, Item 2A, December 9-10 Commission meeting.

⁵ Although a delegation of authority from the Committee was not viewed as applicable, Commission staff worked closely with the Committee to insure that its members were fully informed of staff's actions and were in agreement. Accordingly, Commission staff presented the Committee with information about the type of cases that cannot support discipline and the process of staff closing these cases was approved unanimously by a quorum of the Committee.

holder or applicant who was arrested for a crime, but not yet convicted would have to be presented to Committee for initial review, regardless of the nature of the crime or the status of the criminal case. The commencement of an initial review requires that the case be presented to the Committee for formal review within six months (section 44244(b)(1)) with a possibility of a six months extension from the chair of the Commission (section 44244(c)). If the individual is not convicted of the crime within this timeframe, the Committee would not have jurisdiction to proceed to the formal review absent Commission staff obtaining sworn statements from witnesses in multiple ongoing criminal investigations scattered throughout the state of California. The Commission has never taken the view that criminal charges that do not result in a conviction should routinely⁶ be pursued given the statutory relationship between initial review jurisdiction under 44242.5(b)(1) [official documents from court or law enforcement agency] and formal review jurisdiction under 44242.5(d)(1) [documents supporting a conviction].

The State Auditor’s opinion is also based on the assumption that the Committee has delegation authority rather than the Commission. Based on the statutory structure outlined above, the Commission has taken the position that the Committee performs an invaluable function, but has no authority to delegate. All delegations of authority flow from the Commission (sections 44220, 44241, 44242, 44243, Policy Manual sections 500-512, and 600). Recognizing that a legal opinion of the State Auditor has no binding effect, the Audit recommended that the Commission seek a legal opinion from the Attorney General to provide guidance on this issue.

Historically, the “shall” language of this passive-voiced sentence in section 44242.5 has been interpreted by the Commission to mean that no discipline may be imposed on an applicant or credential holder unless the allegations are reviewed by the Committee. Commission staff, on behalf of the Commission, presents allegations of misconduct that have been reviewed for jurisdictional and legal sufficiency.

The Education Code does not contain a definition of “misconduct” and provides no specific guidance as to what criminal behavior has a sufficient nexus to holding a credential to warrant a discretionary review and a possible adverse action. Section 44421 provides a general statement for the grounds for imposing an adverse action:

The Commission on Teacher Credentialing shall privately admonish, publicly reprove, revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, or for any cause that would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service.

⁶ On relatively rare occasions, the Commission will obtain initial review jurisdiction pursuant to a police report or court document and attempt to obtain formal review jurisdiction by obtaining a sworn statement from an individual with firsthand knowledge of the alleged misconduct. These cases usually involve an allegation of sexual misconduct with a minor where the Commission has determined that if a sworn statement can be obtained the Commission has a reasonable probability of prevailing in the matter because of its lower burden of proof and the fact that the behavior does not have to be criminal to be unprofessional or immoral for licensing purposes. Current staff and resources do not allow such action in every case.

Grounds for denying an application are found in section 44345:

The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who falls under any of the following categories:

- (a) Lacks the qualifications which are prescribed by law or regulations adopted by the commission pursuant thereto.
- (b) Is physically or mentally so disabled as to be rendered unfit to perform the duties authorized by the credential for which he or she applies. However, the mere fact that an applicant has sought or received psychiatric treatment shall not be considered as preliminary evidence of mental disability and shall not provoke special scrutiny of such applicant's qualifications for a credential.
- (c) Is addicted to the use of intoxicating beverages to excess.
- (d) Is addicted to the use of controlled substances.
- (e) Has committed any act involving moral turpitude.
- (f) Has had a certification document revoked.
- (g) Has intentionally practiced or attempted to practice any material deception or fraud in his or her application.
- (h) Fails or refuses to furnish reasonable evidence of identification or good moral character.
- (i) Has been convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955.

Any denial pursuant to subdivisions (a) to (e), inclusive, shall be based upon reasons related to the applicant's fitness to teach or fitness to perform other duties for which that applicant is certificated, or competence to perform the duties which the credential would authorize the applicant to perform.

Based on this statutory guidance, it is not always clear which criminal behavior can sustain an adverse action. Section 44421 lists “unprofessional conduct” and “evident unfitness for service,” but does not define either term. Section 44345 lists moral turpitude as grounds for denying an application, but both alcohol and drug use appear to be limited to cases involving addiction. The seminal case that is now applied to almost all misconduct involving licensing is *Morrison v. State Board of Education*, 1 Cal. 3d 214 (1969), which list the so called *Morrison* factors, as follows:

We therefore conclude that the Board of Education cannot abstractly characterize the conduct in this case as 'immoral,' 'unprofessional,' or 'involving moral turpitude' within the meaning of section 13202 of the Education Code unless that conduct indicates that the petitioner is unfit to teach. In determining whether the teacher's conduct thus indicates unfitness to teach the board may consider such matters as the likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conduct, the likelihood of the recurrence of the questioned conduct, and the extent to which disciplinary action may inflict

an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. These factors are relevant to the extent that they assist the board in determining a teacher's fitness to teach, i.e., in determining whether the teacher's future classroom performance and overall impact on his students are likely to meet the board's standards *id.*, at pp. 229-230.

Even though *Morrison* involved non criminal conduct, it is now routinely applied to criminal behavior. In a case recently litigated by the Commission, an Administrative Law Judge (ALJ) issued a Proposed Decision dismissing an accusation imposing a 60 day suspension on a credential holder who had been convicted of three instances of driving under the influence of alcohol over a lengthy period of time. The credential holder introduced evidence that she was not addicted to alcohol and persuaded the ALJ that the conduct could not be found to be unprofessional under the Education Code and applicable law. The Commission rejected the Proposed Decision, called for the transcript, and issued its own decision finding that the behavior was unprofessional. The respondent sought judicial review and ultimately, the Court of Appeals for the Third Appellate District, using the *Morrison* factors, held that the three convictions supported an adverse action under applicable law. (*Broney v. California Commission on Teacher Credentialing* (2010) 184 Cal.App.4th 462.) Applying the *Morrison* factors, the legal staff on behalf of the Commission determines that a significant portion of the criminal misconduct involving credential holders or applicants for a credential cannot legally support an adverse action and those convictions have not been presented to the Committee. This is a case-by-case review and cases involving minor crimes with aggravating circumstances that may support discipline are presented to the Committee.

The contemporaneous administrative construction of an enactment by those charged with its enforcement is entitled to great weight, and courts generally will not depart from that construction unless it is clearly erroneous or unauthorized (*People ex rel. Lungren v. Superior Court* (1996) 14 Cal.4th 294, 309). The Commission is charged with interpreting its governing statutes in a manner that is true to the Legislative intent that allows the agency to effectively carry out its statutory functions. Statutes must be construed so as to give a reasonable and commonsense construction that is consistent with the apparent purpose and intention of the lawmakers, that is practical rather than technical, and that leads to wise policy rather than mischief or absurdity (*People v. Turner* (1993) 15 Cal.App.4th 1690, 1696). Interpreting subdivision (a) of section 44242.5⁷ to require a body that sits three days a month and has a very full agenda to review every arrest or even every conviction involving a credential holder or applicant for a credential holder that takes place throughout the state of California could result in such an absurdity.

⁷Although an attempt might be made to argue that section 80308 of Title 5 of The California Code of Regulations provides authority for a review other than that found in section 44242.5, the Commission was unsuccessful in defending a Writ of Mandate, *Hewitt v. CTC*, Sacramento County Superior Court No. 98CS01418 (1999) and did not file an appeal and is therefore binding on the agency. The decision limits the Commission's authority to investigate to the process set forth in section 44242.5 and specifically states that section 80308 of Title 5 of the California Code of Regulations does not provide a separate investigative authority. This case could be construed to mean that all cases presented to the Committee pursuant to section 44242.5 must go through the formal process set forth in subdivision (b) through (f) of the statute.

Unfortunately, subdivision (a) of section 44242.5 has not been the subject of litigation that resulted in a reported case that can be cited as precedent. An individual did file a Petition for a Writ of Mandate asserting that subdivision (a) of section 44242.5 required that his complaint against a credential holder be presented to the Committee for review (*Barrera v. Commission on Teacher Credentialing*, SF Superior Court CPF 10510855 (2010)). The Deputy Attorney General representing the Commission made a number of arguments in opposition of the writ, but after the case was briefed by both sides, the Court did not issue a tentative decision and posed the following question to be argued at the hearing on the matter:

On calendar for Thursday, December 16, 2010, Line 11, PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY SUPERINTENDENT OF SCHOOLS' Motion For Issuance Of Peremptory Writ Of Mandate, A HEARING IS REQUIRED. DOES SECTION 44242.5 (A) ALLOW DISCRETION CONCERNING WHICH MATTERS ARE REFERRED TO THE COMMITTEE OF CREDENTIALS?

After hearing argument, the Court issued the following ruling:

LAW AND MOTION 301, RULING - A R G U E D; PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY SUPERINTENDENT OF SCHOOLS' MOTION FOR ISSUANCE OF PEREMPTORY WRIT OF MANDATE IS DENIED. THE COURT FINDS THAT SECTION 44242.5 CANNOT BE READ TO IMPOSE A MANDATORY DUTY ON RESPONDENT TO PRESENT PLAINTIFF'S ALLEGATIONS TO THE COMMITTEE.

The Commission is aware such a case cannot serve as true precedent; however, it does serve as evidence that at least in this instance, subdivision (a) of section 44242.5 was not found to require an allegation of misconduct to be presented to the Committee.

Conclusion

In construing statutory language, a court must consider the language in the context of the entire statute and the statutory scheme of which it is a part. The court is required to give effect to statutes according to the usual, ordinary import of the language employed in framing them. If possible, significance should be given to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose. When used in a statute, words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear. Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole (*Dubois v. Workers' Comp. Appeals Bd.* (1993) 5 Cal.4th 382, 388).

The Commission is of the opinion that the statutory scheme governing the discretionary review process of the Committee when viewed in context with the statutes addressing the relationship of the Committee to the Commission and the delegation of authority to the Executive Director and his staff supports the following conclusion:

Only those allegations of misconduct that legal staff, acting on behalf of the Commission through its delegation of authority to the Executive Director, determine can support an adverse action are required to be presented to the Committee under subdivision (a) of section 44242.5.

If you have any questions please contact Mary Armstrong, General Counsel, at marmstrong@ctc.ca.gov.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Dale Janssen", with a long horizontal flourish extending to the right.

Dale A. Janssen
Executive Director

Attachments

THE RESTORATION OF TEACHING

A REPORT OF THE
**SUBCOMMITTEE ON SCHOOL PERSONNEL
AND TEACHER QUALIFICATIONS**

Assembly Interim Committee on Education

Members of the Subcommittee

LEO J. RYAN, *Chairman*

E. RICHARD BARNES
WILLIE L. BROWN, JR.
EDWARD E. ELLIOTT

CHARLES B. GARRIGUS
GEORGE W. MILIAS
GORDON H. WINTON, JR.

JAMES E. WHETMORE

January 1967

Michael A. Manley, *Consultant*

Gilbert M. Oster, *Staff Analyst*

Cristine B. Trask, *Secretary*

Walter G. Howald, *Legislative Intern*
(September 1965-June 1966)

Bruce W. Robeck, *Legislative Intern*
(September 1966-January 1967)



Published by the
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OF THE STATE OF CALIFORNIA

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Speaker

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Majority Floor Leader

CARLOS BEE
Speaker pro Tempore
ROBERT T. MONAGAN
Minority Floor Leader

JAMES D. DRISCOLL
Chief Clerk

LETTER OF TRANSMITTAL

California Legislature
Assembly Committee on Education
January 1, 1967

HON. JESSE M. UNRUH
Speaker of the Assembly, and
Members of the Assembly
Assembly Chamber, Sacramento

Gentlemen:

Pursuant to House Resolution 710, of the 1965 General Session of the Legislature and subsequent directives of the Assembly Committee on Rules, the Assembly Interim Committee on Education submits herewith the final report of its Subcommittee on School Personnel and Teacher Qualifications.

This report was considered and adopted by the subcommittee listed below and appears in subcommittee report form.

I respectfully commend these recommendations to you for your consideration.

CHARLES B. GARRIGUS, *Chairman*
Assembly Interim Committee
on Education

LEO J. RYAN, *Chairman*
Subcommittee on School Personnel
and Teacher Qualifications

Subcommittee on School Personnel
and Teacher Qualifications

RYAN, *Chairman*
BARNES
BROWN
ELLIOTT

GARRIGUS
MILIAS
WHEATMORE
WINTON

(4)

FINAL REPORT OF THE SUBCOMMITTEE ON SCHOOL PERSONNEL AND TEACHER QUALIFICATIONS

of the
ASSEMBLY INTERIM COMMITTEE
ON EDUCATION

MEMBERS OF THE SUBCOMMITTEE

E. Richard Barnes	Leo J. Ryan, <i>Chairman</i>	Charles B. Garrigus
Willie L. Brown, Jr.		George W. Milias
Edward E. Elliott *	James E. Wheatmore	Gordon H. Winton, Jr. **

January 1967

* Assemblyman Elliott concurs in all but Part III of the report, dealing with method of upgrading the teaching profession. He dissents from that portion of the report.

** Assemblyman Winton concurs generally in the report, but wishes to abstain on specific proposals.

TEACHER LICENSING IN CALIFORNIA

FINDINGS

I. With respect to the Fisher Act, we find that:

1. All major organizations of educators support the basic credentialing law, known as the Licensing of Certificated Personnel Law of 1961, and regard substantive change as undesirable and unnecessary.
2. The implementation of the 1961 reforms has been poorly handled by the responsible persons in the Department of Education and various public college and university campuses.
3. The wording of credential rules and regulations implementing the law is unnecessarily complicated, and that this serves only to confuse legitimate applicants for credentials.
4. The Department of Education has provided only the most limited information to applicants and inquirers from within and without the state, and does not attempt to simplify the credentialing procedures.
5. The California credential law is very typical of those which now exist in other major states, in terms of its emphasis on broad training in the liberal arts and sciences for all future teachers and administrators.

II. With respect to the alleged teacher shortage, we find that:

1. There is no shortage of credentialed teachers in California. There are at least 100,000 fully credentialed persons not employed in school districts, and yet some individual districts experience a lack of applications for open positions.
2. Any relative shortage of teacher applicants is proportional to the salary schedule, professional conditions, and living conditions offered by individual school districts.
3. Surpluses of teacher applicants are found in many more favored areas and districts in California, and a major problem in recruiting school personnel is one of dislocation, rather than shortage.
4. Out-of-state private teacher placement agencies are not used for teacher recruitment in California, and they are largely unaware of the 1961 credential changes emphasizing basic academic preparation of teachers.
5. Many school districts rely too heavily on recent graduates—primarily female—from out of state, and since teacher turnover in this group is extremely high, this requires repeated duplication of effort in recruitment.
6. The issue of an adequate supply of public school teachers is a national problem, and not one peculiar to California alone.
7. *The Department of Education issued 60,000 initial teaching credentials in 1964-65—the same year when the same department's official projections indicated a new supply of less than 7,000 new teachers.*

8. The increasing rate of enrollment in higher education, combined with a decreasing rate of growth in elementary school enrollment, should result in a more adequate supply of teachers in terms of quantity and quality in future years.

III. *With respect to the characteristics of school districts experiencing teacher recruitment difficulties, we find that:*

1. Salaries for teachers in districts requesting provisionally credentialed teachers in 1966 are substantially lower than in adequately staffed districts, but this is not necessarily caused by a lack of local ability to finance adequate salaries.

2. District effort to provide adequate educational programs and teachers varies widely, but the greatest shortage of applicants is found in districts where school tax rates are significantly below the statewide average tax rates.

3. Unified school districts, with single districtwide salary schedules, are far better able to attract elementary teachers than are separate elementary districts.

IV. *With respect to implementation of the Fisher Act by the colleges and universities, we find that:*

1. Several schools or departments of education in the California State Colleges and the University of California have adopted restrictive rules requiring prospective teachers to enroll in excessive courses in education and educational methodology, in unreasonable excess of state requirements.

2. Serious confusion exists, as between the definitions of a "major" for state credentialing purposes and the definition for degree-granting purposes.

3. Serious misunderstanding exists on the minimum requirements for elementary teachers, and many persons do not understand that an elementary teacher may receive a valid credential after four years of college preparation, with the fifth year to be earned within the next seven years.

4. Numerous prospective teachers are avoiding schools of education within colleges and universities in an effort to satisfy minimum state credentialing requirements without being forced to enroll in excessive education courses.

RECOMMENDATIONS

We recommend that:

1. The Legislature make no substantive changes in the philosophy of the Licensing of Certificated Personnel Law of 1961, and the basic reforms of that law—fully operative only on September 15, 1966—be continued.

2. *Either:*

A. The State Board of Education be directed by legislative resolution to declare a one-year moratorium on all changes and amendments to the rules and regulations implementing the credential law, with a view toward stabilizing public understanding of the law, and to provide sufficient time for simplification and rewriting of the credential administrative regulations; or alternatively

B. The Legislative amend the law to make substantive simplifications in the technical terms used therein (see the text of our report), so that ease of understanding will be permitted by both prospective teachers and their college advisers. If this alternative is adopted, only the mechanical terms used by the law should be changed, not the broad state policy contained therein. Additionally, if this alternative is adopted, an amendment should be included which will direct the State Board of Education to make as few regulation changes as possible in the future.

3. In order to assure an adequate supply of teachers in all districts—and contingent on substantial increases in state aid to impoverished districts—that a minimum statewide salary schedule for teachers be enacted to provide not less than \$9,000 per year for fully prepared, experienced and successful teachers with at least 10 years of teaching experience and an M.A. degree.

4. The trustees of the state colleges and the regents of the university be requested to review their teacher credential policies carefully and critically to determine whether campus rules and regulations comply with the spirit, as well as the letter, of the law.

5. The trustees and the regents be strongly urged by legislative resolution to provide a basic curriculum whereby an undergraduate may obtain a teaching credential without taking unnecessary courses which are not required by state law.

6. If various state college and university campuses persist in requiring excessive units of credit in education courses, that legislation be adopted requiring the State Board of Education to withdraw recognition of such campuses where it finds violations for teacher preparation purposes.

7. To simplify the procedures for obtaining a state teaching or administrative credential, each campus recognized by the State Board of Education for teacher preparation purposes be required by law to issue, in the name of the Department of Education and the college, an appropriate credential, subject to a postaudit by the Board of Education.

8. Contingent upon the transfer of duties to the individual college campuses, the excess credential personnel in the Department of Education be proportionately reduced, or assigned to other functions if necessary.

9. The Legislature direct a comprehensive study be made during the next biennium to survey the quantity and quality of teachers, supervisors and administrators who may be expected to serve the public school system during the next decade, as well as the broad question of teacher supply and demand.

NOTE: In the interests of brevity, documentation for the statistics used in this portion of the report do not appear here. They are available to the general public upon request in the Sacramento offices of the Assembly Committee on Education.

Teacher Licensing in California

THE RED TAPE JUNGLE

Part I—The Fisher Act

During the past two years, the Assembly Education Subcommittee on School Personnel and Teacher Qualifications has held extensive hearings on the subject of the quality and quantity of teachers now being prepared by our colleges and universities.

Our study is a direct response to various legislative proposals during 1965 that would have, had they been enacted, effectively repealed the Licensing of Certificated Personnel Law of 1961 (the "Fisher Act").

Particularly during 1965, numerous statements were made that California was facing a severe shortage of teachers, and that the credential law was to blame. From our study, we have found that there is no evidence whatsoever to substantiate such claims, and we believe that proponents of the "shortage theory" are essentially in conflict with the basic spirit of the law itself, rather than primarily concerned with its practical effects.

The 1961 credential law, Senate Bill 57, was a direct legislative response to the recommendations of the noted Citizens Advisory Commission on the Public Education System which was established by the 1959 Legislature. This broad-based group heard voluminous testimony during the 1959-61 interim period.

We are aware that there has been substantial public criticism of teacher education in the last decade, primarily directed at the "methods" courses within the schools of education of our colleges. Conversely, there has been great public consternation at the fact that California teachers have not been required to study in college those things that they will teach to their students.

Prior to 1961, for example, it was possible for a teacher to earn a credential without ever having studied English, history, mathematics, foreign language, science or the fine arts—except for a mandatory two-unit course in the Federal and State Constitutions.

The essence of the present credential law is that every future teacher will have spent at least 40 percent of his college years studying the liberal arts and sciences, and that if a person aspires to school administration, he shall have an advanced degree in one of the subjects that are mandatory for all school children, e.g., English, mathematics, etc.

However, the credential law is a flexible rule which permits those persons who wish to teach in vocational fields to take major course work in these fields, while at the same time becoming educated in broad cultural fields.

Senate Bill 57 also affected the quantity, as well as the quality, of teacher education. It raised the required years of college from four to five, although a five-year leeway period was specifically added to allow elementary teachers to begin work after only four years of college. The 1965 Legislature amended this leeway to seven years.

We would be remiss if we did not fully acknowledge the fact that the 1961 law was an extremely controversial issue, although the controversy was largely outside, rather than within the Legislature. Senate Bill 57 was passed by the Assembly on a 66-to-11 vote and concurred in by the Senate 26 to 2. Heavy majorities of both parties supported it.

Major opposition to the legislation was expressed by the State Department of Education, teacher preparation institutions and several major statewide organizations of educators. At issue was, and still is occasionally, the dichotomy of views as to whether the proper preparation of teachers is one of broad education or narrow vocational training.

The report of the Citizens Advisory Commission is clearly on the side of broad liberal education, with leeway for vocational preparation for vocational teachers, and it was largely through the nonprofessional public demand that SB 57 was enacted and signed by the Governor.

Our study has shown that California is far from unique in this regard. Since 1960, all major states that we studied have enacted very similar credential requirements, some of them requiring more academic preparation than we do.

Academic college courses have been defined by the Education Code to include those subjects traditionally associated with true scholarship and research. We believe the people of California would ratify the list which includes the humanities, the social sciences, mathematics, the natural sciences, foreign languages and the fine arts.

We also note that in accordance with legislative authority, the State Board of Education has placed such confidence in the scholarly quality of several other college majors that it has awarded three campuses of the University of California the right to confer academic status on physical education (UCLA and UC, Berkeley) and agriculture and home economics (UC, Davis).

We understand that the courses in physical education, so recognized, are close to being premedical courses, as far as intellectuality is concerned, and we would concur that college majors of this quality ought to be granted the academic status they deserve. We would be equally chagrined if such status were granted to courses consisting primarily of how-to-win games or football strategy.

Possibly because of the flexibility provided by the law and the rules of the state board, we were gratified to hear from many major school organizations that they now support the California credential law.¹ Most of our witnesses admitted that there were some serious problems of initiation and administration, but their criticism was directed almost exclusively at two targets: the immense complexity and instability of the official regulations, and the degree to which teacher preparation institutions moved to implement the law effectively.

On the basis of the testimony, we have found that if there is a problem of educating future teachers, the fault lies not with the law, but with those who are responsible for this task on a day-to-day basis.

We found, for example, that it is extremely difficult for an individual teacher to get reliable information from the credentials office of the State Department of Education. The departmental officials ex-

¹ See Appendix A for statements of support for the law.

plained that there was a staff shortage and that the Department of Finance had urged minimum efforts, but we are inclined to think that it is unnecessary administrative complexity that causes much of the problem.

As an example, we are including in this report, in the Appendix, a form for the standard elementary credential.² This is an actual case, and the reader will note that the form carries a nearly hidden line at the bottom by which an applicant *might* be informed that he was eligible for the credential on a partial-fulfillment basis. However, it is clear to us that an applicant might take one look at a top-line rejection and never bother with the fine print at the bottom.

In this particular case, the applicant, an experienced female teacher from Alabama, contacted the committee staff for aid and was told that the problem derived simply from the fact that she had not forwarded written affidavits of her past experience. The reader will note, however, that the form she received from the department did not state this explicitly.

The woman in question is clearly eligible for an elementary credential on a partial-fulfillment basis, but the 1966-67 school year began while she was still in the process of trying to get through the redtape jungle.

The other major problem with the implementation of SB 57 has been forced upon prospective teachers by some of the schools of education within our public colleges and universities. The law requires that future teachers either enroll in a practice-teaching course or enter teaching through an internship process. It was clearly the intent of the Legislature that elementary teachers should be allowed to begin teaching after four years of college training. Yet, several schools of education have renumbered the course in practice teaching so that it falls in the graduate year administratively, and thus a teacher is forced to remain in college for the fifth straight year, legislative intent notwithstanding.

In addition, our studies indicate that while no college requires future teachers to take academic coursework above the state minimum, they do require several extra educational methods courses as prerequisites to enrollment in the required courses. The practical effect on the student, of course, is to force him into the traditional, vocationally oriented program the 1961 reforms were intended to reduce.

As a result of this behavior by college authorities, the committee was informed that many students have now developed a decoy maneuver in which they remain anonymous as potential teachers in order to avoid being "Advised" into unnecessary education courses. They are, in their words, "working for the state minimum."

Seldom in the history of California has a public mandate of such a proportion, heavily supported by both parties, been subjected to so much bureaucratic frustration. We think it is incumbent on the State Department of Education and the persons responsible for teacher education to accept the public demand and do their duty.

As we have said, other major states have adopted teacher credential laws very similar to California's. New York, for example, now requires some 66 semester units of academic courses as we define them. Previously, New York required only 36 units of education courses, which has

² See Appendix B.

since been reduced to 30. Connecticut raised its academic requirements from 30 to 75 units, and North Carolina jumped from 40 to 78.

The committee believes, in the context of the continuing world crisis facing the United States, that any attempts to dilute the academic preparation of future teachers is highly inappropriate. The law now says, in effect, that the chief purveyors of our nation's culture and heritage, our teachers, will have spent at least 40 percent of their college years studying the heritage they will have to transmit to the next generation of schoolchildren. We do not think this is asking too much.

And we are especially concerned that the future school administrators who will make the operating decisions should be equally or better versed in this heritage. We note, for example, that almost all of the elementary school curriculum and a great deal of the secondary curriculum is composed of basic academic subjects. Such subjects as reading, English and history are required of all students, and it is clear to us that the fundamental problems of curriculum development in local districts cannot be solved as well by those not versed in the subjects taught.

Our basic recommendation, therefore, is that the 1967 Legislature make no substantial changes in the Licensing of Certificated Personnel Law of 1961.

We agree that the administration of the law leaves much to be desired, and therefore we recommend two possible courses of action. It was noted by many of our witnesses that the rules and regulations of the State Board of Education (Title 5 of the California Administrative Code) have changed with a seemingly unceasing rapidity. Basically, the changes are ratifications of suggestions or proposals made by the Department of Education. These rules now cover nearly 100 pages of Title 5, and it is difficult at best to understand them even if a month does go by during which time they are not changed (which rarely happens).

Thus, we would recommend, on the one hand, that the State Board of Education be directed by resolution to deny all proposals for rule changes, except in obvious cases of emergency. Upon such action, we would suggest that the board distribute an up-to-date copy of the regulations to each teacher-preparation institution, county superintendent of schools and school district in a form that could be easily reproduced by the recipient. Every prospective teacher should have a copy of the official rules and regulations so that he may plan his course of study with as much confidence as possible.

On the other hand, the Legislature may decide that the present rules and regulations are so cumbersome that a moratorium on rules changes now would only add to the frustration of students and officials. As an alternative, therefore, we would recommend that the law be amended to permit a much more simplified rewriting of the rules.

It has come to our attention that many of the regulations are written in words that may be very inappropriate. For example, Title 5 uses such technical phrases as "major," "minor," "upper division courses" and "lower division." Some of these concepts do not exist in out-of-state colleges. They exist in California largely because of the existence of a widespread junior college system.

Again, the rules speak of a "major" or "minor" required for a credential. Colleges and universities also require "majors" and "minors" for degree purposes, and the two majors are not necessarily synonymous.

We were told, for instance, that one state college requires an unbelievable 90 units of credit (equivalent to three years in college) but the state board requires only 24 "upper division" units for its major. The student can easily become confused and come to believe that the credential requires more than he thought it did.

The rules speak of three units in certain methods courses, while some universities offer courses with two or four units of credit. It seems to us that rather than tying state rules to specific college terms, our credential law might be rewritten to speak of general concepts like percentages.

The State Board of Education could be directed to recognize various departments within colleges and universities as suitable for the designation of "academic." At this point, any student could calculate whether his proposed course of study will ultimately satisfy the minimum percentages established by law.

We think such simplification has much to recommend it, and if simplicity is achieved, we think it might be well to authorize each recognized college or university in California to issue state teaching or administrative credentials in the name of the State Department of Education, subject to random postaudits by the department.

Such a transfer of duties should relieve the pressure on the department and possibly permit budget reductions. The department would then be giving most of its attention to out-of-state applicants.

It is important, however, that the substantive principles established by SB 57 be reinforced in any technical changes. In *Suffer Little Children*, Dr. Max Rafferty, now the State Superintendent of Public Instruction, wrote:

"They [teacher preparation professors] actually believed this stuff, you know. WHAT was taught was far less important than HOW it was taught. Trigonometry might be trivial, basket weaving basic . . .

" . . . He'll [a curriculum consultant] agree, now, with those of us who have been saying for quite a spell that America's survival depends upon the students of chemistry and calculus and languages rather than upon the worthy patrons of upholstery and badminton and second-year table-setting. He'll admit—now—that in the hierarchy of subject matter, there are giants and there are dwarfs."

Dr. Rafferty speaks quite as strongly on the subject of the education of school administrators when he says:

"Administration is—or should be—infinite more than a collection of skills . . .

" . . . Our forebears in this business were, whether we like the idea or not, men of pith and substance . . .

"What has brought about the transformation? Is it not—more than anything else—the hard-to-face truth that the trail blazer

in our profession were learned men, and that we, whatever else we may be, are certainly not that?"

Consider this:

"THEY KNEW LITTLE OF TOPOLOGICAL AND VECTOR PSYCHOLOGY—BUT THEY COULD WRITE PERFECT ENGLISH.

"THEY WERE NAIVE IN THEIR IDEAS OF PUBLIC RELATIONS—BUT THEY COULD READ THE *ILIAD* IN GREEK AND THE *AENEID* IN LATIN.

"THEY WERE BABES WHEN IT CAME TO EQUALIZATION FORMULAS—BUT THEY WERE FLUENT IN ART, IN MUSIC, IN HISTORY, IN PHILOSOPHY. [Emphasis original.]

"Here, I believe is the nub of the whole matter. People admired and respected and looked up to our predecessors as the cultural leaders of their communities. They represented education magnificently because they WERE educated.

"... Unless we can somehow find the upward trail we left a generation ago, we are doomed to wander endlessly from pillar to post, from job to dwindling job."

We think Dr. Rafferty, as well as others we might have quoted, has admirably expressed the fundamental concept inherent in California's 1961 credential law. For all practical purposes, these beliefs expressed in *Suffer Little Children* in 1962 were enacted by 1961 Legislature because of general public demand and the specific recommendation of the Citizens Advisory Committee.

We believe a general lack of public confidence in local school officials has recently come to the surface, as measured by the large number of defeated school tax and bond proposals during the past few years. Many school systems have suffered because of this, and public respect will not be restored until school administrators, as well as teachers, are again the broadly and liberally educated people of past generations.

Part II—Teacher Supply and Demand

Inasmuch as the present credential structure has been cited as a cause for a teacher "shortage," we have also made a serious study of this question.

Basically, we have found that there is no shortage of teachers in California, that in fact there is a substantial surplus of people who hold credentials, but that there is a dislocation of teachers according to the desirability of a geographic area.

Secondly, even in areas of dislocation, the credential structure has little if anything to do with the lack of applicants an individual school district may experience.

The representative of the Department of Education estimated that there were at least 100,000 nonteaching teachers living in California, and the most recent annual report of the credentials office informed the State Board of Education that nearly 60,000 new teaching credentials were issued in the 1964-65 year alone.

New annual openings for teachers have been estimated at from 8,000 to 12,000 a year, and it is abundantly clear that qualified people exist to fill the posts. The real problem is enticing qualified people to go to work—to practice their profession.

Our study of midsummer teaching vacancies clearly points up the fact that the more desirable areas have surpluses of applicants, and less desirable areas experience great difficulty in attracting and keeping fully-credentialed teachers.

Some persons seem to think that teachers do not react to life in the way that other people do. As individuals, the hypothetical teacher is frequently characterized as "dedicated," and this appellation may then be used to illustrate why teachers will and should work for less than the average family income in California.

However, the recent employment statistics indicate that the problems of teacher recruitment are very similar to those experienced by any type of employer—that the public schools must live within the laws of economics whether they like it or not.

In the midsummer of 1966, the Department of Education reported 925 elementary teaching positions open throughout California. This figure is up from approximately 300 in 1965, but is still less than 2 percent of the total force.

The striking finding in our study was that the reported openings are not evenly spread around the state. They are concentrated in specific areas which have many features in common.

The committee received a report which ranked 56 counties in their need for teachers. (Los Angeles and Sacramento did not report numerically.) Beginning with Trinity County, which reported a need for 8.33 teachers per 1,000 ADA, down to 11, mostly larger, counties which reported none, an average ranking by area presents a pattern of teacher supply.

With the lowest index number indicating the greatest need, the areas are:

- 21—Mountain counties
- 22—San Joaquin Valley
- 24—Sacramento Valley (excluding Sacramento County)
- 34—Central Coast
- 45—San Francisco Bay area
- 47—Los Angeles metropolitan area

With the finding that the unfilled need for teachers is variable, the committee has learned that school districts and areas facing a shortage of applicants have certain features in common.

Separate elementary districts find it more difficult than unified districts operating elementary schools. The average salary schedule in a separate elementary district is more than \$1,000 less than in unified districts. The rate of teacher turnover is 25 to 50 percent greater.

However, there are some elementary districts which have surplus applicants. We find that areas of shortage are usually associated with very low property tax rates, indicating a low level of public interest in their schools. The elementary districts in the most needy county, for example, had an average operating rate of \$1.04, whereas metropolitan districts averaged around \$2.00.

The same principle applies to rural and metropolitan unified districts. In a county of shortage, the unified districts averaged \$2.36 as the total operating rate, while a county of surplus averaged \$3.99 for unified districts. It can also be said that, generally, the low tax rate counties are also low assessment counties, so that the low rate cannot be explained as an offset to high assessments.

The committee is appalled by the fact that some school districts, reporting "shortages," have a teacher's salary schedule which never goes above \$6,000 or \$6,500. Our study shows that those districts which requested permission to hire provisionally credentialed teachers have substantially lower salary schedules than average.

Thus, we are recommending that the Legislature provide a first step toward remedying the situation. We propose that all school districts be required to have schedules rising to at least \$9,000 after 10 years' service and the possession of a master's degree by the teacher.

This figure is still far below the salaries offered by all or almost all large districts. It would, in practical effect, bring about a change only in those areas which have reported the greatest shortages, and in the light of very low local school taxes, we do not believe that this minimal step requires any subvention by the state.

If it can be shown that a particular school district is so impoverished in local tax base that it is unable to afford this modest schedule without an above-average tax rate, we would recommend an exception to the no-subvention recommendation, but we seriously doubt whether such a case exists.

While the committee has not specifically studied the topic of teacher tenure laws, we note that the smallest districts (under 250 ADA) are not required to extend job protection status to their teachers, and this may well be another circumstance contributing to the very high turnover rate in these districts.

There are certainly other aspects of the teacher's work which affect supply and demand. Chief among these are the general living conditions in an area and the professional working conditions.

Many areas of high reported shortage are isolated. The ordinary perquisites of modern life are frequently unavailable—such mundane aspects as television reception or a low-cost supermarket. In these circumstances, private employers normally offer substantial benefits to compensate for the lack of normal conditions. Far from this, our relatively small and isolated school districts usually offer far less money than those districts in areas which afford the cultural amenities that are attractive to highly educated teachers.

The teacher's professional duties may also be more difficult. In smaller districts, the teacher must handle two, three or even four grade levels during a single day. Even though the number of children may be smaller, multiple preparations call for extensive planning far exceeding that required of the single grade or single subject teacher.

The committee believes that the relative shortage of teacher applicants depends almost exclusively on the specific problems of employment—not on the state credential structure.

Compounding the problems are the de facto district policies which affect the type of out-of-state person attracted to California. The com-

mittee understands that district recruiters rely heavily on recent female graduates, and the San Diego district testified that two out of three of these teachers leave the district within three years.

A survey by our staff indicated that recruitment through private placement agencies—supplying experienced teachers for the most part—is minimal. One agency wrote that it received only 17 replies from California districts out of 350 contacted by the agency.

A further development which should not go unnoticed is the increase in the number of alternative vocations attractive to potential teachers. The most outstanding is probably the Peace Corps, which seems to have no trouble at all recruiting for these relatively low paid and often hazardous positions, and we are led to wonder whether the success of the Peace Corps is not due to the high degree of professional responsibility and authority which Peace Corpsmen receive.

The practice of assigning both responsibility and authority to corpsmen differs markedly from the traditional personnel practices of school districts. As noted elsewhere in this subcommittee's report, California teachers have only two professional rights directly connected with the actual teaching situation—the newly enacted (1965 session) rights to assign final grades and to suspend unruly students temporarily.

At that, the committee was appalled to read in the local press on the final day of our last hearing that one district had completely misinterpreted legislative intent, and a local teacher was forced to go to court for a proper interpretation. The court is reported to have opined that "the law is clear and unambiguous . . ."

If school districts wish to compete effectively with these recent quasi-educational developments, e.g. educational research center, it would appear that they will have to offer future teachers the personal dignity which derives from delegated authority. Again, this has nothing whatever to do with state credential matters; it is a local matter between the local board, the school administration and the teachers.

On the encouraging side of the problem of teacher supply and demand, the committee notes that immediate prospects seem to be very bright. The state college and university systems are growing at a rapid rate—approaching 10 percent annually. A quite different trend is found in elementary enrollment, due to declining birth rates since the late '50's. Kindergarten enrollment was up only 2.7 percent this year.

It is clear that these disparate trends will increase the number of California-produced teachers available, relative to the need. Whether the prospective teachers can be enticed to start a teaching career, however, is another matter.

Some light may be shed on this in the very near future. At the request of the committee, one of the state colleges is administering a questionnaire designed by our staff. It seeks to determine, from both prospective teachers and prospective nonteachers, who will and won't enter education, and why.

The committee hopes to provide the Legislature with a report on this survey midway in the 1967 session, and we would strongly caution

against any major activity before it becomes available. To our knowledge, this is the first attempt to assess the whys and wherefores of teacher recruitment at the source—the undergraduate level.

Our work for the past two years has led us to a greater confidence in the acts undertaken by the Legislature in 1961. The alleged "shortage" of teachers exists only because of their unwillingness to work for what is offered. The "crisis" will be eliminated as quickly as the so-called "engineering shortage" during the Korean War.

The committee has recognized the practical problems engendered by the ineffective administration of the credentialing program, and we have proposed two alternative courses of action.

We believe the trustees of the state colleges and the regents of the University of California must take extraordinary steps to impress upon their respective institutions the need for active and positive cooperation with the spirit, as well as the letter, of the law—even though the committee notes that our emphasis on sound academic preparation for teachers is still offensive to some in the ranks of professional education schools.

We recommend strongly to local school boards and administrators that they review their fundamental assumptions as they pertain to teacher recruitment. We are not living in an era of high unemployment, such as the depression, when teacher applicants were bountiful. Furthermore, the quality of person we need for our schools is increasingly being enticed by newly emerging professions to ignore teaching as a career.

Local boards must ask themselves what personal benefits they offer teachers—aside from the traditional method of promoting them out of the classroom into administration. The declining rate of growth in the public schools will gradually diminish this avenue of "advancement," and if there is not true dignity and authority attached to classroom instruction, recruiting problems will be compounded again.

Local districts must reassess their principles and practices in the light of modern economic conditions and modern business practices. As a motto, we recommend the traditional adage of an effective, competitive society—"You get what you pay for."

PROCEDURES OF THE COMMITTEE OF CREDENTIALS

FINDINGS

1. The committee finds that the Committee of Credentials within the Department of Education, although it acts in an investigatory, "grand jury" capacity and does not possess formal capacity to revoke or deny teaching credentials finally, has a substantial ability to influence the actions of teachers—both in and out of the classroom—through its use of the instruments of public censure and economic sanction. We further find that this ability is unwarranted, and was not intended by the Legislature when it enacted the statute authorizing the committee.

2. We find that this committee does not judge teachers on objective standards of conduct, nor does it apply the so-called standards which it does use equally to persons accused of the same or similar offenses. Neither does the committee keep any formal records or minutes of proceedings, nor are transcripts made, and thus it becomes impossible for teachers under investigation and their legal counsels to determine the committee's probable action on each case. We find this situation to be contrary to the conduct of most quasi-legal proceedings conducted in this state, and completely counter to the typical American concept of fair play and the constitutional protection that one under investigation is presumed innocent until *proven* guilty.

3. We find that the Committee of Credentials is poorly organized, in that it has a rotating membership comprised of anyone in the Department of Education who happens to be free on a particular day on which the committee is meeting. This irregular membership assures that most committee members are uninformed as to the cases which come before them. We further find that so long as the Committee of Credentials remains imbedded within the administrative structure of the Department of Education, this will continue to be the case, since any departmental employee is likely to regard his assignment on the committee as a secondary, and rather tiresome, task.

4. The committee finds that teaching is the only profession requiring a college degree plus substantial graduate study and experience which does not police itself for malpractice and offenses repugnant to continuance in the profession. Self-policing by the bar and the medical profession have long been recognized and have, by and large, worked well in California. We see no reason why teachers and other certificated employees should not be permitted to govern the conduct within, and admittance to or denial from, their profession. We are convinced that self-policing by teachers would result in a high degree of self-discipline

and professional conduct, but with a greatly improved measure of fairness and orderly procedure than is presently available under the Committee of Credentials, none of whose members are practicing teachers.

5. We also find, however, that because teaching represents one of the most sensitive areas of endeavor—to which the public must remain close—any self-policing panel of certificated employees should also include lay members to provide representation from the general public.

6. We find that the State Board of Education has failed in its responsibility to police the functioning of its Committee of Credentials adequately, and to supply that committee with guidelines and policy statements by which to govern its reactions to various categories of cases. The board's failure in this respect provides additional reasons for the transference of the Committee of Credentials out of the Department of Education.

7. After intensive study and observation of the Committee of Credentials at work, we have concluded that the committee's use of open, public meetings for the discussion of extremely delicate personnel matters is not only inappropriate and embarrassing to the teacher, but also provides those members of the committee who desire it with a platform of publicity with which they may foist their views of morality upon the public through the media. In several specific cases which were widely publicized, we found that the committee condoned a circus atmosphere, rather than a calm, deliberate and impartial investigation and interrogation.

We further find that the very presence of the publicity media at Committee of Credentials hearings, in large number, appears to encourage inquisitorial techniques on the part of some Committee of Credentials members. Specifically, we find that questions relating to unimaginable hypothetical situations directed at teachers under investigation are peculiarly irrelevant to the committee's investigation of what a teacher is alleged to have done at some time in the past. We believe that the committee's investigative techniques require substantial improvement in this regard.

8. We find that the Committee of Credentials is guided by no statement of legislative intent as to its purpose for existence. Thus, it is not surprising that the committee has appeared in the past to be confused over what constitutes its chief function.

9. The Committee finds that in the past, many teachers have been called to Sacramento for a hearing before the Committee of Credentials before no more than a cursory field investigation had been made relating to the charges lodged against the teacher. In fact, we have found numerous cases where the Committee of Credentials has asked teachers to appear before it in Sacramento, *even though the committee knows that even if all the charges against the teachers are true, there is no foundation in law which permits revocation or denial of a teaching credential.* Again, we do not believe that the Legislature intended such conduct by the committee when it established it in law.

10. We have found that many times teachers under investigation and their lawyers are refused permission to see copies of the written charges filed against them or their client, and other necessary file

records and documents, prior to the teacher's hearing before the committee. This we believe to be contrary to good rules of procedure and elemental American concepts of justice, which provide that an accused is entitled to know of the nature of the charges made against him, and also counter to legislative intent.

11. We find that investigations of teachers by the Committee of Credentials often stretch on for long periods of time, without any final resolution—or notice of such resolution—of the case. One case brought to the committee's attention has gone on for four years and has still not been resolved. We believe that such delay is unfair to both the investigated teacher and to the school district employing him; which is entitled to know whether or not the teacher is guilty of the charge which has been made.

12. We find that the Committee of Credentials is extremely cavalier about its relations with local school districts, and neither informs a district as a matter of course when one of the district's teachers is being investigated, nor takes into consideration (unless it desires to) any investigations which the local school board may have made into the teacher's fitness. We find this to be a rather strange disregard of the principle of "local control."

13. In summary, we have concluded that the Committee of Credentials exists without policy guidelines from either the Legislature or the State Board of Education, and tends to ignore the typical American rules of fair play and legal rules of evidence. The result is often intimidation of school teachers into silence or their acceptance of the committee's own views of proper conduct.

RECOMMENDATIONS

The Subcommittee recommends the following:

1. Legislation should be adopted by the 1967 Legislature which sets forth, in specific terms, the legislative intent relative to the duties and functions of the Committee of Credentials. The lack of such intent in the present law has led, we believe, to serious misinterpretation of the Legislature's purpose in establishing the committee. Such a statement, which we discuss and specifically propose later in this report, should recognize the legitimate right of the committee to act in a grand jury role in the investigation of complaints lodged against teachers, but should make clear the Legislature's desire that the committee perform its functions consistent with the rules of due process of law and fair play for the accused teacher.

2. All Committee of Credentials' meetings should be conducted "in camera," in much the same way as other public bodies now conduct personnel-type sessions under the Brown Act. We suggest that only committee members, the accused teacher and his legal counsel, committee staff members, and any necessary witnesses be allowed to attend such sessions, and we further recommend legislation which will make unauthorized release of information received at a committee meeting—or in the course of an investigation of a teacher—by a member of the committee, a staff person in the Department of Education, or the teacher, a misdemeanor.

We note that grand jury proceedings in California and in many other states are presently conducted as closed sessions, and we believe that this policy ought to apply here in the case of the Committee of Credentials, which performs an analogous task.

3. We recommend the enactment of legislation which will provide one full-time executive secretary and one clerical position to the Committee of Credentials, with a further provision that all committee meetings be recorded by the committee staff, with the recording to be made available to the accused teacher and his attorney upon request. We do not suggest that the committee go to the expense of preparing a formal transcript of each meeting, but the availability of a recording of a meeting to an accused teacher will enable him to have a transcript made at his own expense if he desires one. We believe that in addition to providing full and accurate records of all meetings—which is not now done by the committee—the presence of recording equipment should mitigate against some of the absurdly unfair questioning practices by the committee which have become obvious to us in our study.

In addition, we recommend that the committee secretary prepare accurate minutes of all actions of the committee at each meeting, and that a copy of these minutes pertaining to his case be sent to each teacher who appears before the committee no later than one month after the teacher's appearance.

4. We recommend that the present law relative to the selection and composition of the Committee of Credentials be amended to provide:

- SCHOOL PERSONNEL AND EMPLOYMENT COMMITTEE
- A. The State Board of Education shall biennially appoint seven members to the Committee of Credentials, composed as follows:
 - Four shall be full-time teachers in the public schools of California, two elementary teachers and two high school teachers;
 - One shall be a person engaged in supervisory or administrative work in the public schools of California at any level;
 - One shall be a past or present member of a local school district governing board at any level;
 - One shall be a staff member of the State Department of Education.
 - B. The Superintendent of Public Instruction shall personally serve as ex officio member of the committee and shall have the right to vote.
 - C. The committee's executive secretary shall serve as ex officio member of the committee, but shall have the right to vote only in the event of a tie.

We further recommend that this legislation include provisions providing for the necessary number of days off for teacher and administrator members of the committee. The legislation should prohibit the nine-member committee from operating without a quorum of five members, and no alternates for appointed or designated members should be permitted.

We believe that these proposals will provide for objective, fair-minded, self-policing of the teaching profession. They should also put an end to the rotating membership situation which we have found in the present committee.

5. We recommend legislation which grants certain rights to teachers under investigation by the Committee of Credentials, set forth below:

- A. The right to be notified of the specific allegations of misconduct which have been made against him, when the letter requesting the teacher's presence at a Committee of Credentials' hearing is sent;
- B. The right to see those portions of the investigator's file which constitute the charges which have been made against him;
- C. The right to be notified by the Committee of Credentials when and if the committee's investigation has uncovered additional evidence, such that new charges may be filed against him;
- D. The right to be notified, within one month after appearing before the committee, of its final disposition of the teacher's case, together with specific information relative to the teacher's right to an administrative hearing;
- E. The right to have an investigation dropped within twelve months of initial notification by the committee to the teacher, if sufficient evidence has not been found to proceed further.

6. We propose legislation which will require the Committee of Credentials to state, in its letter to the teacher informing him that an investigation is being conducted into his right to hold credentials, that if the allegations which have been made are true, that legal grounds

exist to revoke or deny granting the credential. We make this recommendation because we have received testimony indicating that the Committee of Credentials, in the past, has asked teachers to appear in Sacramento when it knows full well that grounds do not exist for revocation even if all charges and allegations are true. We believe that our proposal should end such harassment.

7. We strongly suggest to the State Board of Education that it provide its Committee of Credentials with policy guidelines to assist the committee in handling troublesome types of cases. We also urge the board to police more closely the operations of the committee, in an effort to insure that its (the board's) and the Legislature's mandates are being followed.

PROCEDURES OF THE COMMITTEE OF CREDENTIALS

Much of the work of this subcommittee in the period 1965-67 was devoted to a study of the methods and procedures used by the Committee of Credentials within the State Department of Education. This body, chaired and appointed by the Superintendent of Public Instruction, is responsible for reviewing all complaints about a teacher's or teacher applicant's misconduct, together with possible prior criminal records of such persons, in an effort to determine their fitness to hold California teaching credentials. Thus, in a legal sense at least, the five-member committee serves as a screening agency, with final action to be taken by the State Board of Education and with the possibility of appeal above that level through the courts. We shall see, however, that this committee has extralegal powers far in excess of those expressed or implied by the Legislature when by statute it authorized the committee's existence.

The subcommittee chairman, in his opening statement to the subcommittee at its hearing on October 24, 1966, in San Francisco, amply described both the legal and the extralegal powers of this committee when he said:

"The duties of the Committee of Credentials are very simply enumerated by the Education Code and by the rules and regulations of the state board. The committee exercises the power of the state board to review charges made against public school teachers, to investigate these charges and to determine whether a formal hearing ought to be instituted against that teacher's credentials or application for credentials before a state hearing officer.

"Thus, in a real sense, the Committee of Credentials fulfills a duty similar to that of the grand jury in a criminal proceeding. If the Committee of Credentials finds there is probable cause to proceed with the charge, to use a legalistic term, it files . . . [such] a charge which is then heard in a quasi-judicial proceeding by a state hearing officer. Following the hearing officer's ruling, if the teacher wishes to appeal, he may take the matter to the State Board of Education which may overrule the hearing officer's decision.

"Then, of course, there is ultimate redress in the courts. Thus, although the Committee of Credentials does not actually have power *itself* to deny or revoke a teacher's credentials, it has very substantial powers of moral suasion. *If the personnel of the committee wishes to utilize this power, it is possible to intimidate a teacher . . .*

"The reason why we are concerned about the power of the Committee of Credentials is because in theory a teacher's rights may be upheld before the state board and the courts . . . *but in practical fact the damage occurs long before that in the sense that there is an economic sanction implied when any teacher is called before the Committee of Credentials . . .*

"Any teacher who is called or who is served with a letter from the Committee of Credentials automatically loses some ability and

movement and flexibility as a teacher because a teacher's reputation is about all he has to go on. He deals in no particular specific product; he deals in intangible results; and as a consequence, all he has to go on is his reputation. If the reputation is damaged even to the extent of receiving a letter, it may very substantially involve his loss of capacity to obtain any other job in education." (Emphasis ours.)

Clearly, the Committee of Credentials does possess powers which range far beyond those given it by the law. If that power is judiciously and objectively used—and if in the exercise of it, proper procedures are followed—it should present no lasting harm to a teacher falsely accused before the committee. However, we have concluded that neither of these conditions have been obtained in recent years on the committee, and we will document our findings in the following pages.

Before proceeding we should point out that over the past 12 months this subcommittee has instructed its staff investigators to sit in on hearings and proceedings of the Committee of Credentials and to file written memoranda of all observations. Literally hundreds of cases have been processed by the Committee of Credentials within this time period, and our staff has noted the peculiarities of the committee's proceedings and these observations have been reported to us. The subcommittee wishes to make it very clear that its study and investigation are *not* based on the sensational press reports of one case, but rather they represent recommendations drawn from a long and arduous staff and legislative study. Examples of staff memoranda and evidence obtained by this subcommittee during its study appear in the appendix of this report.³

Initially, we have found that because of the use by the Committee of Credentials of the instrument of public hearings by which popular shame, censure and publicity can be brought to bear on any individual credentials case, it is literally impossible for a given teacher, against whom a sensational allegation has been made, to receive a fair hearing by the committee. We have noted that in criminal cases in this state, hearings are held by grand juries in secret, in order to determine whether indictments shall be returned. There are obvious reasons for this procedure, which are deeply rooted in our Anglo-American legal procedures. One is the requirement of fairness to one wrongly accused by the prosecutor. Clearly, if such an individual has been wrongly accused he should not be subjected to public censure or "tried in the press." Another requirement deals with the necessity for a grand jury to get to the bottom of a charge, without the distracting glare of klieg lights which tends to invite public performances by those more interested in their own "public image" than in justice.

This subcommittee is cognitive of the fact that hearings and investigations of fitness to hold teaching credentials do not constitute criminal proceedings. Yet, we apply these grand jury standards because we believe that the Committee of Credentials' functions closely parallel those of a grand jury, and because the teacher requires an extra measure of fairness due to his inability to defend himself from public passions of the moment. As the chairman noted at our hearing, the

³ Appendix C.

teacher has nothing to sell but his ability to teach (which is difficult to measure) *and his reputation*. Once the latter has been destroyed or seriously damaged in a public hearing, regardless of the truth of the allegations, the teacher's livelihood may be destroyed.

For these reasons the legal and medical professions, in hearing initial allegations of professional malpractice, do so in secret proceedings. Likewise, the Brown Act in California, which requires public bodies to hold all business meetings open to the public, makes an exception for personnel matters. Only the Committee of Credentials—with its great power to judge teacher morality and conduct on its own subjective scale—has escaped this requirement. This is a loophole in the law which should, we believe, be closed.

Although this subcommittee's study of the Committee of Credentials has been directed at a large number of cases investigated by that body in the last twelve months, the most sensational and newsworthy of these was the Committee of Credentials' investigations of a San Diego teacher who was accused of writing a play which some people considered "blasphemous." We have made no determination relative to the quality of that teacher's play, nor do we intend to do so. We merely raise that case at this point because it is an excellent illustration of the circus atmosphere which the Committee of Credentials has encouraged by its open-door procedures. This subcommittee dispatched investigators to attend that particular hearing in Sacramento. They reported that the hearing room was literally packed with members of the various media who entered *prior* to the entry of the teacher. After all the members of the media were present, the accused teacher entered and was asked by the chairman of the committee whether she wished to have her hearing in secret. Obviously, in such a charged climate where, had she refused a public hearing, her refusal would have been taken as an *ipso facto* admission of guilt, the teacher opted for a public hearing. Our appendix contains copies of the committee chairman's amazing and totally irrelevant statements regarding this case given to the press at this hearing in an obvious and blatant attempt to try this case in the press.⁴

This practice must be stopped, and consequently we have recommended that all hearings of the Committee of Credentials in the future be conducted "in camera," with only the accused teacher and her attorney, members of the committee and its staff, and any material witnesses allowed to be present.

We have also been surprised to learn that the Committee of Credentials evidently exists without any legislative statement of policy intent at all. The sole reference to the committee in statutory law is as follows:

13102. There shall be within the Department of Education a Committee of Credentials, consisting of the Superintendent of Public Instruction and four persons appointed by the Superintendent of Public Instruction.

13103. The State Board of Education may assign to the Committee of Credentials within the Department of Education such

⁴ Appendix C.

administrative duties as it may see fit relating to the granting, issuance, suspension and revocation of credentials and life diplomas. (All references are to the Education Code.)

Further, the State Board of Education has failed utterly in its responsibilities implicit in Section 13103, above, to provide its Committee of Credentials with policy guidelines relative to the treatment of various types of cases. Thus, we have found on examination and observation of the committee at work that it often treats identical offenses differently on the most whimsical bases. On one occasion which was observed by our staff, the committee engaged in the most irrelevant questioning of a teacher who was accused of resisting an arrest—the charge had been dropped by the local law enforcement authorities—by asking the individual if he “believed in our democratic institutions,” implying that on the basis of the unproven allegation made against him, that he did not. While this particular teacher satisfied the committee that he was “safe” for classroom duty, another teacher accused of an identical offense, which took place at the same time and place, was denied his credential. It is noteworthy that the hearing officer later reversed this ruling.

The point, however, is clear. In the absence of State Board of Education directives relative to the treatment to be accorded to certain similar types of cases, the Committee of Credentials has developed its own criteria, and these vary not with the circumstances but with the impression which the accused individual makes upon the committee. Such a situation makes it impossible for teachers and their attorneys to have any reasonable idea as to how the committee will react in a specific instance.

To overcome this lack, we suggest that the Legislature clearly state its legislative intent as to the functions to be assumed by the Committee of Credentials. We recommend that language be added to Education Code Section 13103 cited earlier, so that the new section reads as follows:

13103. The State Board of Education may assign to the Committee of Credentials within the Department of Education such administrative duties as it may see fit relative to the granting, issuance, suspension and revocation of credentials and life diplomas, *and it shall supervise the work of the committee and shall provide statements of policy relative to committee operation and procedures as it deems appropriate to do so.*

It is the intent and purpose of the Legislature in establishing the Committee of Credentials that the committee conduct its affairs with the highest degree of propriety and objectivity, giving due regard for the rights of teachers who appear before it who are not yet proven guilty of the offense with which they may be charged. The Legislature intends that the Committee of Credentials shall serve only as a screening agency, and shall not make policy relative to the issuance, revocation or denial of credentials or life diplomas other than the policy the committee is required to implement by order of the State Board of Education or by directive from the Legislature.

One of the major reasons for the committee's shifting standards by which teacher conduct is adjudged is that body's lack of formal record-keeping, save only the most sketchy kind of minutes. The committee has no permanent staff, using as its secretary a credentials technician from the certifications office. Minutes consist of jottings in pencil in the margin of the committee's mimeographed agendas. No recordings or transcripts of committee proceedings are ever kept. Since this is the case, it is obviously impossible for an attorney representing a teacher to attempt to defend that teacher on grounds that in a similar case the committee ruled in favor of the accused. He simply has no way of knowing what the committee's prior action was.

By the same token, the teacher cannot use as a part of his defense in his administrative or State Board of Education hearing—or in a later appeal to the courts—any claim that he was treated unfairly by the Committee of Credentials since he is unable to prove his allegation by using a formal transcript. This practice encourages, as well, some of the most astonishing, inquisitorial questioning techniques this subcommittee has ever encountered. Obviously, since there is no formal recording of proceedings, those committee members, more interested in enforcing their own narrow ideas of the public morality on teachers than in bringing justice to all the parties, are given every opportunity to do so. To illustrate, we have included in the appendix a staff memorandum received by us following a staff member's observation of one such hearing.⁶ We have removed the staff member's editorial comment from one case, since the questioning used is so astonishing that we think it stands by itself.

To overcome these weaknesses, we have developed a series of substantive recommendations to the Legislature for insuring fairness and objectivity. These include a suggestion that a full-time executive secretary and clerical position be provided for the Committee of Credentials to give it some staff expertise (which it obviously lacks at present) and to provide a contact point in Sacramento for accused teachers and their attorneys. The addition of these persons will formalize the committee's procedures, and this should assist in guiding the body into proper areas of endeavor.

We also recommend that the Legislature require the committee to prepare and maintain formal minutes of all proceedings, and that a tape be made of all hearings at which teachers are present. The tape should then be made available to the teacher or his legal counsel, upon request, if that person wishes to have a formal transcript made at his personal expense. Such a proposal will not involve a large state expense such as state preparation of transcripts would require, but will allow the accused to have one developed if he wishes it. It should also be noted that we suspect that the presence of recording equipment and the consequent knowledge on the part of committee members that their questions are being recorded should help to insure that members' questions are objective and to the point.

The minutes that are prepared pursuant to our recommendation above should be transmitted to the accused teacher within a reasonable time after his appearance, preferably within one month.

⁶ See Appendix D.

Probably the major fault with the five-member Committee of Credentials is that it is no permanent body at all. During the 12 months in which we observed the body in operation, at least 20 different individuals served on it. Its membership constantly shifts, for the statutory section cited earlier (Ed. Code Sec. 13102) merely requires that there be four persons plus the Superintendent of Public Instruction on the committee, not that they be the *same* four each time the committee meets. Consequently, staff members of the Department of Education serve on the Committee of Credentials only if they cannot avoid it; the duty is considered onerous, and most department staffers seek to avoid it.

The chief deputy superintendent admitted to this subcommittee at its San Diego hearing that new letters of appointment to the Committee of Credentials are signed by the Director of Education prior to almost every committee meeting. Indeed, at all the committee meetings which we attended, the Superintendent of Public Instruction was never personally present, but was represented by his deputy. The fact that committee members are rarely the same means that old cases must be reexplained time and time again, that rules of precedent are impossible to follow and that persons serve who are not necessarily even remotely interested in what they are doing. Further, if the committee followed generally accepted rules of fair play, proper procedure and objective questioning (which it does not), it would be impossible for a shifting membership to live up to these ideals, since they would be unfamiliar with the group's operations.

The problem of shifting membership is a serious one, but additional difficulties grow from the fact that although perhaps 90 percent of the personnel cases handled by the committee consist of charges against classroom teachers, *not one of the committee members is an active classroom teacher*. This is intolerable, since much of the substance of the allegations of misconduct which arise at these hearings deal with teacher classroom conduct.

Further, we note that it is significant that teaching seems to be the only non-self-policing profession in our society. Our recommendations will not place the profession in a position where it may police itself, since in the absence of agreement among teachers themselves this subcommittee would not attempt such a great step. But our proposal will at least give classroom teachers a voice in these proceedings, a voice which is completely absent now.

Our recommendation also solves a major difficulty by removing departmental employees, with one exception, from the committee. We have noted that the Superintendent's appointees on the committee are largely division chiefs and assistant division chiefs. These are among the busiest men in the Department of Education, and their workload is a major reason why there is a rotating membership on the committee. By drawing the committee members from outside the department—but continuing to give the department some representation—we believe that a more permanent body will result.

Our proposal is that the present Committee of Credentials be abolished in favor of a committee drawn from the following elements of the education profession:

- A. Two full-time elementary classroom teachers with tenure, presently employed in teaching in a California school district, and selected every two years by the State Board of Education.
- B. Two full-time secondary classroom teachers with tenure, presently employed in teaching in a California school district, and selected every two years by the State Board of Education.
- C. One certificated person working full-time in an administrative or supervisory role in a California school district, selected every two years by the State Board of Education.
- D. One past or present member of a local school district governing board in California, selected every two years by the State Board of Education.
- E. One staff member of the Department of Education, selected every two years by the State Board of Education.
- F. The Superintendent of Public Instruction.

We propose that the committee's executive secretary be an *ex officio* member of the new committee, with the right to vote only in the event of a tie among the eight members.

We think that such a body as we propose is clearly representative of all the interests involved in education, and its composition represents an improvement over the present committee's organization on several fronts. For the first time under our recommendation the Committee of Credentials will include:

1. A representative of the public, in the school board trustee;
2. Representatives of the teaching profession;
3. A representative of certificated nonteaching professionals in education.

We include one final comment in our recommendation concerning committee composition. This subcommittee was shocked to hear in testimony under oath from a Department of Education staff member that the Committee of Credentials often operates without a quorum. In fact, according to this testimony, decisions relative to which teachers should be asked to come to Sacramento to appear before the committee—and hence fully investigated—are made by a "subcommittee of one," consisting of the committee chairman and a staff investigator. This illegal and immoral practice must stop, and we consequently propose legislation which will prohibit the Committee of Credentials from operating without a quorum at any time. We recognize the immense workload facing the committee and the Department of Education in general, but even such work pressures cannot and must not be used to explain one-man rule on this committee.

Our final series of recommendations relative to the operation of the Committee of Credentials covers a broad area of teacher rights relative to the committee's dealing with them. The misconducts, not of teachers but of the committee itself, in this area are numerous. We shall state a few of them. Investigations are conducted by the committee for an indefinite time period, and teachers under investigation in prior years—even if that investigation has in fact been closed and the teacher cleared of the charges—are rarely informed of this action. In one case of which we were informed, a teacher's attorney stated

that he was still representing a teacher in a case which had been initiated more than four years previously. The department, he contended, refused to tell him definitely whether the investigation was or was not still in progress.

Often the committee refuses to allow a teacher or his attorney to see the nature of the written allegations made against the teacher. This has been substantiated by oral and written communications by attorneys directed to the subcommittee. It would appear that this very small intrusion of the right of discovery into Committee of Credentials' files might be well justified.

Far more serious, however, we understand that the committee occasionally refuses to notify the teacher as to the nature of the charges against him. Certainly, the form letter which the committee sends to teachers accused of some offense, inviting them to come to Sacramento, is not at all clear in this regard. One of the most fundamental rules of fair play in such a proceeding as this is notification to an accused of the charge. It makes no sense at all to virtually require a teacher to come to Sacramento for a hearing "just to see what he is like." This is the "whole man" theory run wild. Teachers are entitled to know why they are being investigated by an agent of the state.

Lastly, we have noted that unhappily and for reasons which are known best to certain members of the Committee of Credentials, this body has made it a practice in recent years to "invite" teachers accused of sensational-type offenses to a Sacramento hearing, *even though if all the allegations against the teacher are true there are no legal grounds to revoke the teacher's credential*. Although this fact was denied by witnesses from the Department of Education at our hearings, it is clear and indisputable from the facts of the cases.

It is indeed unfortunate when an administrative department of state government feels it must take upon itself the obligation of spanking the hands of professional people under its aegis who, in the opinion of the department or members of the department, engage in perfectly legal but "undesirable" conduct. The portents of Orwell's *1984* seem very real when pressure from a few confused people in a local community can "convince" such an agency of government that it ought to conduct a public kangaroo court—not to make findings of fact and to apply the appropriate punishment, if it is warranted—but to put on a show for the misguided persons who originally brought the complaints. We can agree that it is too easy to persecute school teachers; we cannot agree that such persecution is right in either a legal or a moral sense.

To overcome this gross misuse of Committee of Credentials' power, we include in our final list of recommendations a proposal which should foreclose these possibilities to future committees. Our proposals follow:

1. Teachers shall have the right to be notified of the specific charges made against them, at the time a letter is sent to them requesting their appearance before the Committee of Credentials.

2. Teachers shall have the right to see, or to have their attorney see, copies of any written charges which have been made against them. This right should not, however, extend to other items in the investigator's file.

3. Teachers shall have the right to be notified by the committee if and when that body's investigations have uncovered additional evidence which lead to the filing of now and possibly more serious charges against them.

4. Teachers shall be notified of the final disposition of their cases by the Committee of Credentials within one month following their appearance before the committee, and they shall also be informed of their appeal rights if an adverse decision is returned.

5. Investigations of public school personnel shall be dropped within 12 months of their initiation and of initial notification of investigation by the committee to the teacher. This recommendation will act as a statute of limitations on Committee of Credentials' proceedings, but the time limit will not start to run until the teacher is told he is under investigation and at least a partial field investigation has been conducted.

6. The Committee of Credentials shall be required to state, in its letter to the teacher telling him he is being investigated, that if the charges that have been made against him are true, that legal grounds exist to revoke his teaching license. This requirement will negate the useless type of committee proceeding which we alluded to above and will further protect the teacher's legitimate rights.

This subcommittee has attempted to deal with the Committee of Credentials with a substantial measure of restraint. It would have been far easier simply to recommend complete abolition of the agency. Such a course might have been more attractive to teachers, and this subcommittee itself might have attracted more notoriety, but this would not have served the public school system of California. There is a genuine need for an agency such as the Committee of Credentials to screen allegations of offenses by teachers, in order to weed out those very few teachers who are unfit. As legislators, we support the legitimate and proper functions of the committee.

But we just as strongly reject misuse of that committee's power by anyone who seeks to make a name for himself, or is too weak to stand up to small groups of people who exist in any community and seek to impose their thought processes upon the majority of members of the community. The Committee of Credentials—which by its very definition must find and hold to that fine line which protects equally the rights of society and the rights of individual teachers—must not be allowed again to become a forum for those persons within its membership who wish to gain a wider audience for their own peculiar views of the American scene in general and education in particular. We believe that our recommendations preserve this committee's proper functions; indeed, they should strengthen them. We earnestly commend these recommendations to the 1967 Legislature.

A STUDY OF METHODS OF UPGRADING AND IMPROVING THE TEACHING PROFESSION¹

FINDINGS

The Subcommittee finds that:

1. Education does not have the teaching quality it has had in the past in California. This is true largely because of the well-documented and ever-increasing flight of the excellent teachers into nonteaching positions in education.

2. As public school costs have climbed, the quality of classroom instruction has decreased, as documented by the increasing proliferation of special educational programs for various categories of underachieving children.

3. This proliferation of such special programs (compensatory education, remedial help, etc.) leads to one of two possible conclusions, or a combination of both of them. Either (1) education is simply too costly for the public to continue to bear in a relative sense, or (2) education, and its administrative and special services, are growing out of control.

In economic terms, the benefits bought by such special programs should nearly equal their cost to the taxpayer if economic justification for them is to be achieved. The subcommittee has seen no compelling evidence that this is the case.

4. The trend toward more and more proliferation of special programs and nonclassroom personnel in education has reached the fiscal ceiling and must be reversed, not to the point where the basic principles of public education are harmed, but so that needless "fat" may be cut out of the school program. The subcommittee has heard no contention that this cannot be done without fatally harming the education program.

5. The flight of excellent teachers into nonteaching occupations is caused largely by the low salary level available for this highly talented professional minority that remains in the classroom longer than 10 years. Traditional step-by-step teacher salary schedules—wherein the best teachers are paid the same as the worst—are a major reason for the frustration which leads the excellent ones to leave teaching.

6. Little evidence is available to show that local school districts (or the education profession itself) are interested in, or capable of, slowing the exodus of excellent teachers from the profession.

7. All proposals for pay based on the excellence of the individual teacher, rather than mere lock-step advancement along a "time-in-grade" schedule, are opposed by teachers' organizations, who fear favoritism and/or nepotism if such pay is determined by school administrators. Some methods of "premium pay" have been suggested to overcome these serious objections. Some system must be adopted so that the geometric increase of nonteaching personnel will be slowed and the present huge teacher-pupil ratios can be reduced.

8. There is a movement designed to cast the teacher in the mold of a performer in the center of a three-ring educational circus in which the classroom is caught in a magnificent juggling act. The brochure announcing the NEA's "Year of the Nonconference," wherein statements are made to the effect that the teacher's job is "unmanageable" without a myriad of specialists, consultants, coordinators, supervisors, and other supernumeraries with Gilbert-and-Sullivan-sounding titles, presents amazing but frightening testimony to this statement.

¹ Assemblyman Elliott dissents from this portion of the report. He states: "I disagree with [this portion of the report] in two respects: (1) the criticism of those currently teaching appears to me to be unduly severe; (2) I disagree with the premium pay proposal because it appears to me to be another form of the discredited merit pay proposal."

RECOMMENDATIONS

1. Teaching pay must be made attractive, so that the truly competent are drawn into the profession, and drawn in to stay—not to be recruited into nonteaching educational positions. The subcommittee again endorses the concept of a minimum statewide salary schedule—which will require substantial increases in state aid to the schools—which will provide more than the present minimum base salary presently in the law. A fully qualified teacher with 10 years of experience and the training represented by a master's degree should be guaranteed an annual income of at least \$9,000.

2. All honestly done and statistically valid studies have shown that reductions in class size have an enormous impact on the quality of education available to children in California. The subcommittee endorses future state-funded reductions in the too-high sizes of California classes, possibly through the use of the class size reduction formula presently in the law for grades one, two and three.

3. The committee pointedly notes that there is a great difference between "merit pay" for teachers—which is administered *within* the educational system, by administrators, and is hence open to favoritism, and which leads to district patronage in the worst sense—and "premium pay" for excellent teaching skill. The committee opposes "merit pay" because of its obvious weaknesses, but we endorse the concept of "premium pay"—governed by a commission of teachers and thus administered from *without* the system, without the dangers of favoritism.

4. The subcommittee stops short of endorsing a specific bill to provide state-supplied "premium pay" for the teaching profession, but we demand that the proliferation of nonteachers and the supposed "services" which they allegedly provide come to an end! We recommend that to overcome this glaring weakness in this state's educational system, the 1967 Legislature consider enactment of a premium pay program for the excellent school teachers of California which will—we believe—serve to protect the taxpayers of this state from further encroachment on their economic solvency by the bureaucracy of the school system while insuring to their children an excellent education. This should occur because the child will again receive the individual instruction which is his right, the parent will regain lost confidence in the responsibility of the school system, and the taxpayer finally achieves what he has already paid for—the highest quality education in the nation. He is already paying the highest price.

5. Recognizing the difficulties which the Legislature will face in 1967 in developing specific legislation to enact a premium pay program, we recommend the adoption of a statute which declares the Legislature's intent to encourage such teacher remuneration plans, but which also establishes an advisory commission charged with the duty of formulating an acceptable premium pay plan for presentation to the 1968 Regular Session of the Legislature. The teaching profession, school administrators, school board members, the general public and members of the Legislature should be represented on this commission, whose work should be overseen by a joint legislative committee comprised of the standing Committees on Education of the Assembly and Senate.

A STUDY OF METHODS OF UPGRADING AND IMPROVING THE TEACHING PROFESSION

This is now the fourth year that the personnel subcommittee of the Assembly Education Committee has devoted to studying the quality of a profession. In 1965, we recommended that the term "unprofessional conduct" be strictly defined to mean exactly what it implies—behavior directly related to the practice of one's employment, not a catch-all phrase covering any item of personal activity.

We are pleased that the Legislature saw fit in 1965 to reaffirm, through the passage of AB 2710 (Petris), the essence of an opinion of the Third District Court of Appeals (200 Cal. App. 2nd, 147) whereby a classroom teacher was upheld in his right to write a letter to the editor of his local newspaper. That such an act could ever be labeled "unprofessional" by anyone illustrates, we think, the heavy fog which surrounds the concept of teaching as a profession.

This committee has consistently supported excellence in the classroom with more than platitudes. We do not take the word "profession" lightly. We are striving to find an acceptable way to raise the public status of a career teacher to its proper position.

We should note that the 1965 Legislature—along with restricting the misuse of "unprofessional conduct"—enacted two measures which incidentally highlight the paucity of true professionalism in teaching.

We do not wish to be misconstrued—we support the authority of local school boards to administer their affairs within the framework of the Constitution and the Education Code—but we must point out that in a precise sense of the phrase, the professional rights of teachers number two.

Two serious and relatively recent developments were brought to our attention, and the Legislature acted to provide statutory relief, where heretofore, these matters were traditionally accepted.

Does the teacher have a professional right to suspend an unruly student from school? The previous version of the Education Code had contained a provision to that effect for years. Nonetheless, this section had been locally interpreted to mean that the teacher must obtain administrative permission, and where this was not granted, the provisions of the Education Code became meaningless. It is difficult to believe that some of those in authority would treat the law in such a cavalier manner.

As a result of legislative information, the code section was amended in 1965 to spell out clearly and unmistakably the fact that each individual credentialed teacher had an absolute professional right to suspend an unruly student, regardless of whether the nonclassroom administrators agreed or not (AB 2083, Winton).

Yet, this was not sufficient. A local school district immediately interpreted the word "school" to mean "class" and attempted to rein-

state the usual administrative procedures which had the practical effect of prohibiting suspension, making a mockery of the teacher in the eyes of the students, and generally undermining confidence in teachers as professionals, as well as dignified persons.

Fortunately, one brave teacher went to court, and, quite obviously, the court held that the law was "clear and unambiguous." The teacher *does* have a right to suspend, as most of us always thought. Yet now, this right must be codified and supported by judicial opinion.

Who took away the traditional right? Certainly not the general public, for the 1965 bill to enact the right would surely not have been passed had there been any substantial public opposition. No, the public expects the teacher to exercise a professional responsibility to the students who wish to learn, and we expect that the vast majority of parents were unaware that traditional teacher authority had been so eroded.

The right was taken away by those who speak loudly for education as a profession, but deny the exercise of the most fundamental professional rights to teachers. These are the administrators and supervisors and coordinators and directors, and a myriad of other titled personages, who have multiplied so vastly in the past generation.

The testimony before this subcommittee indicated that the non-teaching professionals have increased from 4 per 100 classroom teachers to more than 14 at latest count, and there is no end in sight (see Table I). This year of 1966-67 is supposed to be the "Year of the Nonconference" according to the National Education Association, and the purpose is to bring educators together around television sets to talk of further increasing the "services to teachers."

It would appear that the calendar may be off by some 17 years. Rather than 1967 for education, may it not be 1984 already? The NEA speaks of the "teacher's staff" which all of us would interpret to mean people who act under the supervision *and control* of the teacher. But it turns out that the teacher's "staff" is largely composed of non-classroom personnel, higher on the scholastic ladder, superordinate in authority, and paid much higher too. With this definition, all leaders may seek to resign and become staff members.

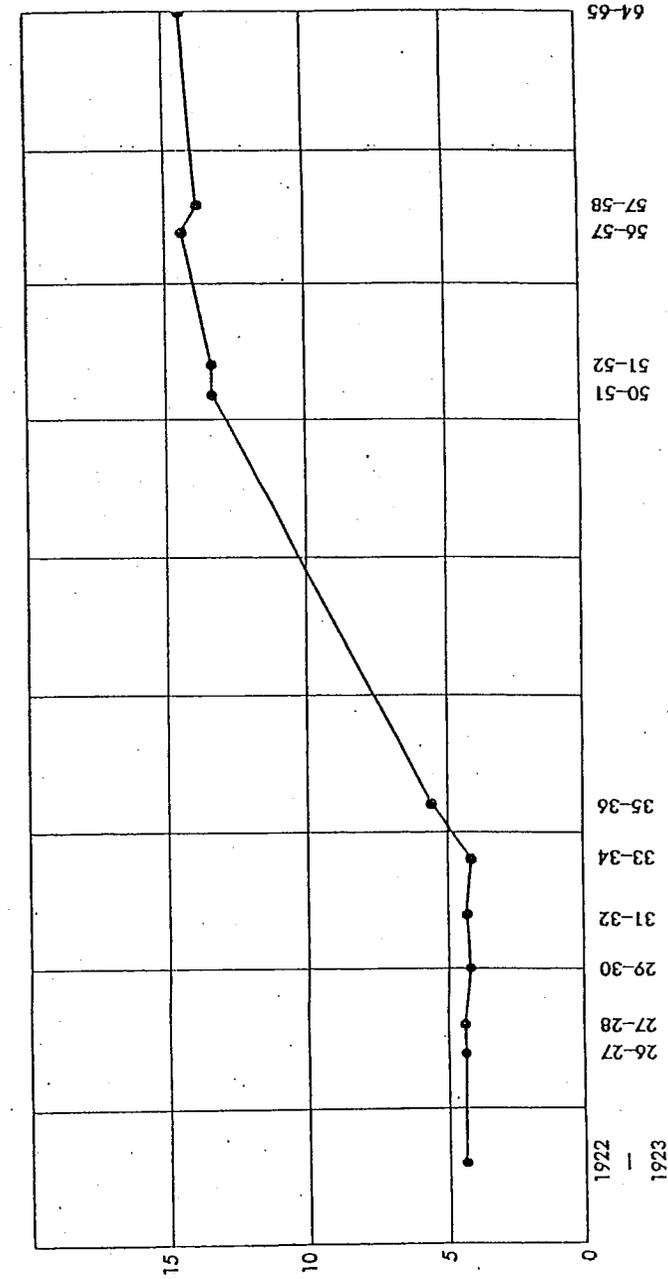
This committee adamantly rejects the implication that classroom teachers are inherently incapable of providing adequate, even excellent, education to children. The NEA says the teacher's job has become "unmanageable." We ask—who made it that way?

For one thing, the people who took the teacher's right to maintain discipline in his own classroom away from him by administrative fiat are responsible.

A tangible result of a teacher's work is the grade a student receives at the end of a course. For generations, teachers have considered the fundamental judgment about a student's relative success to be the province of their own determination. Whether it is "A" or "B," pass or fail, good teachers have always tried to be fair—to give the student a fair evaluation of what he has learned—and not to mask his ignorance in fraud.

It does not profit a child to think unrealistically of himself as an "A" student, when life and society and the world of business will render a more accurate verdict, if that be the case. The true profes-

Table I
NUMBER OF CERTIFICATED NONTEACHERS PER 100 CLASSROOM TEACHERS
1922-23 through 1964-65



Sources: 1922-23 through 1957-58—REPORT OF THE SENATE FACT-FINDING COMMITTEE ON GOVERNMENTAL ADMINISTRATION, 1959
1957-58 through 1964-65—RANKINGS OF THE STATES, National Education Association, 1966

sional teacher has always known that honesty in grading is in the student's best interest in the long run. But there are those whose grasp of time is very short—those attending the next PTA meeting, for example.

In 1965, the Legislature was forced again to take a step that seems Orwellian. With information that numerous school officials were altering the grades that teachers gave to students, the Legislature enacted the second right of teaching (AB 2074, Garrigus)—that in the absence of fraud, etc., the teacher's grades are final.

Did the public ever suspect that they were not final? We do not believe they did.

We ask how anyone can seriously pretend to upgrade the teaching profession when he declares the teacher to be effectively incompetent, takes away whatever traditional rights the teacher enjoyed, and proposes that our schools be saddled with ever more expensive non-teaching personnel.

In the past few years, the Legislature has had to prop up ineffective school programs with specific, program-oriented legislation. Most prominent are the Miller-Unruh Basic Reading Act, the McAteer Compensatory Education Act and the preschool program—all enacted in the 1965 session.

For decades, the Legislature has underwritten the excess costs of special educational programs for the physically handicapped, mentally retarded, and now, the educationally handicapped, the inexplicably underachieving student.

We ask ourselves why local school districts—supposedly close to, concerned with, and able to resolve local problems—require a plethora of special state aids in order to attack their problems. The disparity in local tax bases is far from the complete answer. There are many individual districts without adequate local revenues which seem able to cope with their problems. Other districts with virtually identical financial and human resources do not.

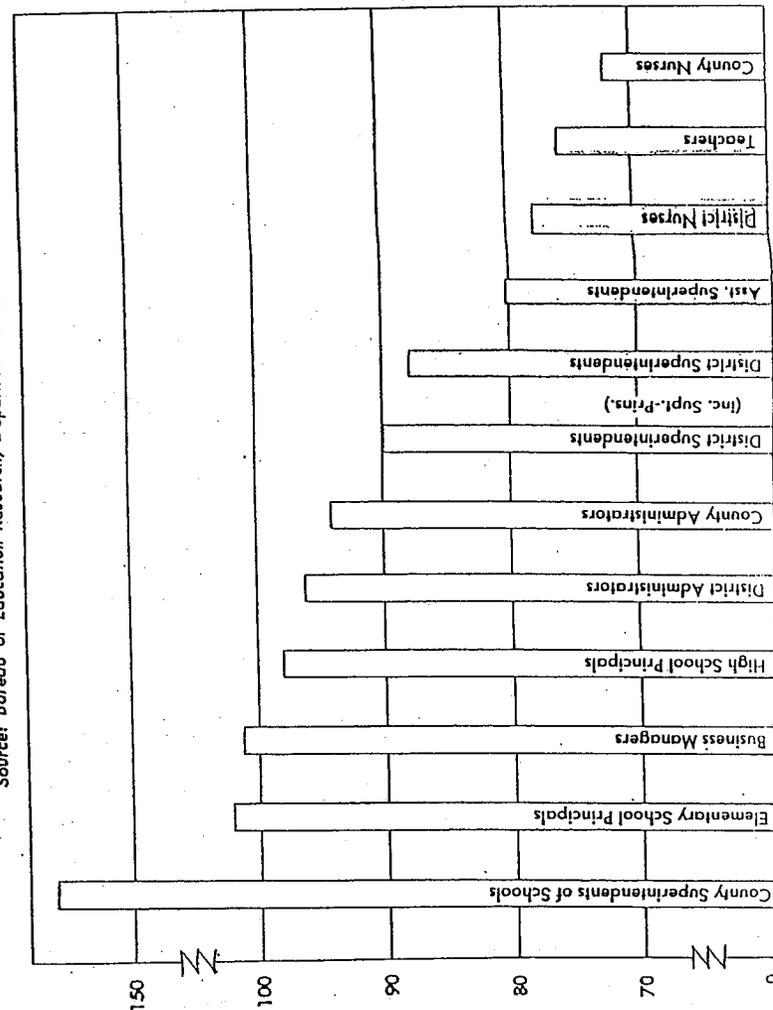
As local educators have moved toward total immersion of their operations under a proliferating tent of "education," the Legislature has seemingly moved to identify individual objectives more specifically. "Good education" is a meaningless concoction if specific successes in reading, or arithmetic, or vocational skills cannot be easily adduced.

Is public education actually too costly for the taxpayers to bear any more? This does not seem likely in view of the fact that Californians spend more on each child than any state except New York. (We doubt New York would spend as much if the private and parochial schools did not educate over a quarter of the state's students separately.)

Or rather, is the vast enterprise of public education getting out of hand? We know that teachers have become less and less important. While administrative ranks multiplied, class size remained virtually static until the Legislature financed and mandated a significant reduction in class size in the primary grades.

We can statistically demonstrate that smaller classes mean higher achievement, and thereby justify the added expense per child. We have the testimony of thousands of California teachers, as well as research evidence. But when class size reduction is requested locally, the cost is often termed prohibitive.

Table II
PERCENTAGE INCREASES IN SALARIES—1952-53 TO 1964-65
Source: Bureau of Education Research, Department of Education



The evidence presented to us shows that in the past 10 years, every other category of professional educator (except teachers) has received greater salary increases than those who actually work with children daily—teachers, and also school nurses (see Table II). In most school districts, higher officials are automatically geared to the teachers' schedule by a multiplier. Teachers often take the public censure for an increase in local taxes, while 20 percent and more of the raise goes to nonteachers.

In most districts, all teachers—good, bad and indifferent—are on the single schedule, and they progress in lock-step fashion through the years, while collecting miscellaneous college credits. The lack of local concern about valid professional advancement is evidenced by the fact that many districts do not require a valid master's degree for salary advancement. Any sort of credit will do.

It seems to us that if administrators and boards were serious about directing teachers toward increased professional stature, they would limit salary credits to courses that apply to a specific degree program, and one concerned with the subjects being taught.

Instead, the lure of promotion out of the classroom is offered. We cannot say that this lures only the best teachers away from the classroom, but many—particularly men with family responsibilities—certainly are removed from teaching in this manner.

In a few districts, a system of "merit pay" has been established ostensibly to reward superior teaching. However, the testimony before our committee from every teachers' group—especially those who represent only classroom teachers—is adamantly opposed to it. The committee finds that a deep and pervasive lack of trust exists between career classroom teachers and their local superiors who make the merit decisions.

Thus, we have proposed that a premium pay system, effectively free of local favoritism or nepotism, be established with state support. The committee has been most favorably impressed by the individual teachers—all of long experience and all, oddly enough, men—who testified in favor of this proposal.

It would be an understatement to say that all committee members present were deeply touched by the sincerity and obvious scholarship of these men. These were clearly "professionals" in the best sense of the word, and we are at a loss to explain why each of them recounted some experience with bureaucratic interference in their demonstrably successful teaching practices.

Yet, they are in a minority. The employment practices of school districts virtually ensure they will be outvoted by the transient individuals passing through the classroom on the way to the maternity ward or the district office.

By simple head count, women outnumber men, and the committee believes that there has been an even more significant change in the professional attitude of women. "Miss Dove" has been replaced in the classroom by "Betty Coed" and "Mrs. Alumna." In terms of professional attitude, "Miss Dove" was a "Pro." As the symbol of a past generation of teachers, she was a spinster whose only interest was her work.

We do not have many "Miss Doves" today, and to that extent, the professional caliber of teachers has been diminished. To some degree, the slowly increasing proportion of men in teaching is helping to fill the gap, but the total of career teachers, male and female, is outweighed by those with other interests.

Indeed, the committee is informed that at a recent meeting of the California School Boards Association, the (male) head of teacher education at one of the University of California campuses declared flatly that "teaching is a woman's profession." We suspect that the headmasters of our leading private schools, e.g. Exeter, Andover, San Rafael Military, would violently disagree with this statement.

We believe that the issue of professionalism in teaching is intimately bound up with the system of compensation for teachers. We acknowledge the fact that great disagreement exists on the mechanics of in-

stituting some kind of system to recognize and reward superior teachers, *but we have heard no testimony against the concept.*

Hence, our major legislative recommendation is a proposal to establish a statewide commission with the express duty of formulating a workable plan.

We think that this commission of professionals and laymen should be a sounding board and should help to develop a permanent public attitude toward the largest public enterprise in California. For too long, we have been content with slogans, with platitudes, with meaningless phrases that disappear when school financing issues become involved. We urgently need a broad-based public commitment, and while we would not forecast the views such a commission might take, we must finally decide what our future course will be.

For our part, we concur with Henry Adams that "A teacher affects eternity . . ." We believe that the long-range stability of the American republic, its democratic institutions and representative government, depends on a mature citizenry, educated by highly respected teachers.

Regardless of our acts, the teacher *will* affect eternity, one way or the other. The only question is, which way?

APPENDICES

APPENDIX A

STATEMENTS BY MAJOR EDUCATIONAL
ORGANIZATIONS RELATIVE TO THE FISHER ACT

October 24, 1965—San Diego:

1. Dr. Paul Lawrence, Associate Superintendent of Public Instruction
 "Dr. Rafferty's position is that the bill passed by the Legislature in 1961 was a good bill, is a good bill. The position of the department, also, is the fact there is a shortage of teachers, but there is relatively little relationship between the two. In other words, you cannot attribute the teacher shortage, which will be for some time, to the passage and resultant action of the 1961 legislative act."
2. Dr. Carl Larson, Chief, Bureau of Teacher Education, State Department
 (In answer to a question by Assemblyman Alquist) "Well, I do not say there are changes needed in the law, per se. I say there are changes needed in certification requirements, but not in the law itself."
3. Dr. George Dotson, Director of Educational Services, California State College at Long Beach
 (In answer to a question by Assemblyman Alquist) "Yes I do [have some things to say]. I don't believe the problem is with the law at all. As a matter of fact, I think that it is time to let the law stand and give it a chance to work. I think the problem is in the implementation."
4. Dr. John W. Eckhard, California Association of School Administrators, Assistant Superintendent, Kern County High School District
 "This brings me to my second point—the implementation of the Licensing of Certificated Personnel Law of 1961. Our committee feels it is a substantial law and should be allowed to continue without change."
5. Mr. W. A. Hendrickson, President, Education Association of California, Superintendent, Oakley Union School District
 "The Education Association of California supported the Fisher bill and its intent to provide better qualified teachers for the schools of California."
6. Mr. Thomas Woods, Executive Secretary, California Elementary School Administrators Association
 (In answer to a request for clarification of the Association's position on the Licensing of Certificated Personnel Law of 1961.) "They recommend no revision in the law itself."
7. Dr. Ellis E. McCune, Dean of Academic Planning, California State Colleges
 "Our governing body, the Board of Trustees of the California State Colleges, has been wholeheartedly in support of the aims and objectives of the Licensing of Certificated Personnel Law of 1961, commonly known as the Fisher Act."

8. William D. Plosser, Executive Secretary, California Federation of Teachers
 "In line with this policy, we, of course, supported the Fisher bill in 1961. We opposed various efforts in the '63 session and in the '65 session to water down the requirements for academic preparation."
9. Mr. Glen Harrington, California School Boards Association
 "I think I can best serve your interests by simply stating that the School Boards Association supports the Fisher Act as it stands."
10. Mr. Lester G. Wahrenbrock, Director of Certificated Employment, San Diego City Unified School District
 "We would agree with the basic provisions of the Fisher bill. We have no major suggestion or revision to suggest."

September 12, 1966—Garden Grove:

1. Dr. Arthur Corey, Executive Secretary, California Teachers Association
 "I think in general our committees, both our committee and commission in the C.T.A., would say that the trouble with the Fisher bill was not that the standard was too high, but that it wasn't high enough."
2. Mr. Donald E. Fitzgerald, President, California Junior College Faculty Association
 "As our position paper, the following five pages, indicates, we support the Fisher bill."
3. Mr. Alvar Yelvington, California School Boards Association
 "The school boards of this state supported the Fisher bill when it was before the Legislature, and they still support the principles of the Fisher bill including the concept of the diversified major as modified by the Rodda Act."
4. Mrs. Sally R. Williams, California School Nurses Association
 "We agree with the Fisher bill, as it does spell out the preparation of the school nurse, and we think it is a fine piece of legislation."

APPENDIX B

STATE OF CALIFORNIA

DEPARTMENT OF EDUCATION

721 CAPITOL MALL, SACRAMENTO 95814

In Replying Refer to FILE NO. _____ DATE _____

REPORT OF EVALUATION FOR THE STANDARD TEACHING CREDENTIAL WITH A SPECIALIZATION IN ELEMENTARY TEACHING. Items checked below show requirements which must be completed:

- 1. An acceptable bachelor's degree.
- √ 2. Postgraduate course work: 21 additional semester hours in upper division or graduate level courses to complete a fifth year.
- 3. General education: _____ additional semester hours including work in all areas checked in this section.
- (a) course work in _____ areas selected from those checked: humanities social sciences natural sciences mathematics fine arts foreign language
- (b) _____ additional semester(s) (_____ quarter(s) of course work in English
- (c) a course in English composition or the passing of a special examination in English composition administered by a college or university.
- √ 4. A major in *social sciences* requires 2 additional semester hours on the upper division or graduate level.
 A diversified major requires _____
- 5. A minor in _____ requires _____ additional semester hours including _____ on the upper division or graduate level.
 An interdepartmental minor in _____ requires _____ additional semester hours including _____ on the upper division or graduate level in _____, the subject to be named on your credential as the minor.
 — You will have completed a minor in the specialized area of _____ when requirements shown on the enclosed letter FZ _____ have been completed.
- √ 6. Professional preparation:
- √ (a) student teaching: 90 additional clock hours (4 semester hours) including 90 clock hours (4 semester hours) in grades kindergarten through 8 or verification of 7 year(s) of full-time teaching experience in the public schools or in private schools of equivalent status including 1 year(s) in grades kindergarten through 8. Experience needs to be verified by letters giving dates of service and grade level, signed by a principal or superintendent.
- √ (b) _____ additional semester hours of course work, or more if needed, to include all requirements checked below:
- (1) sociological or historical or philosophical foundations of education
- (2) psychological foundations of education or educational psychology and growth and development
- √ (3) elementary school curriculum
 — general elementary methods OR basic methods selected from any _____ of the following areas: arithmetic, science, reading, language arts, social sciences, and foreign languages.
- √ 7. Three semester hours of course work in the theory of the structure, arithmetic, and algebra of the real number system or three semester hours of course work in calculus.
- 8. Official verification of the completion of the requirement on the United States Constitution. It is necessary to verify the completion of two semester hours in course work, or an examination given by any approved institution, on the provisions and principles of the United States Constitution. This requirement must be completed before the credential will be issued.

√ You are not at present eligible for a credential on partial fulfillment [(1) and (6) (a) above required].

— You meet course requirements for issuance of this credential on a partial fulfillment of requirements. To apply for a credential on this basis, you must submit the following: a new application form, a \$10.00 fee, fingerprint cards, health form dated within a year if not already on file, your statement of intent to complete all requirements for the life credential, a statement of employment for the service as a librarian OR as a teacher of exceptional children.

Sincerely,

Encl: _____ Forms _____

APPENDIX C

SAN DIEGO CITY SCHOOLS
EDUCATION CENTER
Park and El Cajon Boulevards

PERSONNEL DIVISION

January 28, 1966

The Honorable Leo J. Ryan, Chairman
Subcommittee on School Personnel
and Teacher Qualifications
California State Legislature
State Capitol Building, Room 5128
Sacramento, California 95814

Dear Assemblyman Ryan:

In compliance with your request of January 24, I am submitting the following statement with reference to the Geri Davis case, in lieu of my personal appearance at the hearing of February 1, 1966, directed in the subpoena served upon me on January 21, 1966.

For many years this school district has enjoyed a national reputation for seeking out, attracting, and motivating teachers of superior professional accomplishment and of equivalent moral character.

The Board of Education, the administration, and representative teacher organizations have worked well together to provide a professional environment, responsive to community interests and needs, which will enhance the welfare of teachers and students alike.

This includes the continuing review and insistence upon standards of personal conduct traditionally required and practiced within the teaching profession. This school system has concerned itself as vitally with the performance and character of its employees following their placement on the job as it has with their original selection.

Preserving the right of the teacher to lead his life as a private citizen, and requiring that he conduct himself in a manner that is consistent with his professional obligation to the public, presumes a delicate balance between the teacher's privileges and his responsibilities. We fully appreciate the obligation of the school district to assist in maintaining this balance.

We believe that the local professional leadership of a large, well-organized school district such as our own, responsible to the elected representatives of the community, is in the best position to interpret and carry out the legal and professional requirements applicable to its employee group. We believe that this was exemplified by the recommendation of the administration in the recent Geri Davis incident.

APPENDIX C—Continued

The recommendation made by the superintendent that no action be taken to discharge Mrs. Davis was based upon thorough and complete review of official records of the professional performance and personal conduct of Mrs. Davis related to her assigned duties as a member of the teaching staff. This recommendation was made upon the advice and counsel of our district legal adviser. The Board of Education accepted the recommendation of the superintendent.

The Personnel Division of our school district has worked cooperatively with the Division of Credentials of the State Department of Education for many years. On numerous occasions it has sought out the investigative services of the State Department in determining the fitness of certain individuals to continue in their teaching posts, based upon issues that were clearly related to the legal and professional responsibilities of the assigned task.

Within the limits of its small and overburdened staff, the investigative staff of the State Department of Education has been of significant help to this district.

It seems unfortunate to us that a situation which evidenced no greater factual basis for review than did the Geri Davis case received what appears to us to be an undue amount of attention and notoriety, possibly depriving the investigators of the State Department of needed time to review other and perhaps more deserving cases.

Enlightened and forward-looking school districts exercise continuing vigilance in monitoring the personal and professional qualifications of their staffs. They welcome and solicit help from competent official and legal resources, both at the local and state levels. They depend upon a close working relationship with these agencies built upon mutual trust and constructive results.

These results should enhance rather than detract from the image of education. *I can only feel that the apparently unilateral pursuit of the Geri Davis case has served to damage the image of this school district nationally, at a time when we are embarking upon a local and national recruitment program to obtain several hundred employees needed during the next school year.*

The personnel and operational practices of this school district are continually open to public review, and qualified constructive help is always welcome from any source. If it is desirable to highlight certain incidents in education to demonstrate certain issues, these incidents should portray principles and practices of broad dimension. Certainly, they should be based upon truth and relevant fact.

The Personnel Division at this time has no evidence that the Geri Davis case qualifies in this regard.

APPENDIX C—Continued

We are, however, looking forward to continuing our work with the State Department of Education on matters that have meaning and significance not only for the San Diego Unified School District, but for California and for the teachers of the nation at large. We would like very much to get back to this job.

In further compliance with your request, I am asking that Mr. Fred Foster, director of employer-employee relations for the Personnel Division, be present on February 1, 1966, to present this statement.

Thank you for your cooperation in making allowances for this arrangement.

Sincerely yours,

HOWARD CROFTS
Assistant Superintendent

HC:SR

NOTE: *Emphasis ours.*

(Transcribed copy of closing statement of Dr. Everett Calvert for the Committee of Credentials at a hearing on Mrs. Davis' case January 18, 1966, Sacramento, California.)

Mrs. Davis, the Credentials Committee has reached a unanimous decision and would like me to preface the decision with a statement of its feelings on two or three issues. It has been impressed with the testimony on both sides. It is not a one-sided case by any means, but we have also been very impressed with the testimony of your students and the teachers that know you best, as well as the administrators who know you.

From an educational standpoint, we deplore the use of the cheap and vulgar language, and firmly believe that this tends to perpetuate the negative aspects of racial relations, and recommend a more positive approach to them.

It is the feeling of the committee that such language tends to stir up racial tensions and not alleviate and quiet such tensions, and that another type of approach would be better.

We do not condone the play and our action we do not want interpreted as condoning it in any way. There are many people who have even more sordid lives than the characters in the play which you wrote which you might also justify on the same grounds, such as some of the types of cases which we have in this committee from time to time, as sex perverts and prostitutes, and so on, or the mad ravings of the insane, you might equally justify in the same manner.

We are convinced, however, that there is no adequate legal grounds in the testimony involved for any punitive action as far as you or your credential is concerned, and we are also convinced that if you did need to learn a lesson and that you have legitimate regrets for any reflection that has resulted on the profession and others involved in the case.

As a result we have voted unanimously to close the case with this admonition to you please, we hope, avoid such an event in the future. Thank you very much. (Emphasis ours.)

APPENDIX C—Continued

(Transcribed copy of interview between reporter and Dr. Everett Calvert immediately after the Committee of Credentials hearing on Mrs. Davis' case January 18, 1966, Sacramento, California.)

Reporter: Dr. Calvert, could you give me a comment on your reaction to the committee's final decision?

Calvert: The Committee of Credentials, as usual, has performed in a completely professional and objective manner as it always does and it was totally uninfluenced by any political influences or attacks regardless of their source. There has been no pressure either for or against Mrs. Davis on the Committee within the Department of Education. I think it is just typical of the very fine work that the committee does and the reason that the committee of the State Board of Education a couple of years ago commended the very fine work and the caliber of the people involved.

Reporter: You have a great number of cases each month, as you indicated during the meeting, and this one no doubt from the basic facts and points that you were considering, was small in comparison to the legal points in these other ones. Do you feel that the publicity and furor that was raised over this was justified?

Calvert: No, I don't. I think that the furor over Mrs. Davis' case was very much to be regretted. I think that the people who attacked the committee and tried to bring pressure on the committee to come to any given decision (and this occurred on both sides) was completely unjustified and to be regretted.

Reporter: Do you feel that in the committee's decision that you are still maintaining that a teacher can have an avocation as well as a vocation of teaching?

Calvert: By all means. There is no question about that at all. There is certainly no intention or effort on the part of the Credentials Committee to in any way curb those activities as long as they are on a professional and moral basis.

Reporter: Do you think basically that Mrs. Davis does have the professional qualifications and the items, of course, in the play was not the issue really, but a lot of people wanted to make it.

Calvert: Well, as I said in the closing statement that the committee asked me to make, they very much deplore and regret the wording in this play and the impact that it has had on the San Diego City schools, and the community. We feel that this is not something that is conducive to good racial relations. It is the kind of play and the language that tends to increase racial tensions rather than decrease them. We do not feel that when students see the kind of language used in this play by their own teacher that this is a good influence on them.

Reporter: Are you aware that educational television itself, just within the last few days, had a play which did not have the racial overtones but had the tremendously severe moral overtones to it called *The Ice-man Cometh*?

Calvert: I don't know about the overtones, but I wonder if they used as severe language. I doubt very much if you can put over the air some of the language that was used in this play.

APPENDIX C—Continued

Reporter: They used "bastard" and they talked about "he got a case of the ____" and the whole thing right on . . . it was a soliloquy.

Calvert: Do you think that the wording in there about "tying a 20-pound weight to a _____ cat's ____ and throwing it in the river" you could put over television?

Reporter: It was put over television.

Calvert: That was?

Reporter: ____ and damn and bastard and ____, and these were.

Calvert: Well, I would say, if that is true, it is very much to be regretted and it is about time the people woke up to the fact that there should be a higher moral standard for the people of this country.

Reporter: This was educational television—Channel 6 in Sacramento.

Calvert: Regardless of what channel it was and regardless of whether it was so-called education or not, I think it is very much to be regretted. It is not in good taste.

Reporter: Thank you, Doctor.

STATE OF CALIFORNIA

DEPARTMENT OF EDUCATION

721 CAPITOL MALL, SACRAMENTO 95814

December 14, 1965

Mrs. F. Geraldine Davis
3284 Bayside Walk
San Diego, California 92109

- Our File No. 2099-64

Dear Mrs. Davis:

The Committee of Credentials, acting for the State Board of Education, has reviewed your play entitled *A Cat Called Jesus*, which raises serious question as to your qualifications to continue as a member of the teaching profession. At its meeting on November 24, 1965, the Committee concluded that these circumstances may warrant the initiation of proceedings to revoke your California teaching credential.

Several possible courses of action which you may wish to consider are described on the attached sheet.

If a reply is not received within 30 days of the date of this letter, it will be necessary to commence the proceedings referred to in paragraph (2) of the attachment.

For the Committee of Credentials
Eli Obradovich, *Secretary*

EO
io
Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CALIFORNIA COMMITTEE OF CREDENTIALS

721 Capitol Mall
SACRAMENTO, CALIFORNIA

Possible Courses Of Action Relative To Your Credential

(1) If you believe that the Committee of Credentials has been misinformed or inadequately informed, you may request its Secretary for an opportunity to appear before the Committee. At such an informal appearance, you will be invited to give any pertinent information. Members may ask questions. As the Committee is not composed of attorneys it cannot entertain legal arguments and relies on the advice of its counsel on questions of law. However, there is no objection to your being accompanied by an attorney or by friends or associates who wish to speak in your behalf. Because of the great number of cases which must be considered you will be asked to limit your presentation to a reasonable time.

(2) If you do not avail yourself of the opportunity to appear before the Committee, or, if after your appearance the Committee determines that proceedings against your credential are to be initiated, our legal staff will prepare, file, and serve upon you a "pleading" called an Accusation. If you request a hearing, a formal hearing will be scheduled pursuant to the California Administrative Procedure Act (Government Code Sections 11500 et seq.). You will be notified of the time and place of the hearing. At the hearing, you may appear either with or without an attorney. Hearings are conducted before an independent hearing officer appointed by the Office of Administrative Procedure. Witnesses are under oath and are subject to cross-examination. Rules of evidence are enforced. Upon conclusion of the hearing, a proposed decision is submitted by the hearing officer to the State Board of Education. The State Board may adopt the proposed decision of the hearing officer or call for the record and argument and make its own decision. A person dissatisfied with the action of the State Board may petition the courts for a writ of mandate.

(3) Should you wish neither to appear before the Committee of Credentials nor to contest an action under the Administrative Procedure Act to revoke your credentials, you may avail yourself of Education Code Section 13205 which provides that the holder of a teaching credential may request the State Board of Education, in writing, to revoke his credentials. If you decide on this course of action, you may complete and return the enclosed form.

If this form is used, please return to:

Eli Obradovich, Secretary
Committee of Credentials
721 Capitol Mall
Sacramento, California 95814

Name (print or type)

Street Address

City and State

Date

THE SECRETARY

State Board of Education
721 Capitol Mall
Sacramento, California

Attention: Eli Obradovich, Committee of Credentials

I hereby request that each life diploma or other teacher's credential or document heretofore issued to me by the State Board of Education be revoked, as of the date hereof, in accordance with the provisions of Education Code Section 13205, which provides as follows:

"Whenever the holder of any life diploma or other teacher's credential or document issued by the State Board of Education requests in writing that the diploma, credential or document held by him be revoked, the State Board of Education shall revoke such credential."

Signature

Witness

APPENDIX D

MEMORANDUM

To: Assemblyman Leo J. Ryan; Mike Manley

From: Walt Howald

Re: Committee of Credentials hearings, Wednesday, February 16 (9:30-11 a.m.), and Thursday, February 17 (10-12 noon), 1966, Room 517, Department of Education.

February 16:

Dr. Frank Doyle was chairman of the committee with Kitch, Klotz, and Church in attendance. Except for Assemblyman Leo Ryan and myself, no other persons were present in the audience. The committee recognized Mr. Ryan's presence and were, perhaps, overzealous in their attempts to "welcome" him. Chairman Doyle explained to Mr. Ryan he had not sat on this committee for over three years and, consequently, was not particularly aware of its current operations—in my opinion Dr. Doyle understated his position as it was quite apparent he had little knowledge of the committee's operations or of the cases before him.

Case 1 involved a Mr. ____'s application for a standard teaching credential specializing at the J.C. level; the question was whether his college credits and master's degree satisfied Education Code Section 6211(a). This matter was not specifically decided by the committee, though Mr. ____ has had correspondence with and appearances before the committee on several previous occasions.

Comment: This case, involving a rather technical point, needed a yes or no decision but the committee could, or would, not make this decision. The members and staff of the committee appeared unwilling and unable to reach a conclusion, thus leaving Mr. ____ in a tenuous dilemma. To act efficiently and meet its responsibilities, each member must be familiar with such a case and the questions it raises *before* an informal hearing is scheduled or such a hearing is fruitless. This hearing cast the committee as an inefficient, indecisive, incompetent group of people unwilling to take the responsibility of a decision.

Case 2 involved a Mr. ____, holder of a general elementary credential, who was applying for an exceptional child credential but who was accused by the school district on 10 allegations of unprofessional conduct concerning certain actions toward some of his fifth grade (?) girls. The committee deferred any action on the case until receipt of certain depositions and transcripts from a pending court action against Mr. _____. On March 23, 1966, after receipt of the above transcripts, the committee decided to take action to deny Mr. ____'s application and to revoke his general elementary credential. Mr. ____ did not appear at this March 23 meeting—it is the policy of the committee to allow only one appearance before the committee in order to keep down the number of informal hearings.

Comment: Mr. ____ was the only one to appear; thus the committee did not hear from his accusers other than by a letter from the district stating the 10 allegations. Mr. ____ was asked to simply confess, deny or explain each allegation. This process places the committee in a position of either deciding Mr. ____ was a fine teacher—as he said he was—or that he was perverted and without discretion as the district said he was. In addition, it's noteworthy that this case appeared as a question of whether to deny ____'s application; however, the committee later decided (at its March 23 meeting) to revoke his general credential. I am not sure Mr. ____ was aware that his general credential was being questioned at his February 17 appearance—his only appearance. In conclusion, this case illustrates a total lack of preparation before the informal hearing, an absence of organization as to what specifically will be considered and what possible action will be taken and, in general, an avoidance of the basic responsibility of determining whether this teacher should be in the classroom. I do not see the value of dragging a teacher before the committee when there is a pending court action if the committee is going to delay its decision until the court has rendered its opinion.

February 17:

Case 1 involved a Mr. ____'s application for a standard designated subjects (Spanish) credential. Dr. Kitch was chairman with Dr. Church, Dr. Klotz and Harry Skelly in attendance, though I had seen Dr. Lawrence downstairs in the hall and Dr. Calvert was in his office. A staff attorney and O'Bradovich and Shipp were also in attendance. Mr. ____ was arrested for resisting arrest and disturbing the peace in conjunction with the "student riots" at the HUAC hearings in San Francisco on May 17, 1960. The court dismissed all charges on May 27, 1960, and the federal immigration authorities subsequently approved Mr. ____'s application for citizenship. Dr. Kitch read the charges before the members (not in front of Mr. ____) and the members discussed the charges and some of the above facts. Then Mr. ____ was brought before the committee (he appeared without counsel) and Dr. Kitch told him "This is your opportunity to say anything you have to say." Mr. ____ proceeded with much hesitation as to what the committee was interested in hearing. After a few questions, Mr. ____ did point out he had been arrested and was present at the HUAC hearings but not for the purpose of demonstrating—he was in the building to see immigration authorities but got "involved" when he saw police using water and hitting a number of students in the hallway. Dr. Calvert then entered, stopped to say hello to me and stated in a clear voice "I'm glad to see you guys (the Assembly committee staff) taking a personal interest rather than just a publicity interest." Upon taking a seat on the committee, Calvert then pointed out to Mr. ____ that the issue in this case was that "teachers should be on the side of police." When Mr. ____ would try to talk, Calvert would interrupt and force the question back to whether ____ felt he had "supported the police by his action." ____ was then allowed to speak of his background in Italy where his parents has been in German concentration camps and where he had had a number of conflicts with Communist movements—during all of this Calvert was talking with Dr. Kitch. Then Calvert asked Mr.

“... if the police were on one side and another group was in some conflict with them, would you take up the side of the people against the police?” _____ asked what group and what kind of conflict? Calvert said that did not make any difference—_____ replied he doubted very much he would go against the police. Calvert asked “What do you mean, you doubt it very much?” Calvert then stated “to agree with law and order, you have to support our democratic institutions, especially the police.” Dr. Kitch stated “I think we’ve asked all the questions we want.” Dr. Klotz read the loyalty oath and asked “Would you in good conscience be willing to sign this oath?” _____ answered yes. Calvert then stated “To agree with law and order you have to support our democratic institutions. Breaking the law is obviously not supporting these institutions, etc.” Mr. _____ was then excused, motion to grant the credential was made and received unanimous support from the committee.

Comment: (Omitted.)

Case 2: Mr. Manley arrived—he and I were the only persons in the audience. Dr. Kitch moved from the chairman’s chair giving way to Dr. Calvert who humorously commented, “Of course we don’t have to have an election do we?” No reply. This case involved a Mrs. _____’s application for an elementary credential. Mrs. _____ was arrested in Illinois in early 1963 and convicted of conspiracy to commit burglary in conjunction with the arrest of her husband for burglary. Dr. Calvert read a probation report which itemized various things such as a 1962 arrest for vagrancy, living with a man in Georgia, running away with a patient from an Illinois state hospital, etc. This report indicated Mrs. _____ (now about 25) had been taken off her five-year probation and appeared rehabilitated from her former life since moving to California in late 1963. Calvert read this material to the committee, since none of the members had previously read it. Mrs. _____ was invited in, took her seat, and Dr. Calvert stated: “We have four primary responsibilities—to the welfare of children, the citizens of California, the teaching profession, and fairness to you—the teacher concerned.” Calvert then explained the appeal procedures up to the State Board of Education, noted that he had read her probation officer’s report and then stated, “Now, if there’s anything you care to explain, etc., this is your opportunity.” Mrs. _____ naturally said, “I don’t know where to begin,” and the committee started asking her questions. During the ensuing conversation it became obvious Mrs. _____ regretted her former activities, felt she had been very confused, believed she was now on the right road—during these statements Mrs. _____ broke into tears several times. Dr. Calvert then said “Thank you for coming. You didn’t have to come, but we like to give you a chance to tell your story.” After Mrs. _____ left the room, the committee voted to grant the application.

Comment: Though most of us believe in “rehabilitation,” I wonder if, in this case, the committee goes too far in its reliance on the probation officer’s report. I would not question, on the basis of this report, Mrs. _____’s ability to assimilate into the society, but is this the same as saying she’ll be fine in the classroom? Mrs. _____ has not taught for

some time, she also indicated a tendency to “break down” (tears, etc.). Wouldn’t the committee have been doing a greater service to all by recommending a conditional type of teaching experience for Mrs. _____, rather than placing her in a strenuous teaching position before she has had a full opportunity to gain confidence and emotional stability? I also disagree with the committee’s “tell your story” policy—this unnecessarily places the person concerned in an awkward position. Surely the committee did not call this person to Sacramento for fun. Doesn’t the committee have specific questions and areas of inquiry? Are the members so uninformed that these hearings are really opportunities for the committee to read the facts for the first time?

Filed with this report: Copies of the minutes of previous meetings of the Committee of Credentials.

2A

Information

Professional Practices Committee

Division of Professional Practices Discipline Workload Report FY 2009-2010

Executive Summary: This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2009-2010.

Recommended Action: For information only

Presenter: Mary Armstrong, Director, Division of Professional Practices

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

Division of Professional Practices Discipline Workload Report FY 2009-2010

Introduction

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for FY 2009-2010.

Background

In addition to administering the laws and rules governing the issuance of credentials and approving educator preparation programs, the Commission on Teacher Credentialing (Commission) enforces professional conduct standards. In order to ensure a high level of public confidence in California teachers and other credentialed public school employees, DPP through the statutorily created Committee of Credentials (Committee), monitors the moral fitness and professional conduct of credential applicants and holders. The Commission has the authority to discipline an applicant or holder for fitness-related misconduct.

Applications and credentials may be adversely affected based on the applicant's or holder's immoral or unprofessional conduct, evident unfitness for service, refusal to obey laws regulating certified duties, unjustified refusal to perform under an employment contract, addiction to intoxicating beverages or controlled substances, commission of any act of moral turpitude, or intentional fraud or deceit in an application.

The Commission appoints the seven members of the Committee to review all alleged misconduct. The Committee includes three credential holders employed in public schools (one elementary teacher, one secondary teacher, and one administrator), one school board member, and three public members. The Committee meets once each month at the Commission's office in Sacramento and has the authority to close an investigation where the evidence does not support the allegations or to recommend discipline where the evidence supports the allegations. All discipline recommendations made by the Committee are subject to challenge and appeal by the credential applicant or holder and final approval by the full Commission.

The discipline investigation process is confidential, and only the discipline recommendation of the Committee and the Commission's final adoption of a disciplinary action are public information.

DPP Discipline Workload FY 2009-2010

Reports of Misconduct

DPP obtains jurisdiction to initiate an investigation of misconduct and/or moral fitness when it receives a report of an employment action taken as a result of misconduct by an employing school district; a complaint, under penalty of perjury, of alleged misconduct made from someone with firsthand knowledge; and as a result of reports of criminal convictions made by the Department of Justice (DOJ) and/or as a result of self-disclosure on an application. During FY 2009-10, the following reports of misconduct, by type were reviewed:

Reports of Misconduct

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
School District Reports	139	238	211	231	241
Complaints under penalty of perjury	139	47	223	135	130
All others (includes DOJ reports and self Disclosures)	4846	4490	3376	3777	5352
Total	5124	4775	3810	4143	5723

Caseload

Once jurisdiction is established, the reports of misconduct are reviewed by staff. A determination is made whether this alleged misconduct comes within the Commission's statutory authority. If yes, then a case is opened. The FY 2009-10 caseload is as follows:

New Cases Opened

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Applicants	851	423	348	409	360
Applicants/holders	453	737	672	561	558
First time applicants	2069	2665	2364	2404	2074
Holders	1271	1357	1283	820	2624
Waivers	81	74	84	94	46
Total	4725	5256	4751	4288	5662

Cases Opened Per Fiscal Year by Type

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Application	1677	2010	1537	1748	1221
Application & RAP	1654	1676	1549	1728	1913
Rap Sheet	1408	672	303	256	2115
School District/County Office of Education	139	238	211	221	241
Other	69	115	153	49	126
Arresting Agency	4	5	26	17	9
Affidavit/Complaint	139	47	21	15	27
Breach of Contract	8	4	3	8	21
State Test Misconduct	0	8	3	2	10
Waiver	18	1	11	95	46
Total	5116	4776	3817	4139	5729

Committee Review

After a case is opened, the matter is prepared for initial review by the Committee. The review is governed by statute and at any point the Committee can close the case on jurisdictional or evidentiary grounds. Following its final review, the Committee makes a recommendation regarding whether or not to take adverse action. The Committee's recommendation is placed on the Commission's Consent Calendar for final action.

Cases Completed

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Staff Action	5171	4224	3133	3087	4630
COC Grant/Close	562	585	574	538	150*
Commission	553	685	695	595	712
Total	6286	5494	4402	4220	5492

*Reflects change in procedure initiated in July 2009 which shifted portion of COC workload to staff action category resulting in increased number of staff actions.

Final Actions

Final actions fall into two categories. Mandatory actions are imposed by statute. The mandatory actions are delegated by the Commission to the Executive Director and are noticed on the Consent Calendar at the next scheduled Commission meeting. Discretionary actions are delegated by statute to the Committee for review and then the Committee's recommendation is sent to the Commission for final action. The Committee's recommendation can alternatively be appealed before a final action is taken and result in administrative adjudication (see next page).

Commission Final Actions FY 05/06 through 09/10

Mandatory Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocations	114	114	103	90	202
Denials	38	36	42	29	64

Discretionary Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocation	245	197	166	131	104
Denials	107	82	65	44	49
Suspension	172	267	279	194	207
Public Repeval	56	78	82	66	55
Private Admonition	16	16	24	20	19
Total Mandatory and Discretionary Actions	748	790	761	574	700

Administrative Adjudication

After its administrative review, the Committee may close its investigation or make a recommendation of adverse action. Respondents are provided notice of the recommendation and have the right to request an administrative appeal. The Commission is represented by the Attorney General and the matter is heard by an Administrative Law Judge who issues a proposed decision to the Commission. The Commission can adopt the proposed decision or reject it and call for the transcript. After review of the transcript, the Commission can adopt the Proposed Decision or issue its own decision.

Administrative Adjudication Workload FY 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Appeals Requested	N/A	N/A	103	161	159
Settlements (Commission)	N/A	N/A	68	62	46
Settlements (Attorney General)	N/A	N/A	15	10	24
Proposed Decisions Adopted by CTC	N/A	N/A	7	10	12
Decisions Issued by CTC	N/A	N/A	8	5	3
Judicial Actions (Writs)	N/A	N/A	2	2	6

Commission Disciplinary Workload

The Commission hears petitions for reinstatement, as provided by the Administrative Procedures Act, in closed session to determine whether petitioners whose credentials were revoked are fit to again hold a credential.

Petitions for Reinstatement FY 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Granted	3	7	5	9	9
Denied	7	8	10	15	15
Total Petitions	10	15	15	24	24

Other DPP Discipline Activities

In addition to the workload described above DPP provides telephonic and electronic mail responses to stakeholders and the public. A new telephone system was also fully implemented in 2009 to forward discipline related calls from the Commission's toll-free number to DPP. The number of telephone calls for does not reflect calls made directly to DPP.

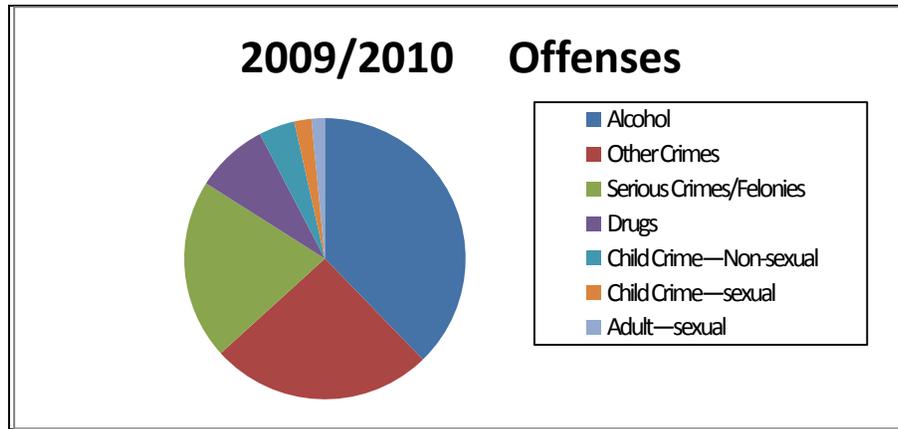
	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
E-mails Sent to DPP Info	N/A	N/A	592	4,588	5,630
Phone Calls	N/A	N/A	37,448	9,801	8,088

Analysis of Types of Criminal Misconduct

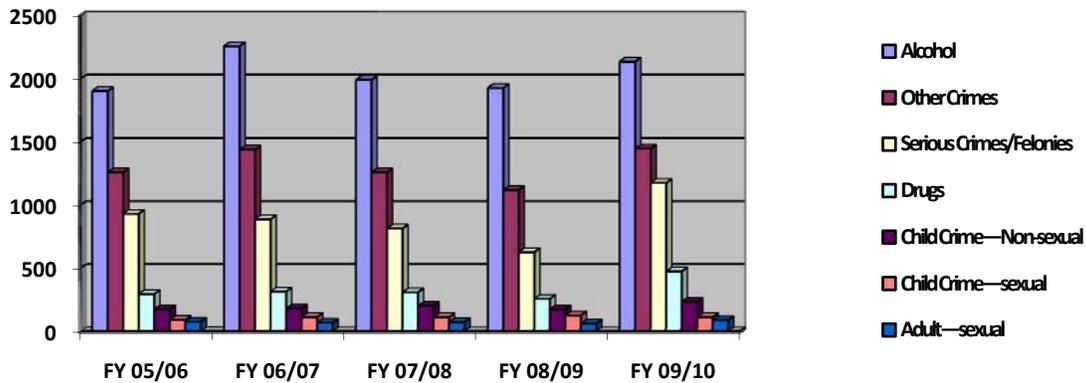
Of the total number of allegations of criminal misconduct reviewed during FY 2009-10, one-third of the offenses were alcohol related. This trend is consistent with the criminal misconduct over the previous four years.

Cases Opened by Offense Code FY 06 through 09-10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Alcohol	1901	2258	1990	1927	2136
Other Crimes	1259	1438	1258	1118	1446
Serious Crimes/Felonies	930	887	813	626	1174
Drugs	295	315	308	257	473
Child Crime—Non-sexual	175	179	201	173	234
Child Crime—Sexual	89	112	110	126	112
Adult—Sexual	76	67	71	61	87
Total	4725	5256	4751	4288	5662



Criminal Misconduct Cases by Type FY 05/06 through 09/10



Improvements Initiated During FY 2009-2010

DPP continues to review its processes and procedures to determine both efficiencies and streamlining of its work. The goal is to balance its mission of protection of California’s public school children with the due process rights of credential holders and applicants. In the last half of FY 2008-2009 and throughout 2009-2010, DPP and the Attorney General’s Office faced additional challenges with the imposition of furloughs for DPP and budget cuts at the Attorney General’s Office. To that end DPP initiated the following improvements and changes during FY 2009-10.

- **Case Tracking System**

Final implementation of a computer based tracking system to identify and track documents, applications and cases as they are processed through DPP. This system provides weekly reports to staff members and management to ensure that cases are processed in a timely manner. In addition the system also identifies high priority cases and notifies management when activities are not completed and establishes a weekly report to track applications as soon as the application is assigned to DPP.

- **Improvements in Management of Criminal History Information Reports**

As a result of staff turnover, training issues and furloughs DPP faced a backlog in processing lower level criminal history information reports (raps) sent from the Department of Justice to the Commission. Unlike applicant information which is for the most part processed electronically, these reports were in a paper format sent to CAW and then to DPP. Many of the raps received in this manner do not result in a case being opened or considered by the COC. It was, however, necessary to sort and process the reports, enter relevant information as necessary into the system, track arrests to determine if the arrest led to a conviction, and, in some cases, obtain necessary police reports and court documents. In order to streamline the procedure, in early 2010 DPP moved to a paperless receipt and sort of raps. Raps are now sent electronically to DPP, entered in the system, sorted by priority and tracked, all on a same day basis. While this does not eliminate the workload that results if a case is opened, it does eliminate the number of raps waiting to be processed.

- **Streamline Processing of Pending COC Cases**

In early July 2009, as a result of both the limited amount of time the volunteer COC members have each month to meet and consider cases and the imposition of furloughs cancelling several meeting dates, staff and the Chair of the COC met with the Executive Director to discuss strategies to streamline the processing of pending COC cases. It was decided that matters which were unlikely to rise to the level of an Education Code §44242.5(b) informal review by the COC which previously had been presented to the COC on a consent agenda would be delegated to staff to grant or close. (These matters consist of a review of misconduct that was not the type which results in a COC recommendation for discipline because of various factors such as the length of time since the misconduct occurred, lack of recurring misconduct or evidence of rehabilitation provided with an application.) The new procedure has resulted in processing these matters one to seven weeks faster than the previous practice. The biggest benefit is to applicants who are awaiting a review and school districts that are not forced to remove an applicant from the classroom unnecessarily.

- **Consultation with Attorney General's Staff**

Periodic meetings are held with the staff at the Attorney General's Office to discuss the administrative workload process. Staff from both offices are developing and refining a case priority system to resolve cases at the administrative level in a timely manner. In June 2010, DPP and the Attorney General's office put in place a new process to handle high priority cases which involves direct assignment to a Deputy Attorney General who drafts the accusation rather than assignment to legal analysts. It is anticipated that this process will result in reducing the time it takes to bring a case to administrative hearing by a minimum of 12 months.

Next Steps

In FY 2010-2011, the Commission will complete the Credential Web Interface Project (CWIP) which will upgrade the Commission's existing computer system. DPP plans as part of the CWIP improvement project to achieve increased automation of its records, improve electronic monitoring of workload, improve DPP's continued use of technology to achieve greater efficiency and improve

and provide real time notification to school districts and the public regarding disciplinary actions. This will allow increased effectiveness in protecting California's public school children while at the same time providing credential holders and applicants with both due process and a faster processing time.

1 Margaret Geddes, State Bar No. 139966
THE LAW OFFICE OF MARGARET A. GEDDES
2 331 J Street, Suite 200
Sacramento, CA 95814
3 Telephone: (916) 325-1800
Facsimile: (916) 325-1809

4 Michael Rothschild, State Bar No. 43861
5 Stacy E. Boulware, State Bar No. 181981
ROTHSCHILD, WISHEK & SANDS
6 901 F Street, Suite 200
Sacramento, CA 95814
7 Telephone: (916) 444-9845
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8 Attorneys for Petitioners/Plaintiffs

9 Bill Lockyer, Attorney General
Frank S. Furtek, Supervising Deputy Attorney General
10 Roy S. Liebman, Deputy Attorney General, State Bar No. 55848
1300 I Street, Suite 1101
11 Post Office Box 944255
Sacramento CA 94244-2550
12 Telephone: 323-9099

13 Attorney for Respondents/Defendants

14 SUPERIOR AND MUNICIPAL COURTS OF THE STATE OF CALIFORNIA
15 COUNTY OF SACRAMENTO

16 GENEVA HEWITT and CALIFORNIA
17 TEACHERS' ASSOCIATION,

Case No: 98CS01418

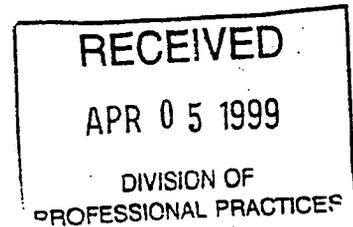
~~[Proposed]~~ JUDGMENT AND ORDER

18 Petitioners/Plaintiffs

19 v.

20 COMMISSION ON TEACHER
21 CREDENTIALING, COMMITTEE OF
22 CREDENTIALS OF THE COMMISSION
ON TEACHER CREDENTIALING, DIVISION
OF PROFESSIONAL PRACTICES OF THE
23 COMMISSION ON TEACHER
CREDENTIALING, and DOES 1-20, inclusive,

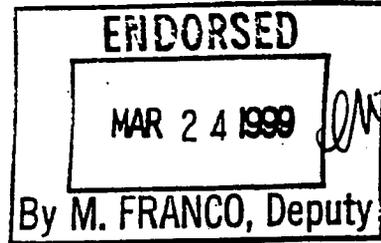
24 Respondents/Defendants



25 This matter came on regularly before the court on January 8, 1999, for hearing on both
26 the Petition and Complaint for Declaratory Relief, in Department 41 of the above-entitled court,
27 the Honorable Ronald Robie, Judge, presiding. Margaret Geddes and Stacy Boulware appeared
28 as co-counsel for Petitioners/Plaintiffs (hereinafter referred to as "Petitioners") Geneva Hewitt

Judgment and Order

COPY



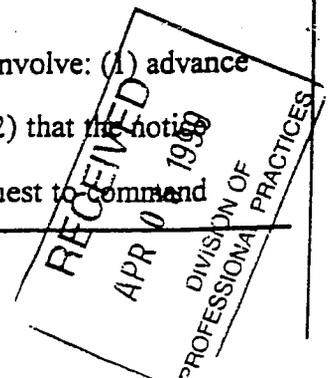
1 and the California Teachers Association. Bill Lockyer, Attorney General, by Roy S. Liebman,
2 Deputy Attorney, appeared as counsel for Respondents/Defendants (referred to hereinafter as
3 "Respondents") Commission on Teacher Credentialing, Committee of Credentials of the Commi-
4 ssion on Teacher Credentialing, and the Division of Professional Practices of the Commission on
5 Teacher Credentialing.

6 On January 5, 1999, Petitioners requested permission to introduce oral evidence at trial
7 pursuant to California Rule of Court 323(a). On January 7, the court denied Petitioners' request
8 and issued its tentative ruling. At hearing on January 8, the court, having considered the legal
9 briefs, evidence and arguments of counsel, and being fully advised, issued a stay order in regard to
10 any action taken or pending before Respondents as to petitioner Hewitt ^{pending final ruling in this matter} and otherwise found and
11 determined as follows:

12 Initially, the Petition raises the scope of the authority of Respondents to obtain informa-
13 tion, records, reports and other data from public agencies in carrying out their duties. (Educ.
14 Code § 44341.) The court has been provided extensive legislative history of section 44341 but
15 concludes that (although not artfully drafted) its meaning is clear. Respondents may obtain the
16 information to ascertain the moral character of a person who is the "holder" of a credential during
17 the time the credential is in effect (such as that of a lifetime credential), or subsequent to applica-
18 tion by an "initial applicant" for a credential or an "applicant" for renewal of a credential. (Id., §
19 44341(a).)

20 The consent to obtain such information from public agencies is implied from the applica-
21 tion for an initial credential or renewal of a credential. (Educ. Code § 44341(a).) Sufficient
22 notice of implied consent is provided individuals by the statutory scheme and Respondents' cred-
23 ential application forms. The consent implied by section 44341(a) does not violate due process
24 since the governmental purpose of ensuring that persons of sufficient moral character serve as
25 credentialed teachers justifies an inquiry under these circumstances.

26 The principal issues raised by the prayer of the Petition/Complaint involve: (1) advance
27 notice to the person whose records are being requested (page 13:16-18); (2) that the notice
28 requesting information include specific items (page 14:7-12); and (3) a request to command



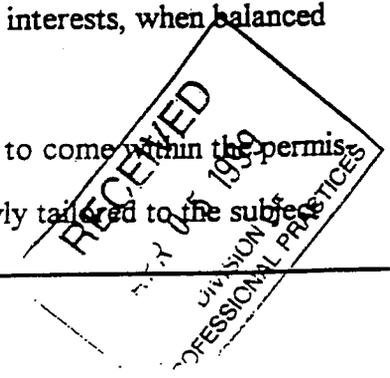
1 Respondents to properly carry out their duties (page 13:25-27). In addition, petitioner Hewitt
2 requests specific relief (page 13:19-24).

3 (1) Advance notice: Section 44341(a) specifies that it is "for the sole purpose" of ascer-
4 taining the moral character and true identity of a credential holder or applicant that Respondents
5 can obtain information about such individuals from public agencies. ~~When jurisdiction is estab-~~
6 ~~lished pursuant to section 44242.5, Respondents may seek such disclosure.~~ When the scope of
7 Respondents' inquiry to a public agency is narrow, and there is a formal written request, a copy of
8 which is simultaneously provided to the individual, prior notification to the affected individual is
9 not required. The court concludes notification at the time the request is made is all that is
10 required by the statute, Constitution or administrative regulations.

11 (2) The notice requesting information: Section 44341 recognizes that individual privacy
12 interests are implicated when Respondents seek information or documents about individuals from
13 public agencies. Respondents may require the production of such information only if sought in a
14 formal manner, limited in scope, with a copy sent simultaneously to the credential holder. The
15 request and notification have to be made in writing and in no other manner.

16 The document attached as Exhibit C to the "Declaration of Stacy Boulware" is the current
17 request form used by Respondents to employers for information regarding a credential holder for
18 whom Respondents may have jurisdiction to investigate. The Exhibit C request letter is trans-
19 mitted to the credential holder at the time it is sent to the employer. The letter identifies the fol-
20 lowing checklist items: Notice of Intent to Dismiss; Statement of Charges; Request for Hearing;
21 Final Decision; Resignation; Retirement; Board Acceptance; Settlement Agreement; Copy of
22 Signed Contract; and Other. The court finds that this itemized list meets the requirements of *Hill*
23 *v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1. The implied consent of section
24 44341, subdivision (b), is not unlimited. However, the list of items illustrated by the Exhibit C
25 request letter is sufficiently narrow to justify any invasion of privacy interests, when balanced
26 against the governmental interest discussed above.

27 In regard to the item listed as "Other" in Exhibit C, in order to come within the permis-
28 sible parameters for such request, "Other" must be specified, narrowly tailored to the subject



1 matter of the main request, and identify a reasonable timeframe for responsive documents or
2 information. Respondents are not foreclosed from developing and using other written requests
3 for information to public agencies, but any such requests must recognize similar parameters.

4 (3) Respondents' duties and investigatory authority: Jurisdiction to conduct an investiga-
5 tion is established when the Respondents receive certain relevant information from specified
6 sources (including notification from an employer). (Educ. Code § 44242.5.) Unless Respondents
7 receive such information, they may not proceed to the investigation stage (including the prelimin-
8 ary investigation as discussed below) which may involve a request to the employer for
9 information.

10 Respondents have one investigative authority. The investigation can be done in steps. The
11 court recognizes that it is beneficial to both Petitioners and Respondents that the system be as fair
12 and simple as possible. Hence, the "Preliminary Review" procedure (Title 5, California Code of
13 Regulations, § 80308) is provided. If this procedure has any statutory basis, it must be from the
14 investigative authority of the Respondents (Education Code § 44242.5). In other words, when
15 they obtain information about a person, a preliminary review of the information may show the
16 employment matters or other information are not significant enough to warrant an investigation.
17 Thus, this administrative procedure can only be considered part and parcel of the total investiga-
18 tive authority of Respondents. It is limited by Section 44341. The administrative procedure
19 provides for written notification to the "credential holder." (Title 5, Cal. Code Regs., § 80308(b).)
20 ~~Where jurisdiction has not been established as required by Education Code Section 44242.5, the~~
21 ~~law does not permit any investigation by Respondents, including the preliminary review under~~
22 regulation section 80308. Respondents have no authority to carve out a separate authority for a
23 preliminary investigation and no general authority to otherwise reach out and investigate. The
24 court does not find any basis to differentiate between such requests in the preliminary review and
25 investigation stages. In both, the issue is whether *advance* notice is required. The court con-
26 cludes that the request for information as included in Exhibit C passes constitutional muster, with
27 the safeguards noted hereinabove, and advance notice is not required.

28 A peremptory writ will issue incorporating the court's determinations in this matter.

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1 (4). Petitioner Hewitt: The request to her school district employer for information in her
2 case was broader than that of the current request used (Exhibit C). Respondents' letter to Ms.
3 Hewitt's employer requested "... copies of any and all complaints, letters of reprimand, and
4 notices of misconduct which may have been filed against Ms. Hewitt or placed in her personnel
5 file." Since such an ~~overbroad request is not authorized~~, as discussed above, all information
6 obtained about Ms. Hewitt which was not included within the items listed in Exhibit C is to be
7 destroyed and not considered by Respondents in any proceeding involving petitioner Hewitt. In
8 regard to Ms. Hewitt, a peremptory writ will issue incorporating this ruling. Respondents must
9 re-evaluate her case consistent with the relief granted.

10 IT IS ORDERED that:

11 1. A Peremptory Writ of Mandate shall be issued commanding Respondents to:

12 a. Request disclosure from public agencies of information or documents about
13 individuals only by means of written request to the public agency, limited in scope, with
14 notification of the request simultaneously provided to the affected individual; and

15 b. Destroy all information received as a result of Respondents' request to
16 petitioner Hewitt's public employer for any documents and information not included within the
17 items listed in Respondent's current request letter (i.e., Notice of Intent to Dismiss, Statement of
18 Charges, Request for Hearing, Final Decision, Resignation, Retirement, Board Acceptance,
19 Settlement Agreement, Copy of Signed Contract, and Other, with "Other" required to be similarly
20 specified); not consider that destroyed information in any investigation or proceeding involving
21 petitioner Hewitt; and re-evaluate her case accordingly.

22 2. Judgment is granted as follows in regard to Petitioners/Plaintiffs' request herein for a
23 declaration of Respondents/ Defendants' authority and obligations pursuant to Education Code §§
24 44242.5 and 44341 and related regulations of Title 5 of the California Code of Regulations:

25 a. Respondents/Defendants may require the production of information and
26 documents about individuals from public agencies only if sought in a formalized manner by
27 written request, limited in scope and simultaneously copied to the affected individual. The
28 itemized list incorporated in Respondents'/Defendants' current request letter (see listed items set

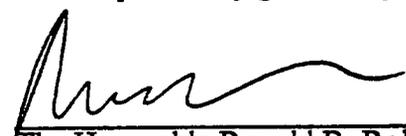
1 forth in the peremptory writ Order numbered 1.b, above) passes Constitutional muster, and that
2 list is incorporated by reference here as illustrative of the permissible scope and manner of such
3 written requests. ~~However, any request for "Other" materials must be clearly specified,~~
4 ~~reasonably related to the subject matter and timeframe of the main request, and~~

5 b. Respondents/Defendants have jurisdiction to conduct an investigation, includ-
6 ing requests for information to public agencies, only upon receipt of relevant information as
7 specified within and pursuant to Education Code Section 44242.5. Unless Respondents/
8 Defendants receive such information as is specified by Section 44242.5, they may not proceed to
9 investigate, including undertaking the preliminary review of regulation section 80308 of Title 5 of
10 the California Code of Regulations.

3. Respondents shall file a return to the writ by May 24, 1999.

11 *4.* Costs of suit hereto may be awarded as appropriate if pursued. Petitioners/Plaintiffs'
12 request for attorneys' fees will be separately decided subsequent to noticed motion if and when
13 filed. All other relief prayed for the Petition/Complaint not specifically granted by the court shall
14 be deemed to be denied.

15 Dated: March 24, 1999


The Honorable Ronald B. Robie
Judge, Sacramento County Superior Court

RONALD B. ROBIE

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13 Attorney for Respondents/Defendants

14 SUPERIOR AND MUNICIPAL COURTS OF THE STATE OF CALIFORNIA
15 COUNTY OF SACRAMENTO

16 GENEVA HEWITT and CALIFORNIA
17 TEACHERS' ASSOCIATION,

18 Petitioners/Plaintiffs

19 v.

20 COMMISSION ON TEACHER
21 CREDENTIALING, COMMITTEE OF
22 CREDENTIALS OF THE COMMISSION
23 ON TEACHER CREDENTIALING, DIVISION
OF PROFESSIONAL PRACTICES OF THE
COMMISSION ON TEACHER
CREDENTIALING, and DOES 1-20, inclusive,

24 Respondents/Defendants

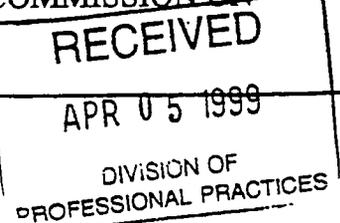
Case No: 98CS01418

PEREMPTORY WRIT OF MANDATE

[Code Civ. Proc. § 1087]

26 TO: COMMISSION ON TEACHER CREDENTIALING, COMMITTEE OF
27 CREDENTIALS OF THE COMMISSION ON TEACHER CREDENTIALING,
28 DIVISION OF PROFESSIONAL PRACTICES OF THE COMMISSION ON
TEACHER CREDENTIALING, Respondents:

Peremptory Writ of Mandate



1 WHEREAS Petitioner served and filed herein her duly verified petition for a writ of
2 mandate issued herein on May 27, 1998, and a hearing was held herein on January 8, 1999;

3 WHEREAS as March 24, 1999, the Judgment and Order herein was issued by this
4 Court, including findings and determinations and ordering relief appropriate thereto;

5 THEREFORE, Respondents are hereby commanded, immediately upon receipt of this
6 writ, to:

7 a. Request disclosure from public agencies of information or documents about individuals
8 only by means of written request to the public agency, limited in scope, with notification of the
9 request simultaneously provided to the affected individual; and

10 b. Destroy all information received as a result of Respondents' request to petitioner
11 Hewitt's public employer for any documents and information not included within the items listed
12 in Respondents' current request letter (i.e., Notice of Intent to Dismiss, Statement of Charges,
13 Request for Hearing, Final Decision, Resignation, Retirement, Board Acceptance, Settlement
14 Agreement, Copy of Signed Contract, and Other, with "Other" required to be similarly specified);
15 not consider that destroyed information in any investigation or proceeding involving petitioner
16 Hewitt; and re-evaluate her case accordingly.

Respondents shall file a return to the writ by May 24, 1999.

17 Witness the Honorable Ronald B. Robie, Judge of the Superior Court.

18 Attest my hand and seal of this court this 24 day of March, 1999.

19 MICHAEL M. RODDY

20 Clerk



21 By: UM FRANCO
22 Deputy Clerk

23
24
25
26
27
28 RECEIVED

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DIVISION OF
PROFESSIONAL PRACTICES

	And/Or	December ▼	16 ▼	2010 ▼	Search
New Search	<u>HELP</u>				
Case No	Court Date				

Case Number: CPF10510855

Case Title: ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN VS. CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Court Date: Dec-16-2010 09:30 AM

Calendar Matter: Notice Of Motion And Motion For Issuance Of Peremptory Writ Of Mandate

Rulings: On calendar for Thursday, December 16, 2010, Line 11, PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY SUPERINTENDENT OF SCHOOLS' Motion For Issuance Of Peremptory Writ Of Mandate, A HEARING IS REQUIRED. DOES SECTION 44242.5 (A) ALLOW DISCRETION CONCERNING WHICH MATTERS ARE REFERRED TO THE COMMITTEE OF CREDENTIALS ?

Superior Court
County of San Francisco

Case Number: CPF10510855
Case Title: ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN VS.
CALIFORNIA COMMISSION ON TEACHER CREDENTIALING
Court Date: Dec-16-2010 09:30 AM
Calendar Matter: Notice Of Motion And Motion For Issuance Of Peremptory Writ
Of Mandate
Rulings: On calendar for Thursday, December 16, 2010, Line 11,
PETITIONER ARTURO BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN
COUNTY SUPERINTENDENT OF SCHOOLS' Motion For Issuance Of
Peremptory Writ Of Mandate, A HEARING IS REQUIRED. DOES
SECTION 44242.5 (A) ALLOW DISCRETION CONCERNING WHICH
MATTERS ARE REFERRED TO THE COMMITTEE OF CREDENTIALS?
=301/PJB

LAW AND MOTION 301, RULINGG - A R G U E D; PETITIONER ARTURO
BARRERA, IN HIS OFFICIAL CAPACITY AS GLENN COUNTY
SUPERINTENDENT OF SCHOOLS' MOTION FOR ISSUANCE OF PEREMPTORY
WRIT OF MANDATE IS DENIED. THE COURT FINDS THAT SECTION
44242.5 CANNOT BE READ TO IMPOSE A MANDATORY DUTY ON
RESPONDENT TO PRESENT PLAINTIFF'S ALLEGATIONS TO THE
COMMITTEE. ORDER SIGNED IN OPEN COURT. JUDGE: PETER J.
BUSCH, REPORTER: JOANNE BRYCE, CSR # 3321 301/PJB

2011 Committee on Credentials Agenda

2011 Year to Date Committee on Credentials Workload					
	Consent	Discuss	Initial Review	Formal Review	Total
January	0	0	51	51	102
February	0	0	52	43	95
March	0	0	56	43	99
April	0	0	62	44	106
May	125	0	53	42	220
June	283	28	65	54	430
July	285	25	85	44	439
August	233	14	82	50	379
September	158	13	60	64	295

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Five: Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.</p>	<p>The Commission is soliciting input from stakeholders on the Committee of Credentials' review process and has directed staff to conduct a series of stakeholder meetings to gather input from the field about any additional policy, procedural, or statutory changes that might increase the number of cases the COC can review each month. Staff has posted an online survey on the Commission's website to collect preliminary input and have scheduled stakeholder meetings for October 28 and November 18, 2011. Recommendations from these meetings will be presented to the Commission at its January 2012 meeting. Once the Attorney General's opinion has been received, the Commission will work with the Legislature to address needed statutory changes and will move forward in adopting any needed policy, regulatory, or procedural changes. The outcome of the stakeholder meetings and related policy action may interact with the analyses of staffing needs in response to Recommendation Three.</p>



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 322-6253 Fax (916) 445-0800 www.ctc.ca.gov

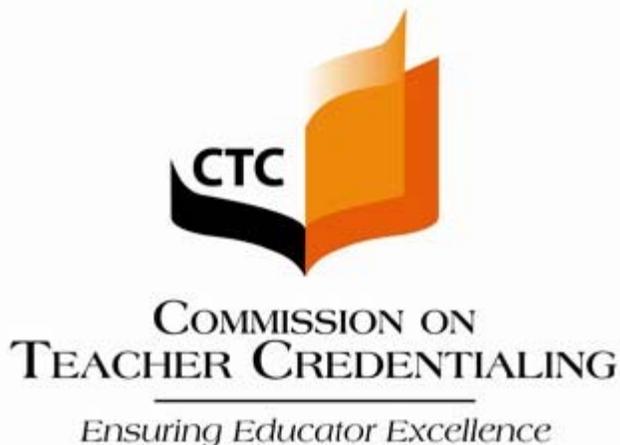
Office of the Executive Director

MEMORANDUM

DATE: September 20, 2011
TO: Commission Stakeholders
FROM: Beth Graybill, Interim Executive Director
RE: Teacher Discipline Improvement Initiative Update

At its August 2011 meeting, the Commission directed staff to begin meeting with stakeholders to discuss California's educator discipline process. As the Commission moves forward in looking at how to further streamline and improve its discipline process, it is important to consult with individuals with expertise and interest in the area of educator discipline. As I indicated in the September 2, 2011 update, the Commission will begin this process with a field survey that will help focus the agendas for the stakeholder meetings that will take place in October and November. The Stakeholder Survey is ready for you to share with your constituency: <http://www.surveymonkey.com/s/EducatorDiscipline>. Please provide this URL to any of your members whom you believe have information related to the topic of Educator Discipline. The survey will remain open through **October 3, 2011**.

The dates for the stakeholder meetings are now set for October 28 and November 18 from 10:30 am to 3:30 pm. The meetings will be webcast so individuals who are unable to travel to Sacramento may view the meeting live and contribute suggestions or questions during the meeting through email.

[Exit this survey](#)

Educator Discipline Stakeholder Meetings

Educator Discipline Topics for Stakeholder Discussion

The Commission on Teacher Credentialing is preparing to hold two or three stakeholder meetings to discuss California's educator discipline process. It is essential that stakeholders with expertise and interest in the area of educator discipline have input into the agendas for the stakeholder meetings whether or not you are able to attend the stakeholder meetings.

Prior to submitting additional topics for consideration at one of these meetings, please review the following resources:

California's Educator Discipline Process

[Educator Discipline Workflow Graphic](#) and the [accompanying description](#).

You will find both these resources on the [Educator Misconduct](#) webpage.

It is possible that you may not have sufficient information to respond to some of these question. If that is the case, please leave the response blank.

[Next](#)

Educator Discipline Stakeholder Meetings

Educator Discipline Topics for Stakeholder Discussion

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Prior to submitting additional topics for consideration at one of these meetings, please review the following resources:

California's Educator Discipline Process

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You will find both these resources on the [Educator Misconduct](#) webpage.

It is possible that you may not have sufficient information to respond to some of these question. If that is the case, please leave the response blank.

The Commission heard an agenda item at its August 2011 meeting on a plan to study California's Educator Discipline Process. The [agenda item](#) as well as the [staff presentation](#) are available if you would like to review the item before submitting suggestions for the stakeholder meetings.

The purpose of the stakeholder meetings is to encourage discussion and hopefully consensus around ways to improve California's educator discipline process. There are a number of topics already identified within three broad areas:

- 1) Capacity of the Committee of Credentials (COC) to review cases and potential alternatives to the current 7 member committee
- 2) Reducing the number of cases that go to the COC
- 3) Other issues related to the discipline process

The Commission values your thoughts on the issues already identified and asks you to identify additional issues you may have thought about. Thank you for your time

1. Please provide your contact information in case the facilitators for the meetings have questions about your suggested topic(s). (Optional, but if there are questions about your suggestions, it would be helpful if you could be contacted for additional information)

Name:

Email Address:

Phone Number:

2. Please choose the best descriptor. I am a/an

- | | |
|--|--|
| <input type="radio"/> Teacher | <input type="radio"/> Attorney |
| <input type="radio"/> School administrator | <input type="radio"/> Union Representative |
| <input type="radio"/> School board member | <input type="radio"/> Government liaison |
| <input type="radio"/> Other | |

Other (please specify)

Educator Discipline Stakeholder Meetings

3. Have you ever interacted with the Commission or the Committee of Credentials on a matter of educator discipline?

- Yes
 No
 Do not know

The COC is a 7 member panel composed of 2 teachers, an administrator, a school board member and three members of the public. The COC meets every month to review cases of educator misconduct. Each case is presented to the COC two times (Initial and Formal Review) prior to any adverse action being taken against an individual's credential.

4. How well do you understand the duties of the Committee of Credentials?

- Very well
 Little
- Moderately well
 Not at all

5. How well do you understand the time commitment necessary for members of the Committee of Credentials?

- Very Well
 Little
- Moderately Well
 Not at all

6. One general topic the stakeholders will probably discuss is the "Capacity of the Committee of Credentials (COC) to review cases of misconduct." The discretionary discipline system is restricted by how many cases can begin with the COC each month. Potential alternatives to the current Committee of Credentials structure might include--

What priority do you believe each of these topics should have in the planning of the stakeholder meetings?

	Highest Priority	Some Priority	No Priority
Two separate Committee of Credentials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of a hearing officer(s) in certain types of cases in lieu of COC review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eliminate the Committee of Credentials and have CTC staff make probably cause determinations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. Are there other topics within the general topic of "Capacity of the COC" that you have thought about? Do you have suggestions about how the Committee's time could be more efficiently used? If yes, please share here so that the topic could be included in the stakeholder work.

Educator Discipline Stakeholder Meetings

8. A second general topic the stakeholders will probably discuss is "Reducing the number of cases that go to the COC." Potential ways to do this might include the following--

What priority do you believe each of these topics should have in planning for the stakeholder meetings?

	Highest Priority	Some Priority	No Priority
Whether two levels of review by the Committee of Credentials should be required for all cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether statutory or regulatory penalties or fines should be established in lieu of the current discretionary review for some offenses not involving children	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether statutory or regulatory policies should be developed in lieu of the current discretionary review for certain alcohol related crimes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would using federal sentencing guidelines be helpful in developing specific adverse actions for specific types of misconduct (alcohol)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would an early settlement process be helpful for common offenses like alcohol?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. Are there other topics within the general topic of "Reducing the number of cases that go to the COC" that you have thought about? If yes, please share here so that the topic could be included in the stakeholder work.

10. The third general category is "Other Issues." What priority do you believe each of these topics should have in planning for stakeholder meetings?

	Highest Priority	Some Priority	No Priority
Whether the Commission should be given additional suspension authority to balance protection of children and the due process rights of credential holders while a review takes place, and, if so, for what types of offenses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A discussion of potentially useful ideas from other licensing agencies regarding how they oversee their profession.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether the public should be made aware if a credential holder or applicant is under review by the Commission.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether the Commission should investigate allegations of misconduct while criminal cases are in process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Due to the difficulty in recruiting active teachers and administrators to serve on the COC, allowing former teachers or administrators (retired within the past 5 years) to serve on the COC in an educator role	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Educator Discipline Stakeholder Meetings

11. Are there other topics related to educator discipline that you have thought about? If yes, please share here so that the topic could be included in the stakeholder work.

12. If you are a school administrator or school board member, could you support the time needed by one of your own school site personnel if they were chosen to sit on the Committee of Credentials? If no, please explain why.

Yes

No

Not a school administrator or school board member

If No, please explain

Mandatory Suspensions and Revocations

Currently if an individual holding a California credential is **charged** with one or more specified offenses (eg. a drug offense that involves children or a sex offense) the individual's credential(s) are suspended at the time he or she is charged.

If an individual holding a California credential is **convicted** of specified offenses (eg, drugs with children, sex offenses or other offenses specified in Education Code §44424) all credentials are revoked.

13. Would you support additions to the list of misconduct that result in mandatory suspension or revocation of a credential if it would lead to a higher percentage of cases processed more quickly by the Committee of Credentials? If Yes, please specify the types of misconduct for which this should be considered.

No

Yes

If Yes, please identify types of misconduct

Educator Discipline Stakeholder Meetings

14. What are the top 3 priorities you would like to see taken under consideration by the educator disciplining stakeholder meetings?

1st priority

2nd priority

3rd priority

15. Please share any final thoughts you have about the educator discipline process in California.

Thank you for your time and expertise.

The Educator Discipline Stakeholder meetings are scheduled for Friday, October 28 and Friday, November 18 from 10:30-3:30 pm. The meetings will be held at the Commission on Teacher Credentialing offices (1900 Capitol Ave, Sacramento, CA 95811)

Registration for the meetings can be completed at [this link](#):

Please know that if you are not able to attend one or more of the stakeholder meetings that your suggestions will be considered.



[Home](#) → **Teacher Discipline Improvement Initiative**

Teacher Discipline Improvement Initiative

All downloadable documents are in PDF format...

The Commission on Teacher Credentialing has launched a Teacher Discipline Improvement Initiative (TDII) to streamline workload processing and reporting capabilities, clarify delegation authority and revise personnel policies to address recommendations made in the State Auditor's April 7, 2011 report. This initiative will:

- Upgrade technology to safeguard against future backlogs
- Develop case priorities to minimize and eliminate case delays
- Suggest possible statutory changes that will protect children and maintain the professional integrity of certificated educators

In addition to reporting to the Commission, the Legislature and the State Auditor on the Commission's progress in implementing all of the Audit's recommendations, including those related to personnel practices, this site will provide updated information on our progress toward meeting the goals and measures in the initiative.

NEW ITEMS

- [September 20, 2011 -- Update to the Field from CTC Interim Executive Director](#) [PDF]
The Commission's Interim Executive Director, Beth Graybill provides an update on the Teacher Discipline Improvement Initiative.
September 20, 2011
- [July 13, 2011 Joint Legislative Audit Committee Oversight Hearing -- Opening Remarks by Dr. Ting Sun, Chair, Commission on Teacher Credentialing](#)
July 14, 2011
- [July 13, 2011 Joint Legislative Audit Committee Oversight Hearing -- Commission on Teacher Credentialing Follow-up](#) [Video]
July 14, 2011
- [California's Education Discipline Process -- Laws and Current Commission Procedures -- July 12, 2011](#) [Video]
 - [Audio-Only Archive](#)
 - [California's Educator Discipline Process](#)
 - [Notification and Investigative Report Samples](#)*July 13, 2011*

UPDATES FROM THE EXECUTIVE DIRECTOR

Prior Communication to Stakeholders can be found on the [archive page](#)

- [September 20, 2011](#) [PDF]
The Commission's Interim Executive Director, Beth Graybill provides an update on the Teacher Discipline Improvement Initiative.
- [September 2, 2011](#) [PDF]
The Commission's Interim Executive Director, Beth Graybill provides an update on the Teacher Discipline Improvement Initiative.
- [August 8, 2011](#) [PDF]
The Commission's Interim Executive Director, Beth Graybill provides an update on the Teacher Discipline Improvement Initiative and more.
- [August 2, 2011](#) -- The Commission's Interim Executive Director, Beth Graybill provides an update on the Teacher Discipline Improvement Initiative and more...
- [July 25, 2011](#) -- Commission Interim Executive Director, Beth Graybill addresses the State Auditor's concerns regarding the Division of Professional Practices...
- [July 14, 2011](#) -- Regarding Individuals for Whom the Commission Needs Updated Misconduct Reports...
- [July 8, 2011](#) -- Regarding the practices and policies of the Office of Human Resources...
- [June 29, 2011](#) -- Regarding the Legality of the Committee of Credentials delegating its discretionary authority to staff...
- [June 16, 2011](#) -- Update on the BSA Audit the upcoming July webcast on California's Educator Discipline Process.

COMMISSION AGENDA ITEMS ADDRESSING THE TDII

- [Discussion of a Plan to Study California's Educator Discipline Process](#)
- DPP Workload Updates
 - [August 2011](#)
 - [June 2011](#)

Updated September 20, 2011

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Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Six: The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.</p>	<p>The Division instituted comprehensive written procedures for all activities within the Division. The procedures formalize each activity, promote consistency and follow agency leadership directives.</p> <ul style="list-style-type: none"> • A comprehensive Procedures Manual was developed and is posted on the Division’s intranet along with other DPP training materials. Additionally, the Division’s intranet now houses a variety of procedures and documents that, for security purposes, are available only to DPP staff and CTC management, including: <ul style="list-style-type: none"> ○ Intake Database Data Dictionary ○ Intake Database Procedures ○ A PowerPoint training manual for the Intake Database system (May 6, 2011) ○ A User’s manual for the Commission’s CASE database system (See attached Table of Contents) • A link on the Division’s intranet enables staff to provide input/feedback or request assistance from the technology help desk. • “Drop down” menus, pre-populated data, and icons within the Intake Tracking system promote consistency and accuracy in record creation, maintenance, report generation, and in linking cases to existing data on holders and applicants. • The Commission has established a uniform structure for its document directory so that complaint and discipline documents and correspondence follow specific formats and protocols, including naming conventions. The Division is moving/renaming documents to meet the new directory structure standards. The shared directory enables staff to share confidential documents in a secure manner. • The Procedures Manual will be updated as procedures are fine-tuned or new rules are developed; the new General Counsel will initiate a review of the current manual and establish timelines for annual review and updating to ensure the manual remains current.

State of California - Windows Internet Explorer

http://icentral.ctc.ca.gov/dpp.html

File Edit View Favorites Tools Help

State of California



Commission on Teacher Credentialing
iCentral

Home Divisions Employee Forms Policies & Procedures Travel Health & Safety Training CASE General Info

CAW DPP ETSS Executive FBS OGR OHR PSD

External Links
Case Manuals
Procedure Manuals
Training Documents
Management Oversight

LINKS
CASE Web Link
CASE Test
Crystal 11
Crystal 11 Test
DOJ Interface

SHARED DIRECTORIES
DPP Shared
DPP Projects
Data Shared
Projects Shared
IT Drop Box

Division of Professional Practices

WHAT'S NEW

- Intake Database Data Dictionary
- Intake Database Procedures
- Intake Database Training
- New Web Page - Give us your [input or thoughts](#)

Updated May 2, 2011

Volume

Intake:

The intake database is a tracking system within Siebel to ensure the information is recorded and distributed to the responsible staff member and/or file.

Name	Description	Example	Notes
Agency	Document originator; school districts and schools.	Loomis Union Elementary School District	
Closed Date	Date when document has been processed	6/3/2011 1:12:46 PM	Populated when case status is changed to close Date/Time format is: MM/DD/YYYY HH:MM:SS AM/PM
Complaint	Describes the originator of the complaint	Parent, Teacher, Respondent	
CTC Case	Case number	1-10070951	
CTC Person	Person	Smith	Only Last name is visible in field
DOB	Date of birth	10/21/1971	Date format is: MM/DD/YYYY
First Name	First Name	John	
ID	Auto-generated Siebel number applied to new record	11080111CST9I	Format is: YYMMDDXXXXXXXX
Last Name	Last Name	Smith	
Mid Name	Middle Name	Lynn	
More SSN	Any additional SSNs that came in on the document	123456789, 123456789, 123456789	The field can only fit 3 SSN's. Any additional SSN's are to be place in the Notes field.
Notes	Any identifying information related to the document	10-25-2011/ABC: Call bob @ 555-5555 regarding his complaint	Date/Initials with brief comment regarding document.

Owner

Auto-populates to the individual whom created the record; ability to assign to the appropriate staff member

Jdoe

This field should be updated to the person whom the mail/document is going to be assigned to.

Priority

Priority level is based on type of document received

3 - medium

Not Currently in use

Recieval Date

Date the document was stamped received by DPP

6/3/2011 01:12:46 PM

Date/Time format is:
MM/DD/YYYY HH:MM:SS AM/PM

Record Date

auto-populates to the date that the record was created

Auto-populates with the day that the record is created

Date/Time format is:
MM/DD/YYYY HH:MM:SS AM/PM

**SSN
Status**

Social Security Number Where the document is in the process.

Social Security Number
123456789

Type

Type of document received

Arrest

List Of Values: Affidavits, Email, Newspaper, Phone Call, RAP Sheet, School Reports, Self Disclosure, Arrest, Complaint Letter, Court, Fax, Miscellaneous, Public Records Request, Respondent, SRC Request.

Intake: More Info

This tab describes several components, Rap information is contained in the central portion starting with FP Date. The Complainant section is to the right and will consist of any information received from an individual or agency registering a complaint with DPP/CTC.

Name	Description	Example	Notes
ARR/DET/CITE Date	Date of arrest, detention, or citation date	11/29/2001 10:00:00 PM	Date/Time format is: MM/DD/YYYY HH:MM:SS AM/PM
ARR/DET/CITE Type	type of law enforcement action	ARR/CONV	List of Values: ARR/CONV, ARREST, BENCH WARRANT, CONV, COSTUDY/JAIL.
ATI#	Automated Transaction Identifier	D334BUT374	One letter followed by 3 numbers, followed by 3 letters followed by a final 3 numbers.
CII #	Criminal Information Identification	A23258318	One letter followed by 8 numbers
Complainant Phone	lists the complainant's phone number	916 111 2222	
Complainant Address	lists the complainant's address	1234 main St Sac CA 95835	
Complainant E-mail	lists the complainant's email	jdoe@gmail.com	
Complainant First Name	lists the complainant's first name	John	
Complainant Last Name	lists the complainant's last name	Doe	
Complainant Title	lists the complainant's title	Superintendent, Principal, Detective, etc.	

CONV

The code section the respondent was eventually convicted of.

PC 459, PC 496(a)

AKA: Conviction, Disposition

Court Info

Court of Jurisdiction where the case was heard.

Sacramento County

FP Date

The date Respondent was initially fingerprinted, or subsequently fingerprinted. The date displays on the Rap sheet.

11/29/2001 10:00:00 PM

Date/Time format is:
MM/DD/YYYY HH:MM:SS AM/PM

Severity

Level that guides the information and case status.

4-Low

List of Values: 1-Critical, 2-High, 3-Medium, 4-low, 5-Question

Violation

The code section the respondent was arrested for, and/or charged with. This is based on Rap info received and type of Rap received.

PC 459, PC 496(a)

AKA: Arrest, Charge

Intake: Activities

These are dated and individual actions taken by staff to document steps taken to close item.

Name	Description	Example	Notes
Action	Action notes that staff took prior to closing item.	Searched DOJ/DOJ response RO Screen. (basically notes)	
Date	Date each activity was performed.	11/29/2001 10:00:00 PM	Populated with the date/time a new activity is created
Owner	Staff who performed activity.	Jdoe	Populated with the name of the person who opens an activity.
Status	The current status of the activity entered.	Completed	List of Values: Acknowledged, Active, Alerted, Approval in Process, Approved, Attended, Auto, Auto-Responded, Auto-created, Booked, Canceled, Closed, Completed, Confirmed, Declined, Delivery Failed, Dispatch Failed, Dispatched, Done, Double Booked, Draft, En-Route, Failed, Hold, In-Progress, Invalid, Not Acknowledged, Not Attended, Not Started, Open, Planned, Preparing Documents, Queued, Quoted, Re-rent, Requested, Rescheduled-rep, Sent, Sighed, Signed and Synchronized,

Type

Type of action of activity.

Correspondence

Submitted, Submitted for Approval, Synchronized, Transferred, Unassigned, Unscheduled, Updated, Withdrawn, Rescheduled-costumer, To Be Deleted

List of Values:

Correspondence, Investigation, Legal Analysis, NA, Review, Scan, Standard

Intake: Attachments

Any document received by DPP and entered into Intake will be attached here.

Name	Description	Example	Notes
Attachment Name	Specific info regarding the name, date and type of document attached.	SMITH_JOHN 08012011 DMV	LAST NAME_First Name MMDDYYYY Type of Document
Category	Category is specific to RAP sheets only, and identifies the type of rap received.	DUI	List of Values: Already Reviewed, First Offence DUI, New, No Action Needed, Open Case Update, Potential LOI, Potential Mandatory, RFRDOJ, Red Flag
Comments	Additional information relevant to document attached.		
Modified	Auto-populated date field.	6/23/2011 2:25:54 PM	Date/Time format is: MM/DD/YYYY HH:MM:SS AM/PM
Size (in Bytes)	Auto-populated field that contains size of file attached.	31,053	
Type	Auto-populated document extension field.	Doc, PDF, etc	
Update File	Not currently being used		

Intake Database Procedures

Introduction

Information and documents are received in DPP from several sources. The Intake Database is a tracking system within Siebel to ensure the information is recorded and distributed to the responsible staff member and/or file.



Important

Some documents should not be stamped or written on. A post-it note should be used to record tracking numbers or information. Do not stamp or write on the following documents:

- From the AG/DOJ/OAH Office:
 - Consent Determinations
 - Notice of Accusations
 - Statement of Issues
 - Proposed Decisions from the Office of Admin. Hearings (OAH)
 - Letters the Executive Director or the Division Director have signed, or need to sign
 - *If you are in doubt, ASK, or date stamp a post-it note and put on the top copy.*

Procedure

I. Tech

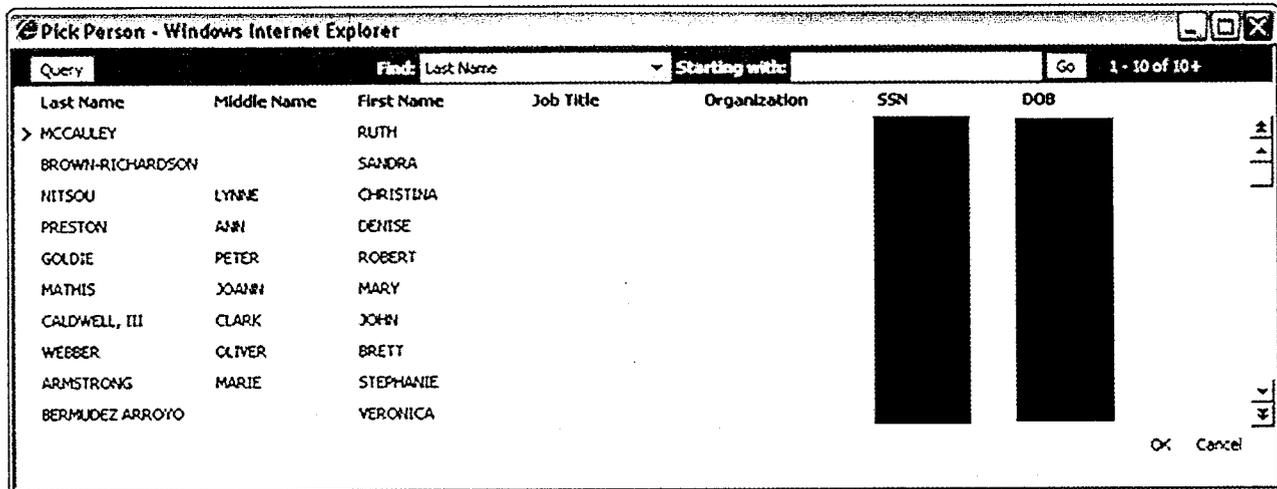
1. Once you receive the document, stamp it with that day's date. (If it is a document that shouldn't be written on, date-stamp a post-it and attach it to the document.)
2. Log into SIEBEL.
3. Click on the **Intake** Tab.
4. Click on **New**. SIEBEL will generate a new ID number.
 - a. The first six numbers will be the date. (Ex. YYMMDD#####)

ID	Type	Complaint	Receival Date	Status	CTC Case	CTC Person	Last Name	First Name
> 11071511CPKDS				Open				
1-81549103	RAP Sheet	NIS RAP	5/13/2011 10:43:22 AM	Open	1-10071371	MCCALLEY		Author
1-81550101	Affidavits	parent	6/10/2011 10:57:07 AM	Open		BENJAMIN		
1-81550104	Newspaper	Parent.	6/8/2011 11:04:11 AM	Open	1-10124424		NITSOU	JOHN
11070611COVE9	Complaint/Letter	big.com	7/4/2011 05:56:57 PM	Open	1-10071371	FEARA	FERRA	FELICIA
1-81550106	Affidavits			Open	1-81815046	NITDOU		
1-81550107	RAP Sheet			Open	1-10070564	SCLORE	Wonder	Stevie
1-81550108	RAP Sheet			Open		MATHIS	MATHIS	MARY
1-81550109	Newspaper			Open		PRESTON	PRESTON	DENISE
1-81567102	Newspaper	sacramento bee	6/13/2011 10:14:14 AM	Open	1-10071374	MATHIS	MATHIS	MARY

5. Write the ID number in the upper right corner of the document.
 - a. Or if you cannot write on the document, put the **ID number** on a post-it note and attach it to document.
6. If possible, link it with an existing person in SIEBEL by using the **CTC Case** column.

Intake Database Procedures

- a. Place your mouse in the field and the  icon will appear, click it.
- b. The **Pick Person** window will open allowing you to query for appropriate person.



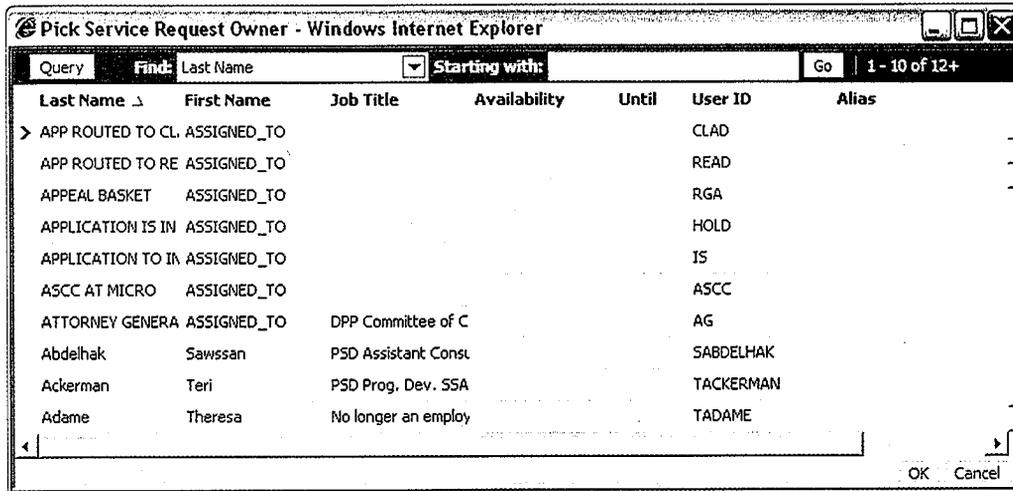
- c. Click on the person so that it is highlighted.
 - d. Press **OK**.
7. If you cannot find the appropriate person, manually enter their **First Name**, **Last Name**, **Middle Name** **DOB**, and **SSN**.
 8. Click on **CTC Case**. If possible, link it with an existing case in SIEBEL.
 - a. Place your mouse in the field and the  icon will appear, click it.
 - b. The **Pick Case** window will open allowing you to query for appropriate Case.
 - c. Click on the Case so that it is highlighted.
 - d. Press **OK**.
 9. Enter the date stamped on the document in the **Receival Date** column.
 - a. Place your mouse in the field and the  icon will appear.
 - b. Click on it and a Calendar window will pop up.



- c. Select correct date.
 - d. Hit **Save**.
10. In the **Type** column, use drop down list to select the appropriate Type.
 - a. If you select *Miscellaneous*, write the document details under the **More Info** tab in the **Notes** field.
 11. In the **Status** field, select *Received* from the drop down menu.
 - a. If the document needs additional research, change status to *Pending* and give it to management and/or appropriate section.
 12. Enter the staff member's name that will be given the document in the **Owner** column.
 - a. Pick an Owner:

Intake Database Procedures

- i. If you can link the document to a **Case**, select the Case Owner as the document **Owner**.
 - ii. If the document is not related to a Case, then forward to appropriate supervisor or unit.
 - iii. If the document **Type** is *Miscellaneous*, assign a supervisor as the **Owner**.
 - iv. School District cases should be forwarded to Investigation Unit Analyst.
- b. Place your mouse in the field and the  icon will appear. Click it.
 - c. The **Pick Service Request Owner** window will pop up.



- d. Query for appropriate owner
 - e. Click on it so that it is highlighted
 - f. Press the **OK** button.
13. Fill in any other pertinent information in the following fields:
- a. **Agency:** Originating School District or School.
 - b. **Complaint:** the originator of a complaint. (e.g. parent, teacher, counselor)
 - c. **More SSN:** Can fit up to three additional SSN numbers.
 - i. Any more than three SSN numbers are to go in the **Notes** field
 - d. **Notes:** Any identifying information related to the document.
 - e. **Priority:** some documents warrant a higher priority level.
14. Hand the document to the assigned **Owner**.
- a. If the document has a **Type** of *Miscellaneous*, hand it to a supervisor for review.

II. Owner

1. Describes, in detail, type of document received in the more info notes section and enters any additional information in any of the fields not completed.
2. Attaches hard copy of the complaint document to a working file.
3. In the **Status** column, use drop down list to select *Closed*.
 - a. The closed date will populate with the date and time that the **Status** was changed to *Closed*.

III. Attachments

1. Intake Database Data Dictionary
2. Owner Routing Document

**DPP
USER'S MANUAL
FOR
CASE ACTIVITIES**

TABLE OF CONTENTS

I. INTRODUCTION TO CASE/ACTIVITIES PAGE 6

- 1. DEFINITIONS OF FIELDS PAGE 6
- 2. NOTIFICATION WARNINGS TIME FRAMES PAGE 7
- 3. REVIEWING THE 'CASE ACTIVITIES' SCREEN PAGE 8
- 4. ATTACHING A DOCUMENT IN SIEBEL PAGE 9

II. OPENING A CASE PAGE 10

- 1. FLAGGING IN APPLICATIONS PAGE 10
 - 1.1 OPEN/CLOSE PREVIOUSLY CLEAR PAGE 10
 - 1.2 RFRDOJ PAGE 10
 - 1.3 RED FLAG PAGE 11
- 2. OPENING A CASE PAGE 12
- 3. CHANGING THE CASE MANAGER FIELD PAGE 13
- 4. CHANGING THE OWNER FIELD PAGE 13
- 5. APPLICATION WITHDRAWN BY APPLICANT PAGE 14
- 6. CASE IS REOPENED PAGE 15
- 7. CASE IS OPENED IN ERROR PAGE 15

III. GATHERING INFORMATION PAGE 16

- 1. FAILURE TO DISCLOSE PAGE 16
- 2. REQUESTING DOCUMENTS PAGE 16
 - 2.1 PREPARING THE REQUEST PAGE 16
 - 2.2 WAITING FOR THE DOCUMENTS PAGE 17
- 3. REJECTING A CASE FOR NOT PROVIDING REQUIRED INFORMATION PAGE 18
- 4. DMV PAGE 19
- 5. SRC PAGE 20
 - 5.1 REQUESTING FILES PAGE 20
 - 5.2 COMBINING CASES PAGE 21
 - 5.3 RETURNING FILE TO SRC PAGE 21

6. DIVERSION CASES	PAGE 22
6.1 ASSIGNING DIVERSION MONITORING TO STAFF	PAGE 22
6.2 INFORMING RESPONDENT OF DIVERSION CASE MONITORING	PAGE 22
6.3 MONITORING DIVERSION	PAGE 23
7. DISCLOSURES	PAGE 24
7.1 COPYING THE FILE	PAGE 24
7.2 DISCLOSURE PAYMENT	PAGE 24

IV. MANDATORYS AND AUTO SUSPENDS PAGE 26

1. AUTO SUSPEND	PAGE 26
1.1 AUTO SUSPEND BY STAFF	PAGE 26
1.2 AUTO SUSPENDS ON CONSENT CALENDAR AND ABP	PAGE 26
1.3 REMOVING THE AUTO SUSPEND	PAGE 27
2. MANDATORIES	PAGE 28
2.1 ASSIGNING MANDATORIES	PAGE 28
2.2 PREPARING THE ACTION FOR THE CTC	PAGE 28
2.3 PREPARING LETTER FOR RESPONDENT	PAGE 28
3. SENDING A MANDATORY TO THE CTC FOR ADOPTION	PAGE 29
3.1 CONSENT CALENDAR	PAGE 29
3.2 ALL POINTS BULLETIN	PAGE 30

V. PREPARING CASES FOR REVIEW PAGE 31

1. WAIVERS	PAGE 31
1.1 PUTTING WAIVERS ON NDL	PAGE 31
1.2 WAIVER CONTROL SHEET	PAGE 31
1.3 WAIVER APPROVE OR DENY	PAGE 31
1.4 PLACING WAIVER GRANT ON NDL	PAGE 32
1.5 PERMING THE FILE	PAGE 32
2. NOT UNDER	PAGE 33
2.1 PREPARING THE NU	PAGE 33
2.2 WAITING FOR REVIEW BY MANAGER	PAGE 33
2.3 CLOSE/GRANTING THE NU	PAGE 33
2.4 ASSIGNING NU FOR A REVIEW BY THE COMMITTEE	PAGE 34
3. PRE INVESTIGATION	PAGE 34
3.1 PREPARING THE DRAFT OF A PRE	PAGE 34

3.2	STAFF ATTORNEY REVIEW OF PRE DRAFT	PAGE 35
3.3	CLOSE/GRANTING A PRE AFTER REVIEW BY COC	PAGE 35
3.4	SENDING A PRE TO PURSUE SEND A LOI	PAGE 36
4.	LETTER OF INQUIRY	PAGE 37
4.1	ASSIGNING A LOI	PAGE 37
4.2	PREPARING THE LOI	PAGE 38
4.3	PLACING LOI ON NDL	PAGE 39
5.	PREPARING THE CIR	PAGE 39
5.1	WRITING THE DRAFT CIR	PAGE 39
5.2	SENDING CIR DRAFT FOR REVIEW BY STAFF ATTORNEY	PAGE 40
6.	RECONSIDERATIONS	PAGE 40
6.1	RECONSIDERATION REQUESTED	PAGE 40
6.2	COC SUSTAINS PREVIOUS ACTION	PAGE 41
6.3	COC CHANGES THE PREVIOUS ACTION	PAGE 41
6.4	PREPARING LETTER TO RESPONDENT WITH COC DECISION	PAGE 41

VI. AFTER REVIEW BY COC **PAGE 42**

1.	LOI GRANTS AND CLOSES	PAGE 42
2.	LOI TO 30-DAY	PAGE 43
2.1	ASSIGNING LOI TO BE REVIEWED AS A 30-DAY	PAGE 43
2.2	SENDING A 30-DAY LETTER TO RESPONDENT	PAGE 43
2.3	UPDATING THE CIR	PAGE 43
2.4	REQUEST TO APPEAR	PAGE 44
3.	30-DAY REVIEWS CLOSE/GRANT	PAGE 45
3.1	30-DAY CLOSE/GRANT	PAGE 45
4.	30-DAY REVIEWS ADVERSE ACTION	PAGE 46
4.1	ENTERING ADVERSE ACTION	PAGE 46

VII. SETTLEMENTS **PAGE 48**

1.	ASSIGNING A CASE TO SETTLEMENTS	PAGE 48
2.	CONTACT LETTER	PAGE 48
3.	DRAFTING CD&O	PAGE 49
3.1	WRITING THE SETTLEMENT OFFER	PAGE 49
3.2	SETTLEMENT DRAFT SENT TO STAFF ATTORNEY FOR EDITS	PAGE 49
4.	MAILING SETTLEMENT	PAGE 50

5. RETURNED SETTLEMENT	PAGE 51
5.1 SIGNED SETTLEMENT RECEIVED	PAGE 51
5.2 WAITING FOR STAFF ATTORNEY TO SIGN THE SETTLEMENT	PAGE 51
6. SETTLEMENT TO COC REVIEW	PAGE 52
6.1 PREPARING SETTLEMENT FOR COC MEETING	PAGE 52
6.2 AFTER THE COC ACCEPTS SETTLEMENT	PAGE 52
7. REJECTED SETTLEMENTS	PAGE 53
8. CLOSING THE SETTLEMENT PROCESS	PAGE 54

VIII. CASES THAT GO TO THE ATTORNEY GENERAL'S OFFICE PAGE 55

1. ASSIGNING THE CASE TO THE AG OFFICE	PAGE 55
1.1 REQUEST FOR ADMIN HEARING	PAGE 55
1.2 PREPARING THE DOCUMENT FOR ADMIN HEARING	PAGE 55

IX. PROBATION CASES PAGE 56

1. RESPONDENT PLACED ON PROBATION	PAGE 56
2. RESPONDENT VIOLATES TERMS OF PROBATION	PAGE 56
2.1 PROBATION VIOLATION	PAGE 56
2.2 COC REVIEW OF VIOLATION	PAGE 57
3. RESPONDENT COMPLETES PROBATION	PAGE 57
3.1 COMPLETED PROBATION	PAGE 57
3.2 RESPONDENT GOES ON CONSENT CALENDAR	PAGE 58
3.3 PERMING THE FILE AFTER COMPLETED PROBATION	PAGE 58

VII. CASES THAT GO BEFORE THE CTC PAGE 59

1. PLACING RESPONDENT ON THE CONSENT CALENDAR	PAGE 59
2. ADOPTION OF COC RECOMMENDATIONS BY THE CTC	PAGE 59
3. SELF REVOKE	PAGE 61
4. SETTLEMENT ADOPTED BY CTC	PAGE 61
5. LEGAL DOCUMENTS ADOPTED BY CTC	PAGE 62



Commission on Teacher Credentialing iCentral

Division of Professional Practices

HOW TO UPDATE PROCEDURE MANUALS

GENERAL INFORMATION

- [Acronyms](#)
- [Basics of Criminal Court](#)
- [Check Request Procedures](#)
 - [Check Request Form](#)
- [Chronological Sheet Procedures](#)
- [Cleaning Your Record Procedures](#)
- [Deceased Teachers Procedures](#)
- [Delete Request Procedure](#)
 - [Delete Request Form](#)
- [How Criminal Cases Work](#)
- [Initial JX](#)
- [Investigators' Guide to Sources of Information](#)
- [JX_CC_LOI Guidelines](#)
- [Logging into Siebel Procedures](#)
- [Mail and Fax Procedures](#)
- [No JX_CC_LOI Procedures](#)
- [Online Documents Procedures](#)
- [Offense Codes](#)
 - [Offense Codes and Descriptions](#)
- [Standards of Service](#)
 - [Standards of Service Goals](#)

SIEBEL ACTIVITIES FOR OFFICE TECHNICIANS

- [Address Procedures](#)
- [App Pak Procedures](#)
- [Alcohol Related Offenses](#)
 - [Alcohol Related Offenses Chart](#)
- [Arrest Investigation Report](#)
 - [Arrest Investigation Report Request Form](#)
- [CAW Application Request Procedures](#)
 - [CAW Application Request Form](#)
- [CCOD Phone Procedures](#)

- [COC Consent Calendar Procedures](#)
 - [Consent Calendar Due Dates](#)
- [COC Grants, Closes, Close-Grants Procedures](#)
- [Court Documents Request](#)
 - [First Request Form](#)
 - [Update Request Form](#)
- [DMV Report Procedures](#)
- [Disclosure Procedures](#)
 - [Disclosure Inventory Sheet Form](#)
 - [Disclosure Invoice Attorney Form](#)
- [District Attorney](#)
 - [District Attorney's Office Request Form](#)
- [Document Request Procedures](#)
 - [Document Request Form](#)
- [Flagging Applications Procedures](#)
- [Folder Creation Procedures](#)
- [Granting Applications Procedures](#)
- [Jacket Conversion Procedures](#)
- [Los Angeles Sheriff's Office \(LASO\) Procedures](#)
 - [LASO Document Request Form](#)
 - [Voucher Request Form](#)
 - [Check Request for Vouchers Form](#)
- [Mail To File Procedures](#)
- [Misconduct Reviews Procedures](#)
- [NASDTEC Procedures](#)
- [Notice of Delay Procedures](#)
- [OC DNP Procedures](#)
- [Open Case Procedures](#)
- [Rejects Procedures](#)
- [Staff Close Close Grant No Jurisdiction Procedures](#)
- [SRC Procedures](#)
- [Office Technician Phone Procedures](#)
- [Office Techs by Alpha](#)
- [RAP Procedures](#)
- [Test Violation Case Procedures](#)
 - [Sample LOI #1](#)
 - [Sample LOI #2](#)
 - [Sample CIR #1](#)
 - [Sample CIR #2](#)
- [Waiver Procedures](#)
 - [Waiver Control Sheet Approve Form Template](#)
 - [Waiver Control Sheet Denial Form Template](#)
 - [Waiver Approval Letter Template](#)
 - [Waiver Denial Letter Template](#)

→ [Waiver Certified Document List Form](#)

SIEBEL ACTIVITIES FOR ANALYSTS AND INVESTIGATORS

→ [DEJ Procedures](#)

→ [Participation Letter Template](#)

→ [Completion Letter Template](#)

→ [EC 44423.5 Suspension Letter Template](#)

→ Letter of Inquiry 30 Day Procedures

→ [Address LOI Procedures](#)

→ [Agenda Form](#)

→ [Appearance Questions Examples](#)

→ [CIR Sample](#)

→ [LOI Letter Template](#)

→ [Response Form](#)

→ [SD Box Letter Template](#)

→ [Updated CIR2](#)

→ [Mandatory Procedures](#)

→ [Address Change Letter Template](#)

→ [Case Charges Letter Template](#)

→ [Letter Deny Letter Template](#)

→ [Letter Revoke Letter Template](#)

→ [Letter Revoke Deny Letter Template](#)

→ [Mandatory Action Sheet Form](#)

→ [Probation Monitoring Procedure](#)

→ School District Letters Received

→ [44424-44425 Suspension Procedures](#)

→ [44940 Reinstatements Procedures](#)

→ [44940 Suspension Procedures](#)

→ [Affidavit Procedures](#)

→ [School District Notification 44420 Breach of Contract Procedures](#)

→ [SD_COE_CS 44420 NOTIF FORM & ED CODE2](#)

→ [School District Notification CCR, Title 5, 80303 Procedures](#)

→ [SD_COE_CS 80303 NOTIF FORM & ED CODE](#)

→ [School District Notification Ed Code 44940 Procedures](#)

→ [SD_COE_CS 44940 NOTIF FORM & ED CODE](#)

→ [Simple Criminal Case Template](#)

COC - PREP

→ [Agenda Adverse Action Letter Procedures](#)

→ [0 Day Suspension Deny Letter Template](#)

→ [0 Day Suspension GRANT Letter Template](#)

→ [3 Day Susp Letter Template](#)

→ [7 Day Susp Letter Template](#)

→ [10 Day Susp Letter Template](#)

→ [14 Day Susp Letter Template](#)

- [21 Day Susp Letter Template](#)
- [30 Day Susp Letter Template](#)
- [45 Day Susp Letter Template](#)
- [60 Day Susp Letter Template](#)
- [90 Day Susp Letter Template](#)
- [120 Day Susp Letter Template](#)
- [180 Day Susp Letter Template](#)
- [80309 Letter To Holder Letter Template](#)
- [80309 Release of Records Form](#)
- [80309 Waiver our Psych Form](#)
- [Complainant Deny Letter Template](#)
- [Complainant Public Repeval Letter Template](#)
- [Complainant Rev_Deny App Holder Letter Template](#)
- [Complainant Rev_Deny Holder Letter Template](#)
- [Complainant Susp Letter Template](#)
- [Complainant SuspGrant Letter Template](#)
- [Deny Letter Template](#)
- [Priv Admon Letter Template](#)
- [Priv Admon Grant Letter Template](#)
- [Pub Repeval Letter Template](#)
- [Pub Repeval Grant Letter Template](#)
- [Recon Sustain App Deny Letter Template](#)
- [Recon Sustain to AG Letter Template](#)
- [Recon \(after COC\) Sustain \(to AG\) Letter Template](#)
- [Reconsider Hldr Susp Letter Template](#)
- [Reconsider Pub Rep Sustain Letter Template](#)
- [Rev Deny App Hldr Letter Template](#)
- [Rev Deny Hldr Letter Template](#)
- [Cert DOC Letter Template](#)

LEGAL

- [Public Records Act / Information Practices Act Procedures](#)
- [Settlements Proposed Consent Procedures](#)

CTC - PREP

- [Administrative Record Procedures](#)
- [Attorney General Case Procedures](#)
- [ALJ Proposed Decisions Procedures](#)
- [All Points Bulletin Procedures](#)
- [Closed Session Agenda Procedures](#)
- [Committee of Credentials Terms Procedures](#)

- [Consent CTC Calendar Procedures](#)
- [CTC Final Action Letters Procedures](#)
- [Litigation Cases Procedures](#)
- [Petitions for Reinstatement Procedures](#)
- [Reconsiderations Procedures](#)
- [Self-Revocation \(Action Pending\) Procedures](#)
- [Self-Revocation \(No Known Misconduct\) Procedures](#)
- [Setting CTC Final Actions Procedures](#)
- [Transcript Procedures](#)

Updated May 2, 2011

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Seven: The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission’s database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.</p>	<p>To ensure the efficacy of the procedures developed pursuant to Recommendation Six, the Division has provided training to staff to ensure that data is entered into the database in a consistent and accurate manner.</p> <ul style="list-style-type: none"> • All division staff completed initial training on the Procedures Manual (May 25, 2011). Additional training on the Division’s intranet and shared directory protocols was also provided. • Division staff completed initial training on the Intake Document Tracking Database on July 29, 2011 and August 9, 2011. • Additional training has been provided as new procedures were formalized. The Division will provide training as procedures or systems are initiated or revised and will ensure that new employees are promptly trained. • Technicians, analysts, and investigators received training on the Procedures Manual on May 25, 2011 and have received additional training as new procedures were formalized. <p><i>Next step to fully meet the BSA recommendation:</i> Given the important role the Division Director plays in establishing standards of service and managing the Commission’s educator discipline process, implementation of an oversight system was postponed until a new General Counsel was hired. The new General Counsel will work with Division managers and supervisors to establish performance standards and expectations for timely processing and accurate work and to implement procedures to audit and monitor work to ensure prompt and accurate case management.</p> <p>The comprehensive oversight system will include tools for monitoring individual cases, caseload, staff performance, and a dashboard measurement system for oversight by the Commission.</p>

Division of Professional Practices Training

Dates:	Intranet & Directory Training May 25, 2011	Siebel Activity Groups & Types Training June 2, 2011 x June 7, 2011 y	Internet Explorer 8.0 July 28, 2011	Telephone Doctor July 28, 2011	Intake Database Training July 29, 2011 x August 9, 2011 y	Enhancing Resilience During Change September 9, 2011
DPP Staff:						
Ani Kindall	x					
Monica Silva	x					
Brittney Lee						x
Gil Gonzalez	x	y			x	x
Dan Gonzales	x				xy	x
Rachel Grizzaffi	x	y			xy	x
Gayle Fukishima	x	y			y	x
Karen Romo	x	y			y	
Judy Louie	x	y			y	x
Brenda Rutledge					y	x
Sherry Henderson	x					x
Eileen Klockgether	x	y			y	x
Judy Cullum	x	y			y	x
Larry Ng	x	y			y	x
Diana Mansker	x	y	x		y	x
Sylvia Ferrari	x	x			y	x
John Yamamoto	x	y			y	x
Erin McCready	x	y			y	
Linda Hernandez	x	x	x	x	xy	x
Monica Zuniga	x	x	x	x	xy	x
Cynthia Thomason	x	x	x	x		x
Patty Vasser	x	x	x	x	xy	x
Janice Nakamura	x	x	x	x	xy	x
Melissa Croft	x	x	x	x	xy	x

Intake Process

Tracking all incoming documents



Introduction



- The intake process is done in order to effectively track incoming documents.
- Benefits:
 - Track complaints that do not become cases.
 - Can link complaints to a case, and a person.
 - Can generate reports that assist management on status of complaints.

Intake Process Overview



- Receive complaint.
- Create new record for complaint document in Siebel.
- Deliver document to appropriate staff for processing.

Receive Document



- Receive Mail
- Stamp it with the date that you received it
 - This will come in handy when entering information into Case.
- Create a new intake record, and write the **ID** on the document.

 **Important:** Certain Documents can not be stamped or written on. For these documents, stamp and write on a post-it to be attached to document.

Creating Record in Siebel

1. Go to the **Intake** tab.
2. Click on the **New** button.

The screenshot shows the Siebel software interface. At the top is a menu bar with 'File Edit View Navigate Query Tools Help'. Below it is a toolbar with various icons. A 'Complaint More Info:' section contains tabs for 'Person', 'Organization', 'Activities', 'Case', 'Intake', and 'Archive Box'. The 'Intake' tab is selected, and a large arrow labeled '1' points to it. Below the tabs is a 'DPP Intake Tracking' section with a 'Complaint' header and buttons for 'Menu', 'New', 'Save', and 'Query'. A large arrow labeled '2' points to the 'New' button. Below this is a table with columns: ID, Type, Complaint, Receival Date, and Status. A large arrow labeled '3' points to the first row of the table. At the bottom of the table are links for 'More Info', 'Activities', and 'Attachments'.

ID	Type	Complaint	Receival Date	Status
11071211CPL39	School Report	80303	7/7/2011 12:00:00	Closed
11071211CPL3A	School Report	80303	7/7/2011 12:00:00	Pending
> 11071211CPL3B				Open
11071211CPL3C	School Report	80303	7/11/2011 02:47:05	Open
11071211CPL3D	School Report	80303	7/11/2011 02:50:07	Open
11072511CRV5F	RAP Sheet	NIS RAP	7/25/2011 03:13:06	Open
11072611CST7U			7/25/2011 03:51:38	Open
11072711CSURN	RAP Sheet		7/20/2011 09:05:08	Open
11072711CSURO	RAP Sheet			Open

3. A new **ID** number will populate, *write it on the document or on post-it.*

Pre-populated fields

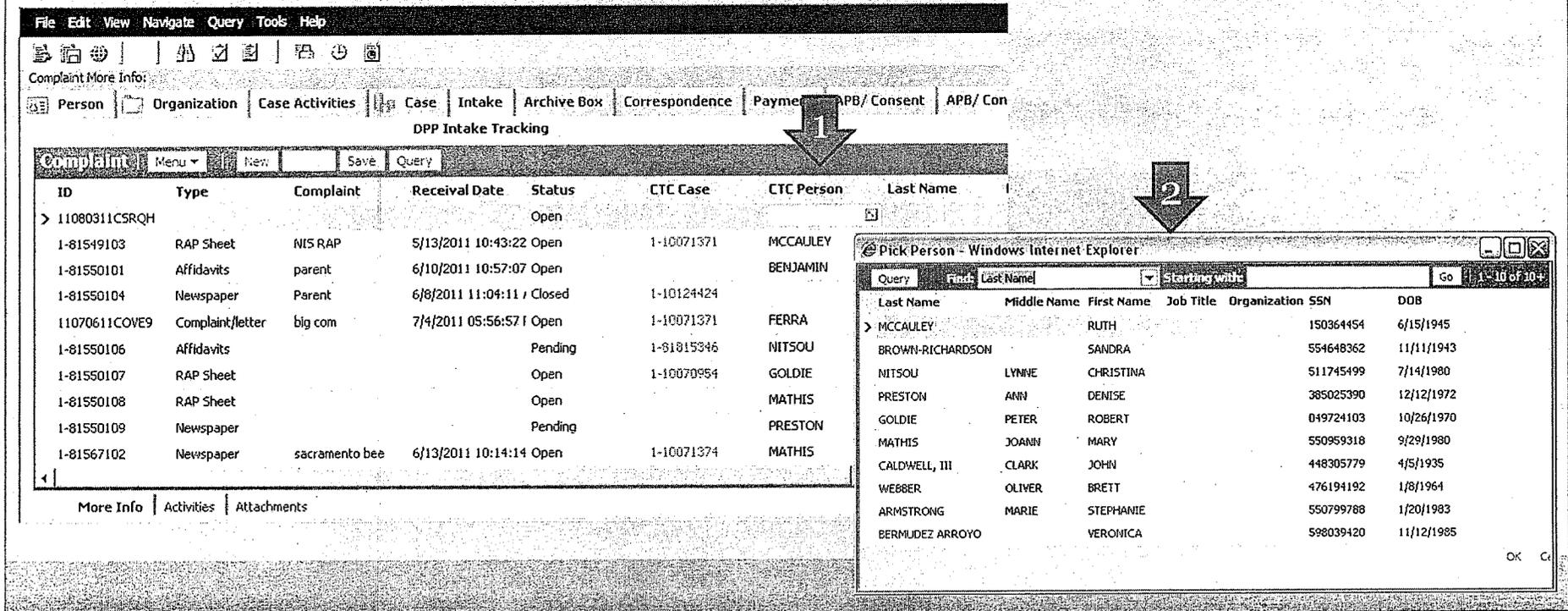
- Some fields will auto-populate when a new record is created:
 - **Status:** Upon creation of a new record, it will be assigned as *Open*.
 - **Record date:** Upon the creation of a new record, that day's date will be recorded here.
 - **Owner:** The person who created the new record will be populated as the owner of the document.

Intake	Archive Box	Correspondence	Payment	APB/ Consent	APB/ Consent Re
Intake Tracking					
ival Date	Status	CTC Case	Record Date	Owner	Clc
	Open		8/9/2011 01:26:17 PM	ESTADLER	
2011 10:43:22	Pending	1-10071371	6/10/2011 10:45:43 AM	RGRIZZAFFI	
2011 10:57:07	Open		6/10/2011 11:00:56 AM	GGONZALEZ	
2011 11:04:11	Closed	1-10124424	6/10/2011 11:03:59 AM	GGONZALEZ	7/2
2011 05:56:57	Open	1-10071371	7/6/2011 05:59:18 PM	SADMIN	
	Pending	1-101815346	6/10/2011 11:15:18 AM	GGONZALEZ	

CTC Person

If you can, Link the documents to a preexisting person in Siebel.

1. Click on **CTC Person** field, the  icon will appear. Click it.
2. The **Pick Person** window will open. Query and try to find appropriate person to link it to.



The screenshot displays the Siebel DPP Intake Tracking interface. The main window shows a table of complaints with columns for ID, Type, Complaint, Receival Date, Status, CTC Case, CTC Person, and Last Name. A red arrow labeled '1' points to the 'CTC Person' column. A second window, titled 'Pick Person - Windows Internet Explorer', is open, showing a search results table with columns for Last Name, Middle Name, First Name, Job Title, Organization, SSN, and DOB. A red arrow labeled '2' points to the search results table.

ID	Type	Complaint	Receival Date	Status	CTC Case	CTC Person	Last Name
> 11080311C5RQH				Open			
1-81549103	RAP Sheet	NIS RAP	5/13/2011 10:43:22	Open	1-10071371	MCCAULEY	
1-81550101	Affidavits	parent	6/10/2011 10:57:07	Open		BENJAMIN	
1-81550104	Newspaper	Parent	6/8/2011 11:04:11	Closed	1-10124424		
11070611COVE9	Complaint/letter	big com	7/4/2011 05:56:57	Open	1-10071371	FERRA	
1-81550106	Affidavits			Pending	1-81815346	NITSOU	
1-81550107	RAP Sheet			Open	1-10070954	GOLDIE	
1-81550108	RAP Sheet			Open		MATHIS	
1-81550109	Newspaper			Pending		PRESTON	
1-81567102	Newspaper	sacramento bee	6/13/2011 10:14:14	Open	1-10071374	MATHIS	

Query	Find: Last Name	Starting with:	Go	1 - 10 of 10+		
Last Name	Middle Name	First Name	Job Title	Organization	SSN	DOB
> MCCAULEY		RUTH			150364454	6/15/1945
BROWN-RICHARDSON		SANDRA			554648362	11/11/1943
NITSOU	LYNNE	CHRISTINA			511745499	7/14/1980
PRESTON	ANN	DENISE			385025390	12/12/1972
GOLDIE	PETER	ROBERT			049724103	10/26/1970
MATHIS	JOANN	MARY			550959318	9/29/1980
CALDWELL, III	CLARK	JOHN			448305779	4/5/1935
WEBBER	OLIVER	BRETT			476194192	1/8/1964
ARMSTRONG	MARIE	STEPHANIE			550799788	1/20/1983
BERMUDEZ ARROYO		VERONICA			598039420	11/12/1985

CTC Person Continued

- If you can find a **CTC Person, First name, Last Name, SSN, and DOB** will auto-populate. If not you will have to enter them manually.
- Just click in any of the fields and type information.

File Edit View Navigate Query Tools Help

Complaint More Info:

Person Organization Case Activities Case Intake Archive Box Correspondence Payment APB/ Consent APB/ Consent Read Only Exam Interface F

DPP Intake Tracking

Complaint Menu New Save Query

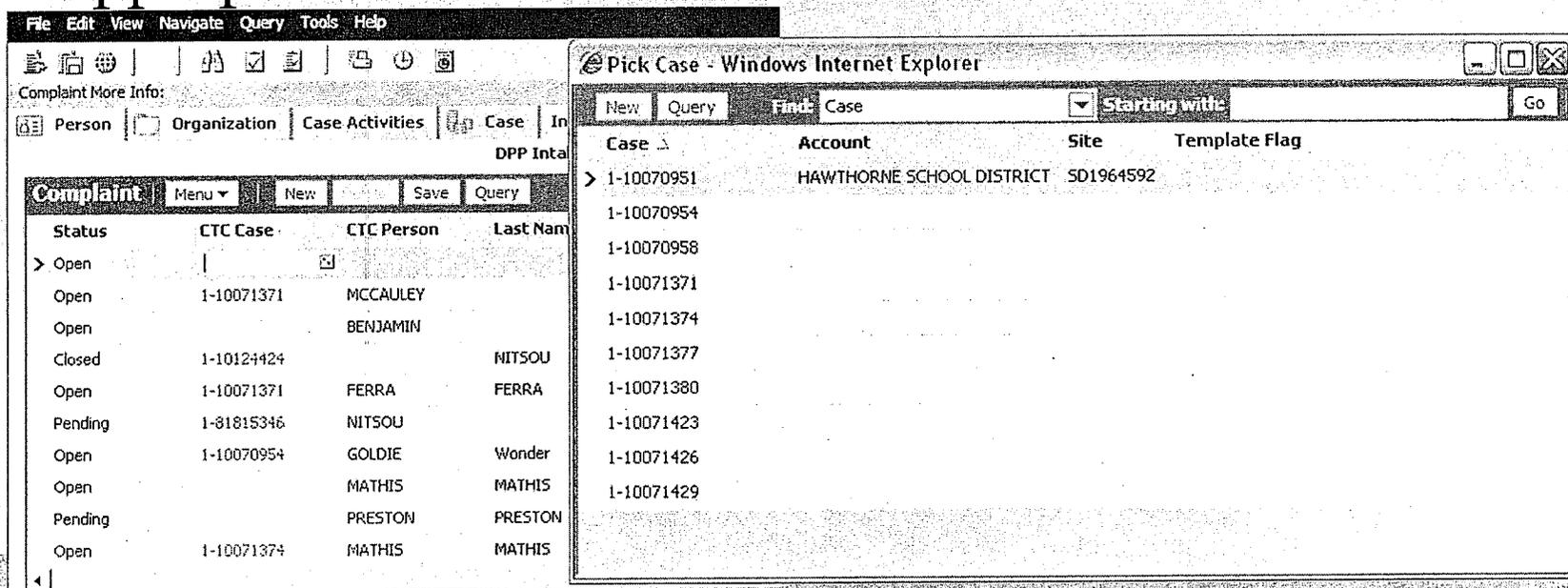
ID	Type	Complaint	Receival Date	Status	CTC Case	CTC Person	Last Name	First Name	Mid Name
> 11080311C5TA2				Open			Hi Guys		
11080311C5TA1				Open					
1-81549103	RAP Sheet	NIS RAP	5/13/2011 10:43:22	Open	1-10071371	MCCAULEY		Anthony	John
1-81550101	Affidavits	parent	6/10/2011 10:57:07	Open		BENJAMIN			
1-81550104	Newspaper	Parent	6/6/10/2011 10:57:07 AM		1-10124424		NITSOU	JOHN	
11070611COVE9	Complaint/letter	big com	7/4/2011 05:56:57	Open	1-10071371	FERRA	FERRA	FELICIA	ANN
1-81550106	Affidavits			Pending	1-81815346	NITSOU			
1-81550107	RAP Sheet			Open	1-10070954	GOLDIE	Wonder	Stevie	
1-81550108	RAP Sheet			Open		MATHIS	MATHIS	MARY	JOANN
1-81550109	Newspaper			Pending		PRESTON	PRESTON	DENISE	ANN

More Info Activities Attachments

CTC Case

You can follow the same steps to link complaint document with a CTC Case:

1. Click on **CTC Case** field, the  icon will appear. Click it.
2. The **Pick Case** window will open. Query and try to find appropriate Case to link it to.



The screenshot displays a web application interface. On the left, a table titled 'Complaint' is visible, with columns for Status, CTC Case, CTC Person, and Last Name. The table contains several rows of data. On the right, a 'Pick Case' window is open, showing a search results table with columns for Case, Account, Site, and Template Flag. The search results table lists several case numbers and their corresponding account and site information.

Status	CTC Case	CTC Person	Last Name
> Open			
Open	1-10071371	MCCAULEY	
Open		BENJAMIN	
Closed	1-10124424		NITSOU
Open	1-10071371	FERRA	FERRA
Pending	1-81815346	NITSOU	
Open	1-10070954	GOLDIE	Wonder
Open		MATHIS	MATHIS
Pending		PRESTON	PRESTON
Open	1-10071374	MATHIS	MATHIS

Case	Account	Site	Template Flag
> 1-10070951	HAWTHORNE SCHOOL DISTRICT	SD1964592	
1-10070954			
1-10070958			
1-10071371			
1-10071374			
1-10071377			
1-10071380			
1-10071423			
1-10071426			
1-10071429			

Receiptal Date

Receiptal Date: the date stamped on the document.

The screenshot displays a software interface with a table of complaints and a calendar pop-up window. The table has columns for ID, Type, Complaint, and Receiptal Date. The calendar window shows the month of August 2011, with the date 6/10/2011 selected. The time 10:40:29 AM and the time zone (GMT-08:00) Pacific Time (U: are also visible in the calendar window.

ID	Type	Complaint	Receiptal Date
> 11080311CSTA3			Open
1-81549103	RAP Sheet	NIS RAP	5/13/2011 10:43:22 Open
1-81550101	Affidavits	parent	6/10/2011 10:57:07 Open
1-81550104	Newspaper	Parent	6/8/2011 6/10/2011 10:57:07 AM
11070611COVE9	Complaint/letter	big com	7/4/2011 05:56:57 Open
1-81550106	Affidavits		Pending
1-81550107	RAP Sheet		Open
1-81550108	RAP Sheet		Open
1-81550109	Newspaper		Pending
1-81567102	Newspaper	sacramento bee	6/13/2011 10:14:14 Open

1. Click on the **Receiptal Date** Field.
2. The  icon will appear, click it.
3. A **Calendar** window will pop up, select the date attached to the document.
4. Hit **Save**.

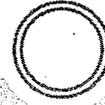
Status

- **Status:** Where the document is in the scope of the process.
 1. Select *Received* from the drop down menu.
 - If the document needs additional research, change status to *Pending* and hand it to management and/or appropriate section.

The screenshot shows a software interface for 'DPP Intake Tracking'. At the top is a menu bar with 'File', 'Edit', 'View', 'Navigate', 'Query', 'Tools', and 'Help'. Below the menu bar is a toolbar with various icons. A breadcrumb trail reads 'Complaint More Info: Person Organization Case Activities Case Intake Archive Box Correspondence'. The main title is 'DPP Intake Tracking'. Below this is a sub-header with 'Complaint', a 'Menu' dropdown, and buttons for 'New', 'Save', and 'Query'. The main content is a table with the following columns: ID, Type, Complaint, Receival Date, Status, and CTC Case. The first row is expanded, showing a dropdown menu for the 'Status' field with options 'Open', 'Pending', 'Closed', and 'Received'. The table contains three rows of data.

ID	Type	Complaint	Receival Date	Status	CTC Case
> 11080411CSUIA				Open	
1-81549103	RAP Sheet	NIS RAP	5/13/2011 10:43:22	Pending	1-10071371
1-81550101	Affidavits	parent	6/10/2011 10:57:07	Closed	
1-81550104	Newspaper	Parent	6/8/2011 11:04:11	Closed	1-10124424

Type



- **Type:** type of document received

ID	Type	Complaint	Receival Date	Status
> 11080311CSTA3			8/3/2011 10:40:29	Open
1-81549103	Affidavits	RAP	5/13/2011 10:43:22	Open
1-81550101	Email	nt	6/10/2011 10:57:07	Open
1-81550104	Newspaper	nt	6/8/2011 11:04:11	Closed
11070611COVE9	Phone Call	om	7/4/2011 05:56:57	Open
1-81550106	RAP Sheet			Pending
1-81550107	School Report			Open
1-81550108	Self Disclosure			Open
1-81550109	Arrest			Pending
1-81567102	Complaint/letter	sacramento bee	6/13/2011 10:14:14	Open
	Court			

1. Click on the **Type Field**
2. Select appropriate **Type** from the drop down menu
 - If you select *Miscellaneous*, enter defining characteristics in the **Notes** field.

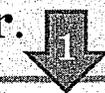
Other Fields

- Enter any information that applied to the following fields:
 - **Agency:** Originating School District or School (e.g. San Juan Unified School district)
 - **Complaint:** Identify the source of complaint (e.g. Parent)
 - **More SSN:** If there are more than one SSN on the documents, place up to 3 in this field. If there are more than three, put the rest in notes.
 - **Notes:** Any identifying information related to the document.
 - ✦ Every note should begin with the date and the author's initials (e.g. 08-4-2011/ABC:)

Owner

- The **Owner** column will populate the name of the person who opened the new complaint. It needs to be reassigned to a the appropriate staff member.
1. Click in the blank space in the **Owner** field, and the  icon will appear.
 2. Click it, and the **Pick Service Request Owner** window will appear.
 3. Query for appropriate **Owner**.

Priority	Agency	Owner	Record Date
3-Medium		ESTADLER	8/3/2011 10:21:03
3-Medium		RGRIZZAFFI	6/10/2011 10:45:43
3-Medium		GGONEMER	6/10/2011 11:00:53
3-Medium	COLUMBIA ELEMENTARY	GGC	
3-Medium	A BETTER CHANCE SCHOOL	GGC	
3-Medium		SAD	



Pick Service Request Owner - Windows Internet Explorer

Query Find Last Name Starting with Go 1 - 10 of 12

Last Name	First Name	Job Title	Availability	Until	User ID	Alias
>	APP ROUTED TO CL.	ASSIGNED_TO			CLAD	
	APP ROUTED TO RE	ASSIGNED_TO			READ	
	APPEAL BASKET	ASSIGNED_TO			RGA	
	APPLICATION IS IN	ASSIGNED_TO			HOLD	READ
	APPLICATION TO IN	ASSIGNED_TO			IS	
	ASCC AT MICRO	ASSIGNED_TO			ASCC	
	ATTORNEY GENERA	ASSIGNED_TO	DPP Committee of C		AG	
	Abdelhak	Sawssan	PSD Assistant Const		SABDELHAK	
	Ackerman	Teri	PSD Prog. Dev. SSA		TACKERMAN	
	Adame	Theresa	No longer an employ		TADAME	

OK Can

More Info Tab

- **The More Info tab:**

1. This section is for any additional information on the document.
2. The second section holds RAP information.
3. The third Section holds information about the complainant.

More Info | Act | Attachments

Menu ▾ | New | Query

Complaint: [icon]

Notes: [icon] Type: [dropdown] 11080311CSTA3 [icon]

dfjasdfasdkfhajkdfh [icon]

Record Date: * 8/3/2011 10:21:03 [icon] Status: * Processed [dropdown]

Receival Date: 8/3/2011 10:40:29 [icon] Priority: 3-Medium [dropdown]

Close Date: [icon] Severity: 4-Low [dropdown]

FP Date: [icon]

ARR/DET/CITE Date: [icon]

ARR/DET/CITE Type: [dropdown]

ATI #: [icon]

CII #: [icon]

Violation: [icon]

CONV: [icon]

Court Info: [icon]

CTC Person Name: [icon]

CTC Person DOB: [icon]

CTC Person SSN: [icon]

Complainant Title: [icon]

Complainant First Name: [icon]

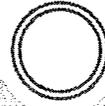
Complainant Last Name: [icon]

Complainant Address: [icon]

Complainant Phone: [icon]

Complainant Email: [icon]

Hand Document to Owner



- Hand the document to the **Owner**.
- The Owner will :
 - Attach Hard copy documents to the working file.
 - Add any additional information to the **More Info** Tab, paying special attention to the **Notes** field.
 - ✦ Remember to date and initial new notes.(e.g. 08-4-2011/ABC:)
 - Change document **Status** to *Closed*.

Changing Status to Closed

1. The Owner will then change the **Status** to *Closed*.
2. A **Close Date** will populate for the day that the status was changed to *Closed*.

Intake	Archive Box	Correspondence	Payment	APB/Co
Intake Tracking				
Received Date	Status	CTC Case	Close Date	
2011 10:43:22	Open Pending Closed Received	1-10071371		
2011 10:57:07				
2011 05:56:57	Open	1-10071371		
	Pending	1-81815346		
	Open	1-10070954		
	Open			
	Processed			
2011 10:14:14	Open	1-10071374		
	Open			

OR

More Info	Activities	Attachments	
Menu	New	Cancel Query	
Complaint:			
Notes:	Type:	11080311CSTAB	
Record Date:	8/3/2011 03:18:52 F	Status:	Open
Receive Date:		Priority:	Pending Closed Received
Close Date:		Severity:	Low

Attachments & Activities

- For the time being, we are not going to utilize these two tabs. But eventually:
 - The Attachments Tab will be used upload documents into Siebel.
 - The Activities Tab will be used to track individual actions taken by staff to document steps taken to close item.

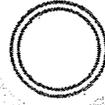
Oversight Reports

- Daily reports are generated from Siebel and will indicate whether documents were processed.
- Monthly reports are generated from Siebel detailing all complaints that have not been processed

Reports are located here:

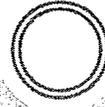
\\Hqfp003\dpp shared\Data\Reports\Intake Database

Tools



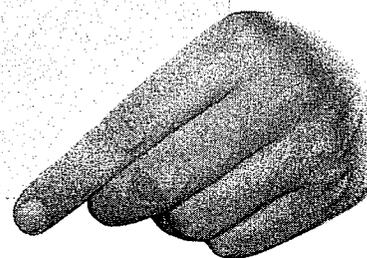
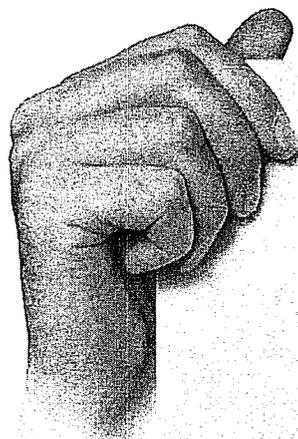
- Procedures
- Training PowerPoint
- Data Dictionary

Next Steps



- Use procedures.
- Provide input on procedures for adjustment.
- If there are issues or questions, contact supervisor.

Questions? Comments?



Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Eight: To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.</p>	<p>The Commission has developed and implemented a comprehensive Intake Document Tracking Database (Intake) as part of its SIEBEL system to ensure that all reports of educator misconduct received (such as, school reports, affidavits, and self-disclosures of misconduct) are promptly logged in and assigned an ID number. (All incoming RAPs are also logged/attached in the SIEBEL system.) The Intake system enables DPP to track complaints that do not become cases, link complaints to a case and an individual holder/applicant, and can generate reports that assist management to monitor the status of complaints, including: <i>(See Tab 3 for Exhibits)</i></p> <ul style="list-style-type: none"> ○ Daily Intake Report ○ Weekly Intake Summary ○ Monthly Intake Summary <p>To ensure consistency and accuracy in data entry, the database was designed with drop down menus, pop-up icons and calendars, and inability to delete entries and whole cases without supervisor approval. All deletes made by staff show up in a weekly management report.</p> <ul style="list-style-type: none"> ● The Intake Tracking screens within the SIEBEL (database) system will assist management in monitoring cases through report generation; implementation of these new screens began on August 9, 2011. ● Training was provided to staff on July 29, 2011 and August 9, 2011, to ensure user consistency. A PowerPoint training manual is housed on the Division intranet. ● The Division has established a goal of opening any new reports of educator misconduct within 5 business days of arriving at the Commission. <p><i>Next steps to fully meet BSA recommendation:</i></p> <ul style="list-style-type: none"> ● By October 2011, staff will complete an assessment of the RAP log-in process so that RAPs can be entered into the Intake system and will be refining test scripts to ensure system integrity.

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<ul style="list-style-type: none"> • Develop a report to ensure cases assigned to the COC are being processed in a timely manner. • Analyze and enhance the Case Tracking System to include relevant fields to ensure proper handling of cases and accountability without having to review the paper file. <p>With new leadership in the Division, the monitoring and oversight plan is a priority for the next six months. The monitoring and oversight plan will include procedures and processes to ensure that: data is consistent, timely and accurate; complete case information is available for monitoring without referring to paper files; and timeliness of case progress is tracked.</p> <p><i>Efforts beyond BSA Recommendations:</i> The Intake system will have the capacity to upload documents into SIEBEL creating an electronic file that mirrors the case file.</p> <p>The Intake system will be used to track steps taken to process items and improve accountability.</p>

DPP Intake Tracking

ID	Type	Complaint	Receival Date	Status	CTC Case	CTC Person	Last Name	First Name	Mid Name	Owner	DOB	SSN	Agency	Priority
> 11081111CZBNF	Respondent	Response Form	8/10/2011 10:41	Closed	1-70252150					SFERRARI				3-Medium
11081111CZBNH	Complaint/letter	TEACHER	8/10/2011 10:49	Closed						GGONZALEZ				3-Medium
11081111CZBNH	Miscellaneous	compliance report	8/10/2011 12:06	Closed	1-17674316					JLOUIE				3-Medium
11081111CZBNI	Miscellaneous	Respondent	8/10/2011 12:12	Closed	1-76115160					PVASSAR				3-Medium
11081111CZCOB	Complaint/letter	parent	8/10/2011 12:20	Closed						GGONZALEZ				3-Medium
11081111CZCOC	School Report	School District	8/10/2011 12:24	Closed						JCULLUM			WESTWOOD	3-Medium
11081111CZCOD	Miscellaneous	Respondent	8/10/2011 12:33	Closed	1-80230824					BRUTLEDGE				3-Medium
11081111CZCOE	Miscellaneous	Attorney	8/10/2011 12:43	Closed	1-68065206					BRUTLEDGE				3-Medium
11081111CZCOF	Miscellaneous	Attorney	8/10/2011 12:47	Closed	1-74379021					EMCCREADY				3-Medium
11081111CZCOG	Arrest	San Diego Sheriff	8/10/2011 01:03	Closed	1-82190855					EKLOCKGETHER				3-Medium

More Info | Activities | Attachments

111 of 120+

Complaint: Response Form

Notes: Type: Respondent 11081111CZBNF

8/11/11.pv: Respondent response form w/additnl info.

FP Date: [] CTC Person Name: []

ARR/DET/CITE Date: [] CTC Person DOB: []

ARR/DET/CITE Type: [] CTC Person SSN: []

ATI #: [] Complainant Title: []

CI #: [] Complainant First Name: []

Violation: [] Complainant Last Name: []

CONV: [] Complainant Address: []

Court Info: [] Complainant Phone: []

Record Date: 8/11/2011 10:43:35 Status: Closed

Receival Date: 8/10/2011 10:41:24 Priority: 3-Medium

Close Date: 8/12/2011 08:14:06 Severity: 4-Low

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Nine: To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p> <ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	<p>As noted in the Commission’s response to Recommendation Three, the Commission has implemented a number of workload and management reports that will help management monitor the volume of work. Now that the new General Counsel has been hired, she will analyze data from these reports and provide leadership to ensure that the Division is able to fully address each of the bullets in this recommendation by the April 2012 progress report. Data from the following reports will inform this process as will data and feedback collected from the stakeholder groups that will meet in October and November (See Recommendation Five):</p> <ol style="list-style-type: none"> a. Intake Daily, Weekly, and Monthly Report b. Daily and Weekly RAP Sheet Reports (monthly report pending development) c. Monthly RAPs Received and Processed graph – shows type of misconduct d. Monthly Activity Summary and Existing Inventory – Workload by status and type (sample attached) e. PENA Application Aging Report f. Potential LOI/Monthly Report g. Case Aging Report (internal report developed and being refined, external non-confidential report under development) h. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review) <p>Staff has conducted a preliminary analysis of the process for tracking the reviews of reports of misconduct that may require mandatory action and requests for information surrounding misconduct reports.</p> <p><i>Next steps to fully meet the BSA recommendation:</i> Stakeholder meetings that will be conducted to respond to BSA Recommendation Five may result in legislative, regulatory or policy changes to address weaknesses in processing of misconduct reports and more streamlined procedures.</p>

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<p>The new General Counsel will review processes for overseeing the investigations of misconduct and work with key managers to ensure efficacy in the investigative process. To that end, the General Counsel will:</p> <ul style="list-style-type: none">• Analyze and determine whether additional reports are necessary to ensure proper handling and monitoring of case files.• Analyze and enhance the Case Tracking System to include relevant fields to ensure proper handling of cases, accountability without having to review the paper file to understand reasons for delays of each case file.• Analyze and develop key measurements to create a data dashboard for Commission oversight of the work of the Division.

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Ten: To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees’ perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	<p>To ensure that hiring decisions are fair and to minimize employee perceptions that Commission practices are compromised by familial relationships, the Commission has completed the following:</p> <ul style="list-style-type: none"> • With assistance from State Personnel Board (SPB), the Commission instituted a comprehensive Hiring Handbook that provides clear expectations for all hiring processes. <ul style="list-style-type: none"> ○ The Hiring Handbook was reviewed and approved by Senior Managers. ○ The Handbook was shared with all CTC Staff on June 6, 2011 via the CTC Insider and is posted on an internal website for managers and supervisors. ○ Training for all supervisors and managers was held on June 22, 2011. The training included an overview of the documentation that must be submitted to the Office of Human Resources (OHR) for each hiring process. (<i>Participation log on file</i>) ○ OHR monitors all hiring processes and maintains documentation for each hiring and examination process, including applications received, notes related to interviews, reference checks, and hiring justification. <p><i>Efforts beyond BSA Recommendations:</i></p> <ul style="list-style-type: none"> • In order to assure transparency and conformity in the selection process for the General Counsel, the Interim Executive Director asked the State Personnel Board to provide assistance with this hiring process. A consultant from the SPB served as the “exam chair” for the examination process for the General Counsel position. • The Commission is consulting with the State Personnel Board to develop best practices in the Commission’s Office of Human Resources and to develop and publish an annual examination plan to ensure currency of job analyses, regularize when exams are offered, and improve opportunities for upward mobility. Updating the Hiring Handbook and “refresher” training for management could occur on the same annual schedule.

HIRING HANDBOOK



COMMISSION ON
TEACHER CREDENTIALING
Ensuring Educator Excellence

Dale Janssen, Executive Director

June 2011

Hiring Handbook

Table of Contents	Page
Purpose	2
Introduction	2
Roles and Responsibilities	2
Hiring Process Overview 1. RPA Package 2. Completion of the RPA package and Approval Process 3. Recruitment 4. Selection Process 5. Reference Check and Official Personnel Folder Review 6. Selection 7. Hiring Package	2-8
Final Stage of Hiring Process	8-9
RPA form – Other Uses	10
Attachments 1. Request for Personnel Action (RPA) 2. Hiring Process Summary 3. Job Opportunity Bulletin (JOB) 4. Duty Statement 5. Authorization to Review Official Personnel File (OPF) 6. CTC Reference Check Guide 7. OPF Review Form	

Purpose

The purpose of this handbook is to provide each Commission on Teacher Credentialing (CTC) hiring manager/supervisor with an understanding of the hiring process. The handbook is to be used as a tool to assist those responsible for hiring to complete all the necessary paperwork to affect a hire. The handbook also addresses processes in how to set up oral interviews, written exercises and how to perform the appropriate reference checks/official personnel file reviews for your top candidates. The handbook is not all inclusive and is not intended to cover every single hiring situation.

Introduction

The hiring tools provided in this handbook are in conjunction with the support and the assistance provided by the Office of Human Resource (OHR) as managers/supervisors move through hiring process.

Roles and Responsibilities

The OHR, Division Directors, managers/supervisors work together to ensure that merit governs selection, development and promotion of CTC's current and future employees. By following sound management practices and CTC's personnel policies, the CTC hiring manager/supervisor will ensure that equal employment opportunities (EEO) are extended for all candidates. To ensure consistency in the guide, the term "hiring manager" is defined as any manager/supervisor or designee (i.e. staff responsible for assembling the hiring package) responsible for the hiring process.

Hiring Process Overview

The hiring process (Attachment 2) begins when the manager/supervisor decides to fill a vacant position. The manager/supervisor begins the process by developing the Request for Personnel Action (RPA) package.

CTC's hiring package is referred to as the RPA (Attachment 1) package which is required to document the reason and purpose of the requested personnel action, to obtain approvals and establish accountability with the California Civil Service and Federal hiring laws, rules and policies.

The following overview describes the steps of the hiring process. Please note that the OHR is available to provide assistance every step of the way. The steps are as follows:

1. RPA Package

The RPA package serves to initiate the hiring process and/or the personnel action requested. Depending on the request, the RPA requires some or all of the following documents:

- **Job Opportunity Bulletin (JOB)** – Recruitment Tool – this document is prepared by the hiring manager/supervisor and is e-mailed to OHR. (Attachment 3)
- **Duty Statement** – Documents the essential and marginal functions of the position and should be emailed to the OHR. Please see the Duty Statement Handbook for more information on how to develop a Duty Statement. (Attachment 4)
- **Organization Chart** – Displays the Division/Office/Section/Unit's reporting relationships. The official document is kept in the OHR, so the OHR is responsible for attaching the organizational chart to the RPA package.
- **Position Justification** - Provides the OHR with the reasons why the personnel action is necessary, including but not limited to change in duties, reclassification and/or the establishment of a new position and/or a change in an employee's time-base.
- **Application Screening Criteria** – Provides the EEO Officer the opportunity to review the proposed selection criteria that will be used in reviewing the applications received.
- **Interview Questions** – Provides the EEO Officer the opportunity to review the proposed interview questions to ensure that they are job/classification appropriate.
- **Selection Rating Criteria** – Provides the EEO Officer the opportunity to review the proposed selection rating criteria prior to the actual interviews.
- **Special Appointment Plans** – An example may include a Training and Development Assignment plan, limited term, Special Consultant, etc.

2. Completion of the RPA package and Approval Process

The hiring manager/supervisor is responsible for preparing the RPA package and submitting it through his/her chain of command for approval.

Division Director - reviews and approves the RPA package and forwards it to the OHR.

The OHR - OHR reviews the RPA package for completeness and determines if the classification is correctly allocated and/or if the personnel action requested is appropriate. The OHR will work with the hiring Division to ensure that all questions/concerns are addressed and that the requested action is appropriate. The OHR will process a RPA package typically within two (2) to five (5) business days from receipt. Upon approval, the OHR will forward the RPA package to the Fiscal and Business Services (FBS) Section/EEO Officer for review and approval.

The FBS/EEO Officer – FBS/EEO Officer reviews the RPA package to ensure that funding is available for the requested action. If the request is to reclassify a position, the FBS and the OHR are responsible for generating a Change in Established Position (STD. 607). If the STD. 607 is required to be forwarded to the Department of Finance (DOF), the FBS Section is responsible for sending it to DOF and providing necessary documentation in support of the request. In addition, the EEO Officer reviews the RPA package to ensure the proposed recruitment plan is in compliance with EEO rules and regulations. Once FBS/EEO Officer

approves the RPA package, it is forwarded to the Executive Director for review and approval.

Executive Director – Executive Director is CTC’s ultimate appointing authority. Once the Executive Director has provided the final approval, the RPA package is returned to the OHR.

3. Recruitment

The Job Opportunity Bulletin (JOB) is the recruitment document that provides the necessary information about the position to attract candidates to apply for the vacancy. The JOB states the duties of the position, the desired and required qualifications for the position as well as the classification, salary and location of the position. The JOB may also provide additional information concerning the specifics of the job, including, but not limited to, travel, overtime, work hours, and other conditions of work. The JOB should be sent to the OHR electronically.

It is CTC’s policy to advertise vacancies unless there is a legal reason for an exception (i.e. promotions in place, mandatory reinstatement) refer to the OHR for other potential exceptions.

Vacancies should be advertised for a minimum of ten (10) business days for department specific classes and five (5) business days for service-wide classes or may be advertised “Until Filled.”

The OHR is responsible for:

- Posting the JOB announcement on CTC’s internet and the State Personnel Board vacant positions database, commonly known as VPOS.
- Ordering the certification list and contact letters for candidates.
- Work with hiring manager/supervisor on focused recruitment efforts.

The OHR will review and screen all incoming applications for eligibility and required clearances. The OHR Office will:

- Clear the certification list based on responses from the eligible applicants.
- Contact Surplus/State Restriction of Appointment (SROA) list candidates, as applicable.
- Log in all applications filed.
- Conduct a preliminary review of all applications for potential eligibility.
- Forwards applications to hiring manager/supervisor.

4. The Selection Process

The hiring manager/supervisor is responsible for completing the following steps of the process:

A. Screen the Applications by doing the following:

- Develop a selection criteria based on the essential and marginal functions of the job, desirable and required qualifications.
- Screen each applicant against the selection criteria.
- Establish a reasonable number of candidates to schedule for interviews.
- Only the most qualified applicants need be interviewed.

B. Schedule the Interviews

The goal of an interview is to help identify the best person for the job. Preparation is essential for a successful hire. The manager/supervisor (or designee) should:

- Schedule an interview location (i.e. a hard walled office or conference room).
- Secure an interview panel - minimum of two (2) managers and/or supervisors, establish timeframe/schedule for the interviews.
- Notify the front office of the scheduled interviews via email at frontoffice@ctc.ca.gov and who should be contacted when the candidate arrives.
- Have available an "Authorization to Review Official Personnel File" form(s) (Attachment 5).
- Offer and make available any reasonable accommodation for a candidate.
- May provide each candidate a copy of the questions prior to the interview. However the questions and notes taken by the candidate must be collected after the interview is complete.

Note: Surplus/SROA candidates are always a priority and must be interviewed and considered for the job, unless an exception is granted by the Department of Personnel Administration (DPA). The OHR will notify the hiring manager/supervisor when Surplus/SROA candidates apply. The OHR is responsible for working with DPA to secure an exception to Surplus/SROA.

C. Develop Interview Questions

The questions must solicit information that enables the panel to determine if the applicant is the best fit for the job. The questions must be based on selection criteria that are consistent with the essential and marginal functions of the job; desirable/required qualifications, job expectations and other business related factors that are necessary for successful performance on the job.

D. Qualified Appraisal Interview (QAP)

The hiring manager/supervisor is responsible for assembling an interview panel. The panel should consist of at least two (2) managers/supervisors familiar with the job in question. Each panel member must take copious notes during the interview so as to clearly distinguish among the candidates and support his/her evaluation of each candidate. The questions asked should be consistent. Follow-up questions may vary slightly based on the candidate's original answer; however, the panel must be

responsible for allowing each candidate equal opportunity to cover each desired qualification and answer each question in its entirety.

E. Written Exercise

The hiring manager/supervisor may determine that a written exercise is necessary to further ascertain a candidate's readiness to perform on the job. A written exercise must be job related and must be given to each candidate.

5. Final Check with OHR

Once all of the steps above have been completed and the hiring manager/supervisor has identified his/her top candidate(s), he/she should contact the OHR for a final review of each candidate's eligibility. The OHR will contact the person's prior employer and ascertain the candidate's appointment history to determine transfer eligibility or run a certification list to see if the person is reachable on the list. It may also require that the OHR contact the candidate's prior department to request to use an appropriate list to make the hire from. The hiring manager/supervisor may extend a "contingent" job offer to his/her top candidate, based on determining the candidate's actual appointment eligibility and pending the results of the reference checks and the Official Personnel File review.

6. Reference Checks and Official Personnel File (OPF) Review

The hiring manager/supervisor is then responsible for conducting reference checks and the Official Personnel File review.

Reference Checks – Is an important phase of the hiring process and are required for the top candidates. The CTC's Reference Check checklist (Attachment 6) will assist managers/supervisors in this process and ensure that only appropriate questions are asked. Contact the OHR if there are questions about what to ask before calling references.

Official Personnel File (OPF) - review of the top candidate prior to making a hiring commitment is required. The OPF should provide appropriate job-related information to determine a candidate's current and prior work performance and work behaviors to reasonably predict successful job performance. Often, private sector employers do not release information on their employees. Therefore, managers/supervisors may not be able to conduct an OPF review or a reference check on the prospective candidate. However, should the candidate provide a list of Personal References, you may contact them for information. To the extent necessary, the hiring manager/supervisor may request performance evaluations directly from the candidate. The hiring manager/supervisor must do his/her best to determine the candidate's past performance ratings based on the information available in their OPF. Please use the OPF form in reviewing the OPF (Attachment 7).

7. Selection

Once all of the steps above have been completed, the hiring manager/supervisor may invite the top candidate(s) for a second interview. Although a second interview is rare, it

does allow the hiring manager/supervisor and typically a higher level manager (Division Director or Executive Director) an opportunity to meet and talk with the top candidate(s). Second interviews are less structured and may also be used to invite Division staff members to meet the top candidates prior to final extension of a formal job offer.

Once the OHR confirms the eligibility of the top candidate(s) and communicates this to the hiring manager/supervisor, he/she may then extend an official job offer. Upon acceptance, the hiring manager/supervisor should:

- Coordinate a tentative start date with OHR. In determining the tentative hire date, please allow a minimum of five (5) days for the fingerprint process to be complete.
- Document the tentative job offer and acceptance in writing via a note to the prospective employee.
- Negotiate the tentative start date with the candidate and/or the candidate's first line manager/supervisor.
- Notify the OHR of candidate's acceptance and tentative start date and request a fingerprint package for the candidate.
- Prepare letters to all unsuccessful candidates that filed an application and participated in the hiring process. (Attachment 8).

8. Hiring Package

The Hiring Package should be submitted within five (5) days to the OHR Office for filing. The Hiring Package consists of the following documents:

- JOB
- Application Screening Criteria.
- Interview Questions and value rating for each question.
- Written exercise (if applicable).
- Reference Check notes.
- OPF Review notes.
- Selection Rating Criteria
- Statement of Selection signed and dated by the hiring manager/supervisor
- All the applications filed for the vacancy.

If the hiring package is not complete this could delay the start date of the new hire. The OHR is responsible for filing the Hiring Package for two (2) years from the date of hire. The Hiring Package is the documentation necessary to support the hire, should the selection or selection process be appealed.

Final Stage of Hiring Process

The Probationary Period for the newly appointed employee is the continuation of the hiring process. The hiring manager/supervisor is responsible for monitoring an employee's job performance and documenting it accurately and timely on the probationary report. It is important that employees receive feedback on their performance

at all times, but especially during one's probationary period as their performance determines if he/she gains permanent status or not.

Employees who fail to perform satisfactory may be "rejected on probation" and returned to their previous employer or released from state service.

The hiring of employees is the most difficult responsibility bestowed to a manager/supervisor. A successful hire will ultimately result in building a more productive CTC now and in the future. Therefore it is imperative that a hiring manager/supervisor take this part of their job seriously and take the time necessary to make a good selection.

This handbook and related attachments are available on the CTC intranet for future reference. If you have any questions regarding the Hiring process, please contact the Office of Human Resources.

Other Uses for the Request for Personnel Action (RPA)

The RPA is a document that is used for almost every personnel transaction. The RPA is the document that provides the authority for the OHR staff to make changes to a position and/or make changes that directly impact the employee in the position.

A RPA is used for the following:

- Establish a position
- Reclassify a position (upgrade or downgrade)
- Transfer a position from one unit to another
- Abolish a position

The RPA is also used to:

- Increase an employee's time base
- Decrease an employee's time base
- Appoint an employee
 - Full time
 - Part time
 - Intermittent
 - Temporary

The RPA is also used to:

Document pay for employees, such as:

- Out of Class
- Bilingual
- Hiring Above Minimum
- Alternate Range Criteria if above Range A

The RPA is also used to document how an employee is appointed. For example:

- List Appointment
- Promotion
- Transfer
- Training and Development Assignment
- Reinstatement
- New Hire to state service
- Retirement annuitant
- Blanket

STATE OF CALIFORNIA
 COMMISSION ON TEACHER CREDENTIALING
REQUEST FOR PERSONNEL ACTION (RPA)
 CCTC-OHR 100 (Rev. 06/11)

OHR USE ONLY
Log No.: _____
FBS/EEO USE ONLY
Date Rec'd: _____

Instructions: 1) Managers/Supervisors please complete Sections A through D, as appropriate; 2) Attach corresponding documents as outlined in the Hiring Handbook for the RPA package. 3) Obtain Division approvals; 4) Route to the Office of Human Resources. 5) Office of Human Resources and Fiscal and Business Services Section will complete Sections E through G, as needed.

A. TYPE OF POSITION ACTION REQUESTED

1. Establish New Position

2. Refill Existing Position (No change in Duties)

3. Refill Existing Position (Change in Duties) (Attach CTC- HR 55)

4. Reclassify/Transfer Existing Position (Attach CTC- HR 55)

5. Other (Specify): _____
 Effective Date of Proposed Action _____

B. CURRENT POSITION INFORMATION

1. Division/Section: _____

2. Class Title: _____

3. Position Number: 192- _____

Tenure: Permanent Temporary

Time Base: Full-time Part time _____

4. Funding Source: Budgeted Blanket Other: _____

C. PROPOSED POSITION INFORMATION (Complete only for changes)

1. Reclassify to: _____
 (Classification)
 Permanently Temporary _____ (No. of Months)

2. Transfer to _____
 (Division/Section/Unit)
 Permanently Temporary _____ (No. of Months)

3. Other: _____

D. RECRUITMENT ACTION REQUESTED (Check action requested)

Certification List Contact Letters VPOS

Job Opportunity Bulletin:

Advertising Period: _____ weeks Until Filled

Tenure: Permanent Limited Term _____ (No. of Months)

Time Base: Full-time Part-Time _____ (1/2, 3/4, etc.)
 Intermittent _____ (Approx. Number Hours/Month)

E. APPOINTMENT INFORMATION

1. Name: _____

Tenure: Permanent Temporary _____ (months)

Time Base: Full-time Part Time _____ (1/2, 3/4, etc.)
 Intermittent _____ (Approx. Number Hours/Month)

Attached: Application Fingerprint Questionnaire
 HQ Typing Certificate (If Required)

E. APPOINTMENT INFORMATION (continued)

2. Type of Appointment: (Check one)

Reinstatement List T&D Assignment (Attach CTC-PERS 19)

Transfer From: _____
 (Department or Division/Section Unit)

Out-of-Class Other: _____
 (Attach CTC- PERS 2)

3. Salary: (If special salary requested, please specify below.)

4. Effective Date of Appointment _____

F. FISCAL AND BUSINESS SERVICES/EEO USE ONLY

Comments:	Initials	Date

G. OFFICE OF HUMAN RESOURCES USE ONLY

1. Job Opportunity Bulletin Date Distributed: _____
 FFD: _____

2. VPOS Date Keyed: _____

3. Cert/SROA List Date Ordered: _____
 Cert # _____ Date Cleared: _____

4. Contact/SROA Letters Date Ordered: _____
 Date Mailed: _____

5. Hiring Freeze _____ (date to DOF) DOF Approval Date: _____

6. Surplus Applications Rec'd Date Cleared: _____

7. 607 Required Date Completed: _____
 DOF Approval Required Approval Date: _____

8. DPA Approval Required (625) Approval Date: _____

9. Fingerprint Questionnaire Date Received: _____
 Fingerprint Clearance DOJ Clearance Date: _____

10. Typing Certificate Required Date Received: _____

11. Appoint to Range: _____ Approved by: _____

12. New Position Number: _____

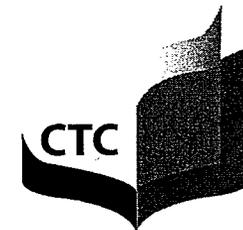
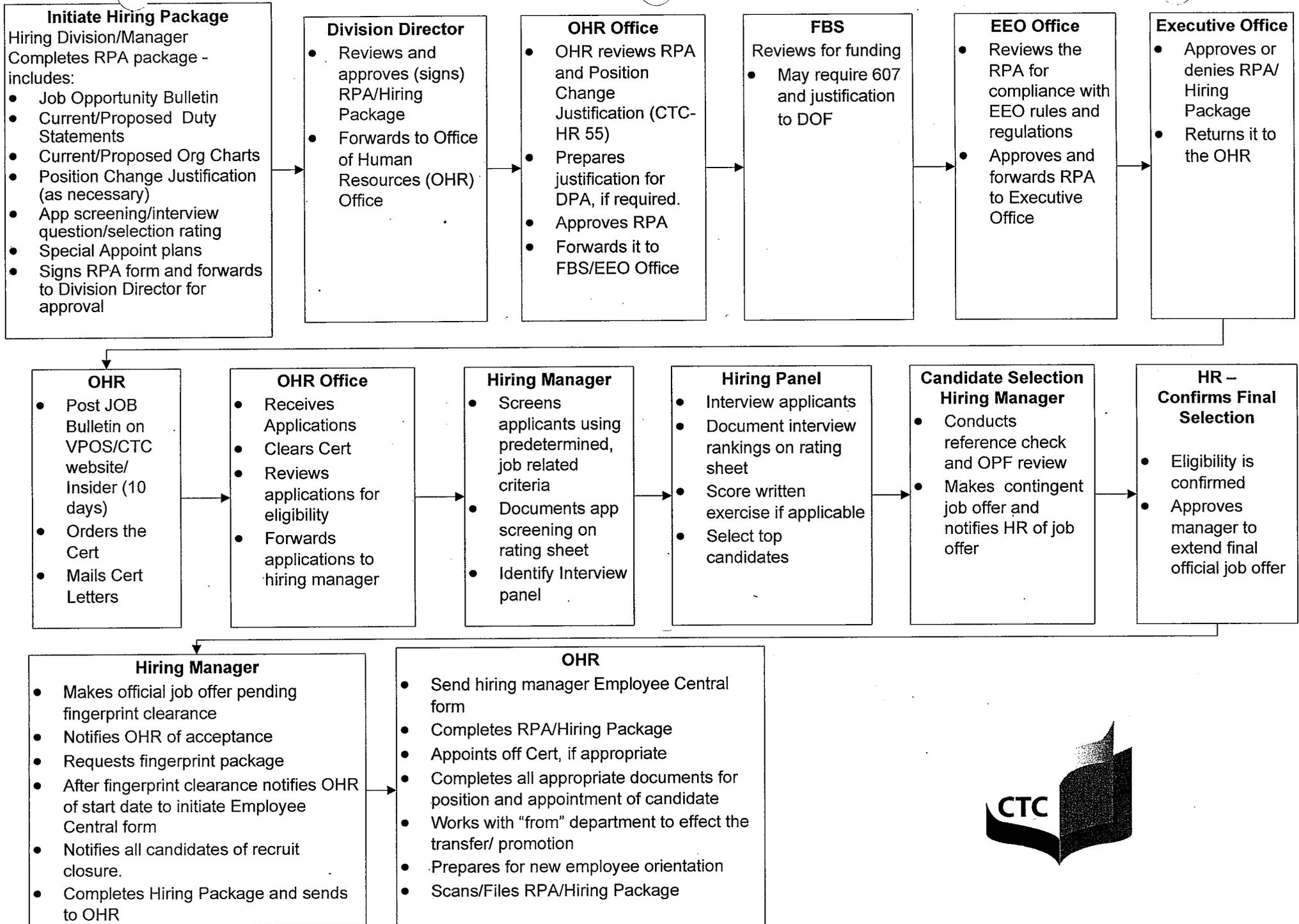
13. Other: _____

14. Keyed by: _____ (Initial/Date) Reviewed by: _____ (Initial/Date)

Comments or Special Instructions:

COMMISSION ROUTING AND APPROVALS			
APPROVER	Date	APPROVER	Date
Division Manager		Office of Human Resources Manager	
Division Director		Administrative Services Director/EEO Officer	
Office Of Human Resources Analyst		Executive Director	

Commission on Teacher Credentialing - Hiring Process





COMMISSION ON
TEACHER CREDENTIALING
Ensuring Educator Excellence

Job Opportunity Bulletin (JOB) Checklist

#	Description	
1.	Class Title	
2.	Salary	
3.	Job Description	
4.	Desirable Qualification	
5.	Requirements of the Job (Travel, Overtime, Hours 8-5)	

DUTY STATEMENT

CCTC-AGENCY xxx (REV 06/11)

	<p>KNOWLEDGE AND ABILITIES</p> <p><i>Knowledge of:</i></p> <p><i>Ability to:</i></p> <hr/> <p>DESIRABLE QUALIFICATIONS</p> <ul style="list-style-type: none">•••• <hr/> <p>SPECIAL PERSONAL CHARACTERISTICS (optional...if not on the class spec, do not include)</p> <ul style="list-style-type: none">••• <p>INTERPERSONAL SKILLS (optional)</p> <ul style="list-style-type: none">•••
--	---

DUTY STATEMENT

CCTC-AGENCY xxx (REV 06/11)

WORK ENVIRONMENT, PHYSICAL OR MENTAL ABILITIES

Work Environment:

-
-
-
-
-

Physical Ability

-
-
-
-

Mental Ability

-
-
-
-

Some of the requirements above may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

PERSONAL CONTACTS

LEVEL OF RESPONSIBILITY – ACTIONS AND CONSEQUENCES

~~MANAGER/SUPERVISOR'S STATEMENT: I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE~~

MANAGER/SUPERVISOR'S NAME (Print)	MANAGER/SUPERVISOR'S SIGNATURE	DATE
-----------------------------------	--------------------------------	------

~~EMPLOYEE'S STATEMENT: I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT.~~

The statements contained in this duty statement reflect general details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise balance the workload.

EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE
-------------------------	----------------------	------

AUTHORIZATION TO VIEW OFFICIAL PERSONNEL FILE AND CONTACT REFERENCES
CCTC – HR 07 (Rev. 06/11)

I _____, hereby authorize a Representative from the Commission on Teacher Credentialing (CTC) to review my personnel records in connection with my application for employment. I understand that the documents to be reviewed could include, but are not limited to, the following:

- Documents contained in my Official Personnel File
- Attendance records for the past three (3) years, including leave balances
- Personnel Action Request (PAR)
- PIMS history
- Performance evaluations
- Any information of a negative nature or adverse action
- Any other personnel/payroll related information.

I also authorize a representative of the CTC to contact my former supervisors and other appropriate references to obtain information regarding my past job performance.

Any information obtained through this release is to be kept confidential by the CTC. This authorization is valid for sixty (60) calendar days from the date of this form.

Applicant's Signature

Date

Reviewer's Signature

Date

OFFICIAL PERSONNEL FILE REVIEW WORKSHEET

CCTC-HR 51 (REV 06/11)

APPLICANT'S NAME	COMPLETED BY
DEPARTMENT	DATE COMPLETED
CURRENT CLASS TITLE	POSITION APPLYING FOR

PAR INFORMATION (Employment History)

DATE	TRANSACTION	CLASSIFICATION	TENURE/TIMEBASE	SALARY	RANGE	COMMENTS

ATTENDANCE

Total State Service: _____

Balances: Sick Hours: _____ Vacation Hours: _____ Annual Leave: _____ Holiday Credit: _____

Other: _____

PROBATIONARY REPORTS

Classification: _____

	1 st	2 nd	Final
Reporting Period:	_____	_____	_____
1. Skill	_____	_____	_____
2. Knowledge	_____	_____	_____
3. Work Habits	_____	_____	_____
4. Relationships	_____	_____	_____
5. Learning Abilities	_____	_____	_____
6. Attitude	_____	_____	_____
7. Ability as Supervisor	_____	_____	_____
8. Administrative	_____	_____	_____
9. Ability	_____	_____	_____
10. Overall Rating	_____	_____	_____

Comments:

OFFICIAL PERSONNEL FILE REVIEW WORKSHEET

CCTC-HR 51 (REV 06/11)

PAR Transactions Codes

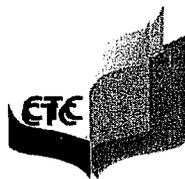
This is a listing of codes that you need to be aware of when reviewing a potential employee's PAR history. Make sure you record the codes on the OPF Review Sheet. Here is a list of codes that are considered "Red Flags" to supervisors reviewing employment histories:

CODE DEFINITION

- A01= List appointment
- A14= Adverse demotion
- S20= Voluntary resignation under unfavorable circumstances
- S21= AWOL – Automatic resignation as a result of an absence without approved leave for five consecutive days
- S32= Medical termination
- S40= Termination with fault
- S41= Dismissal
- S49= Leave of absence/NDI
- S50= Leave of absence
- S57= Temporary off payroll pending WC/NDI
- S85= Adverse suspension
- S90= Rejection during probation period
- ORP= Official Reprimand
- PUN= Adverse salary decrease

Hiring Process

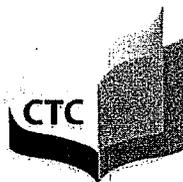
June 2011



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Hiring Process Presenters

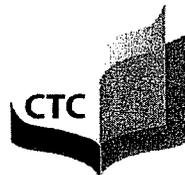
- ◆ Office of Human Resources
 - Katrina Hollingsworth (445-0474)
 - Ashim Gardner (324-3937)



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Agenda

- ◆ RPA Hiring Package
 - Components of the RPA package
 - RPA Package Responsibilities
- ◆ Selection Process
 - Responsibilities

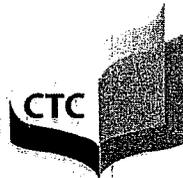


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RPA Hiring Package

- ◆ Request for Personnel Action (CTC-OHR100) (RPA)
- ◆ Current and/or Proposed Duty Statement
- ◆ Organization Chart – Current and/or Proposed (This can be penciled in) Current Org Charts found on the MAP website)
- ◆ Job Opportunity Bulletin (JOB)
- ◆ Position Justification (CTC OHR-XX) (if necessary)
- ◆ Application Screening Criteria
- ◆ Interview Questions
- ◆ Selection Rating Criteria
- ◆ Special Appointment Plans

Please see the attached samples of each document.



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What is Required in a JOB?

- ◆ Most information in the Job is generated from the Duty Statement:
 - Classification Title
 - Job Description
 - Desired Qualifications
 - Requirements of the Job
 - ◆ Travel
 - ◆ Overtime
 - ◆ Lead Responsibilities



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Screening Criteria

- ◆ Develop Job Related Screening Criteria
 - What are you looking for in the candidate (knowledge, skills and abilities).
- ◆ Develop a Scoring Method
- ◆ Screen Each Application against the criteria.

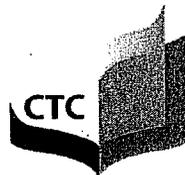


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Interview Questions

- ◆ Develop interview questions.
 - There should be enough questions to ensure you can identify the most qualified candidate.
 - Questions must tie back to the classification specifications being interviewed for.
- ◆ Develop a written exercise (optional)

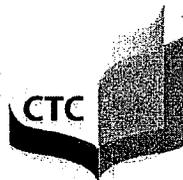
Contact other Managers/Supervisors and see what types of question they ask.



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RPA Package Responsibilities

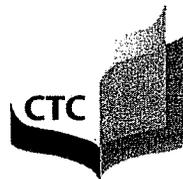
- ◆ Manager/Supervisor
 - Initiates/Completes the RPA Package.
 - Forwards the package to the Division Director for approval.
- ◆ Division Director
 - Reviews and approves RPA Package.
 - Forwards the package to OHR for approval.
- ◆ OHR Office
 - Reviews/Approves RPA package
 - Prepares justification for DPA, if required
 - Forwards the package to Fiscal and Business Services (FBS)/EEO for approval.



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RPA Package Responsibilities

- ◆ FBS
 - Reviews/Approves RPA package for funding source and EEO compliance.
 - Prepares justification/607 for DOF, if required.
 - Forwards the RPA to the Executive Office.
- ◆ Executive Office
 - Reviews RPA package and approves/denies the package.
 - Returns the RPA package to OHR.
- ◆ OHR
 - Post JOB on VPOS, CTC Insider and CTC internet.
 - Orders Certification (Cert) List

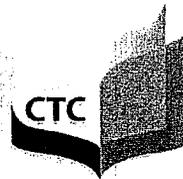


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RPA Responsibilities

◆ OHR

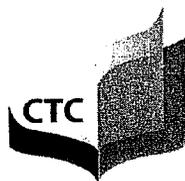
- Post JOB on VPOS, CTC Insider and CTC internet.
- Orders Certification (Cert) List
- Mails Cert Letters
 - ◆ Automatically send contacts to SROA and/or re-employment candidates
- Receives Applications
- Clears Cert List
- Reviews Applications for eligibility to be interviewed.
- Logs all applications/redacting all pertinent confidential information.
- Forwards applications to the hiring manager/supervisor with log.



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Selection Process

- ◆ Hiring Panel Composition
 - Should consist of at a minimum two (2) individuals and must include one (1) manager/supervisor. The panel members should be at the level or above the level being interviewed for.
- ◆ Hiring Panel
 - Must interview applicants
 - Score interviews based on how the applicant answered the questions.
 - Take copious notes during the interview to refer back to the candidate.
 - Score written exercise (if applicable).
 - Identify top candidate(s).
- ◆ Manager/Supervisor conducts reference checks and OPF Review.
- ◆ Selects top candidate (s).
- ◆ Notify OHR of contingent job offer to begin the final eligibility check on the prospective employee.
- ◆ Extend form job offer.
- ◆ On-Boarding of the new employee



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Selection Process

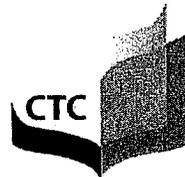
- ◆ Upon receipt of the applications, the hiring manager must do the following:
 - Screen the applications using the established screening criteria.
 - Interview candidates
 - ◆ May include written/oral exercises.
 - Conduct Reference Checks and OPF review.
 - Notify OHR of contingent job offer to begin the final eligibility check on the prospective employee.
 - Extend a conditional job offer to candidate, including fingerprint package.
 - OHR receives fingerprint clearance and notifies hiring manager/supervisor of the clearance to hire.



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Selection Process

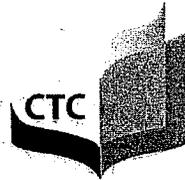
- ◆ Upon receipt of the applications, the hiring manager must do the following (continued):
 - Extends formal job offer to the candidate and confirms this in writing.
 - Notifies OHR of the candidate's acceptance and negotiated start date.
 - Notifies all candidates of who were not selected.
 - Return Hiring package to OHR for filing.
 - ◆ Package includes:
 - JOB
 - Application screening criteria
 - Interview Questions and value rating for each question
 - Written exercise (if applicable)
 - Reference check notes
 - OPF review notes
 - Selection Criteria
 - Statement of Selection signed by the hiring manager/supervisor
 - All applications filed for the vacancy



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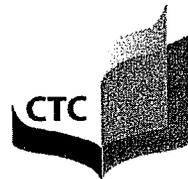
Selection Process

- ◆ Upon receipt of the applications, the hiring manager must do the following (continued):
 - On-boarding of the new employee
 - Complete Employee Central form (CTC-OHR 3)
 - Review and sign Manager/Supervisor Orientation Checklist (CTC-OHR 091)
 - Complete Probationary Reports



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Questions???



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Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
<p>Recommendation Eleven: To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	<p>To ensure that all Commission employees understand their right to file an EEO complaint or a grievance the Commission has completed the following activities:</p> <ul style="list-style-type: none"> • The Commission’s EEO Policy was updated and provided to employees. <ul style="list-style-type: none"> ○ The updated EEO Policy was provided to all staff on May 9, 2011. ○ An EEO Handbook, which outlines the process for filing an EEO complaint, was developed and also made available to staff on May 9, 2011. The EEO Policy and Handbook are available on the Commission’s intranet. ○ SEIU provided an onsite employee meeting on June 8, 2011 to help staff understand their EEO rights ○ The Commission enhanced the new EEO webpage with resources for staff on EEO related topics on August 15, 2011 ○ All staff members will be reminded annually of the EEO and Sexual Harassment Prevention policies and will be required to certify that they have reviewed the policy. (<i>Participation logs on file</i>) Training will occur on a biennial basis. • The Department of Fair Employment and Housing provided a training workshop for managers and supervisors on Workplace Retaliation. Managers and supervisors who did not participate in the workshop were required to view the archived webinar. As of August 25, 2011, all managers and supervisors have participated in the webinar and/or reviewed the information. • The Commission provided EEO training for rank and file employees and a separate EEO training for all supervisors and managers. <ul style="list-style-type: none"> ○ Training for rank and file staff occurred on: September 14 or October 4, 2011 ○ Training for supervisors and managers occurred on: September 14, 2011 <p><i>Efforts beyond BSA Recommendations:</i> The Interim Executive Director is working with representatives from each collective bargaining unit to establish a Joint Labor Management Advisory Committee that will help identify and work through issues of interest to the staff.</p>

Commission on Teacher Credentialing: Status on Addressing the BSA Recommendations

BSA Recommendations	October 7, 2011 Status
	<p>To help Division of Professional Practices staff cope with stress resulting from the significant changes occurring in the Division, the Commission arranged for the state’s Employee Assistance Program to provide an onsite workshop on enhancing resilience during change. This workshop was conducted on September 9, 2011.</p> <p>To help <i>all</i> CTC staff cope with changes in the workplace, the following training programs have been scheduled:</p> <ul style="list-style-type: none"> • CHP workshop on Violence in the Workplace provided on August 30 and is scheduled on October 4 for staff who missed the first workshop. • Enhancing Resilience During Change: September 27, 2011 • CHP workshop on Safety Prevention: September 29 and October 13, 2011 • Creating a Positive Work Environment: November 15, 2011 • Managing Stress: December 6, 2011 <p>To help managers and supervisors be more effective, the following training programs are scheduled:</p> <ul style="list-style-type: none"> • Labor Relations 101 (Department of Personnel Administration, October 19, 2011) • Employee Assistance Program (supervisor refresher, November 30, 2011) <p><i>Additional Challenges</i></p> <p>Although the Commission has taken steps to ensure that employees understand their right to file either an EEO complaint or labor grievance, has informed staff and managers about employees’ rights to make such reports without fear of retaliation, and has provided activities and information to foster a healthy and positive workplace, some challenges remain. While the June 2011 Employee Survey indicates these complaints are not widespread among all employees, the data indicate that ongoing work is needed. In the months ahead, the new Executive Director and the Commission’s management staff will need to take a carefully balanced approach to ensure it has the appropriate organizational structures in place to promptly address and resolve concerns and to create stronger, positive working relationships with its bargaining units.</p>

Screen Shot of the CTC-Equal Employment Office Page Available to All CTC Staff on the Intranet

State of California - Windows Internet Explorer

http://icentral.ctc.ca.gov/EEO.html

File Edit View Favorites Tools Help

State of California

CTC iCentral

Home Divisions **Employee** Forms Policies & Procedures Travel Health & Safety Training CASE General Info

Equal Employment Opportunity Parking Phone List Timekeeping

Equal Employment Opportunity Office

GENERAL INFORMATION

-> [Equal Employment Opportunity Policy \(PD-018\)](#) [MS Word]
The Commission's Policy has been updated for your reference. In addition, a comprehensive [EEO handbook](#) [MS Word] has been established in the event you have questions regarding the process to file an EEO complaint. If you have any questions, please contact the ASD - EEO office:

Administrative Services Division
Crista Hill -- EEO Officer
(916) 322-3459
chill@ctc.ca.gov

-> [Reasonable Accommodation Policy \(PD-040\)](#) [MS Word]
- [Reasonable Accommodation Handbook](#) [MS Word]
- [Reasonable Accommodation \(RA\) Form](#) [PDF]

-> ["Zero Tolerance" Sexual Harassment Policy \(PD-44\)](#) [MS Word]

-> [Upward Mobility Program Handbook](#) [MS Word]
- See Also [Training...](#)

FORMS

-> [Discrimination Complaint Form](#) [MS Word]

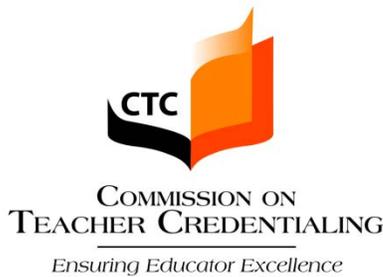
ADDITIONAL RESOURCES

-> [State Personnel Board -- Office of Civil Rights](#)

-> [Department of Fair Employment and Housing](#)

-> [Equal Employment Opportunity Commission](#)

Updated August 22, 2011



POLICY DIRECTIVE

EFFECTIVE DATE: May 9, 2011	NUMBER: PD-018
EXPIRES: Indefinite	FROM: Dale Janssen, Executive Director
SUPERCEDES: Policy Directive 07-014 CTC Administrative Manual Sections 3-4262 - 3-4269	
TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY	

Policy:

It is the policy of the Commission on Teacher Credentialing (CTC) that discrimination against any employee, volunteer (as applicable), or applicant will not be tolerated. Discrimination is defined as any unfair employment practice or behavior that treats individuals differently because of their race, color, national origin, ancestry, religion, creed, sex, sexual orientation, marital status, age, physical or mental disability as defined in the Americans with Disabilities Act, political affiliation, or veteran status. The practice or behavior may or may not be intentional but it results in applicants, employees, and/or volunteers not being given full and equal consideration for employment, retention, evaluation, or advancement purely on the basis of merit and job related qualifications. The CTC process for addressing discrimination complaints has been developed to facilitate resolution of the complaint at the lowest level possible and in the fairest, most timely manner.

Sexual harassment has been interpreted by the courts to be a form of sex discrimination. Therefore, complaints based on sexual harassment are subject to the same process and time frames as complaints based on sex, race, color, religion, etc. Once an allegation of sexual harassment is brought to the attention of a manager/supervisor, the manager/supervisor is legally required to investigate the allegation, even if the complaining employee, volunteer, or applicant requests that no action be taken.



Purpose:

The purpose of this Policy Directive is threefold:

1. To provide a ready means for resolving individual or group problems of a sensitive nature, quickly, informally and at the lowest level possible.
2. To decrease significantly formal complaints, which are expensive, time-consuming, and detrimental to employee relations.
3. To make managers/supervisors more sensitive to the needs of individual employees and groups, and to improve their capacity of handling problems before they become complaints.

The establishment of a discrimination complaint procedure is not intended to supplant regular grievance procedures or prohibit employees from filing a complaint with the DFEH or the EEOC, or filing an action in court. The procedure is intended, and should be viewed, as a means of providing the special skill needed to promptly and fairly handle the sensitive issues involved in allegations of discrimination and to ensure full cooperation with Federal and State control agencies.

An individual who utilizes the discrimination complaint process is entitled to certain rights and guarantees. These rights must be discussed with the complainant at the initial stages of the complaint process. The EEO Officer and/or the EEO Investigator shall ensure the complainant clearly understands each right.

These rights include:

- An informal, confidential presentation of a complaint to the manager/supervisor, EEO Officer.*
- Keeping their complaint confidential until such time as they give their manager/supervisor or EEO Officer permission to do otherwise, in order to bring the complaint to the appropriate authority for remedy; or until such time as a formal complaint is filed.*
- A full, impartial and prompt investigation by a trained departmental investigator.*
- A timely, written decision from the appointing power, after full consideration of all relevant facts and circumstances.
- Representation by a person of his/her own choosing at each and all steps of the process.*
- Appealing the appointing power's decision within thirty (30) days to the State Personnel Board and/or file a complaint with the appropriate Federal or State agency.
- Being free from reprisals after filing a complaint.
- Being notified in writing when a formal complaint has been filed and when a final decision has been made.*

*Also applies to employees responding to a complaint (respondents).

References (or Legal Authority):

Resource	Section
Executive Orders	S-6-04
Laws and Regulations http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/orrules.htm	GC: 18701, 8547.2, 8547.8, 19683, 18500, 12900, 12940, 18930.5, 11092, 11092.5, 11139.6, 12926, 12926.1, 12940, 18523, 18675, 18952, 19230, 19240, 19241, 19700, 19790 et seq. Education Code: 87162, 87164 Rules: 10, 56.1-56.8, 53, 54-54.2, 547-547.2, 250, 547.58, 547.79-547.806, 547.807-547.8191 Labor Code: 1101, 1102 Federal Laws: Civil Rights Act of 1964 http://www.eeoc.gov/policy/vii.html , Rehabilitation Act of 1973 http://www.dol.gov/esa/regs/compliance/ofccp/sec503.htm , Age Discrimination Act of 1978 http://www.eeoc.gov/policy/adea.html , www.ada.gov/pubs/ada.htm
Memorandum of Understanding (MOU) http://www.dpa.ca.gov/bargaining/contracts/index.htm	See applicable MOU
Responsible Agency/Program	Federal Government, SPB, DFEH, DGS EEO Office
SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm	SPB Pinkies: 12/22/05, 12/20/05, 5/19/03, 12/23/02, 11/22/02, 8/29/02, 5/17/02, 4/12/02, 2/4/02, 1/10/02(2), 12/21/02(2), 1/3/01, 9/26/00, 9/5/00, 6/15/00, 12/14/99, 11/17/97, 5/6/92, 7/18/91, 11/14/90, 12/2/88, 10/20/88, 9/23/88, 5/10/88
Other	
Workers' Compensation/Return to Work Coordinator ADA DFEH	http://orim.dgs.ca.gov/WorkersCompensation/default.htm http://www.usdoj.gov/crt/ada/adahom1.htm http://www.dfeh.ca.gov/

Contact Information:

Equal Employment Opportunity Officer, Administrative Services Division.



POLICY DIRECTIVE

EFFECTIVE DATE: August 29, 2011	NUMBER: PD-44
EXPIRES: Indefinite	APPROVED: Beth Graybill Interim Executive Director
SUPERSEDES: Policy Dated August 15, 2011 & Memo Dated September 28, 2005	
TITLE: "ZERO TOLERANCE" SEXUAL HARRASSMENT POLICY	

Policy:

The Commission on Teacher Credentialing (Commission) is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment.

Sexual Harassment will not be tolerated. Appropriate corrective action will be taken immediately if any employee engages in such behavior. A "zero tolerance" policy means that inappropriate behavior will NOT be tolerated. Therefore, corrective action(s) up to and including formal discipline, will be taken when policy violations occur, even if the violations are not so serious as to be unlawful (see "Corrective Action Guidelines" below). For example, even though the inappropriate behavior/comment may not, in and of itself, rise to the level of creating a hostile work environment under the law, such a behavior/comment is unacceptable in the workplace, violates the Commission's Zero Tolerance Policy, and will be subject to appropriate corrective action.

Purpose:

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is defined by case law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature directed to person(s) of the same or opposite sex when:

1. Submission is made either explicitly or implicitly as a term or condition of employment or a contract.
2. Submission or rejection by an employee, contractor, applicant and/or visitor is used as a basis for employment decisions affecting the employee, contractor, job applicant or visitor.
3. Such conduct has the potential to affect an employee or contractor's work performance negatively and/or create an intimidating, hostile or otherwise offensive environment for an employee, contractor, job applicant or visitor.

TYPES OF SEXUAL HARASSMENT

The courts have defined two (2) types of sexual harassment:

Type 1 – Quid Pro Quo is Latin for “something for something”:

This form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implicit term or condition of employment, contracting or hiring decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implicit term or condition of employment, contracting or hiring decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a job, promotion or raise;
- Express or implied statements that a person will be demoted, fired or denied a job opportunity or contract if he/she does not submit to a sexual request, regardless of whether the threat is actually carried out.

Type 2 – Hostile Environment:

This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment.

- The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.
- Sexual harassment can take the form of a series of inappropriate behaviors or can be a single serious incident, such as sexual battery. Sexual harassment by a manager, supervisor, co-worker or, in certain circumstances, a non-employee, such as a supplier or customer, is unlawful.

Examples of hostile work environment harassment include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, contracting or hire; Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

In determining whether the conduct created a hostile work environment, the impact of the offensive behavior on the offended person is the primary consideration, not the intent of the person accused. The objective severity of the harassment is judged from the perspective of a reasonable person in the complainant's position, considering all the circumstances. In the case of same-sex harassment, careful consideration is given to the social context in which the behavior occurred and was experienced by the complainant.

Examples of Sexual Harassment

The following are some general examples of behavior, which may constitute sexual harassment:

Verbal - Sexual comments, slurs, jokes, remarks, or epithets. This may include innuendos that are not overtly sexual.

Visual - Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Physical - Unwanted physical conduct. This may include: unwanted touching, blocking someone's movement, in a hallway or doorway, for example, with or without touching. More severe examples of physical conduct include assault, rape, and attempted rape. Invading someone's space may be perceived as unwelcomed contact.

Other - Sexual advances that are unwanted (this may include a relationship which began as consensual, but that one individual no longer wants to continue). Employment benefits granted in exchange for sexual favors. Sexual harassment also occurs when an employee exerts authority over another employee in return for sexual favors, or retaliates when the sexual favor is not granted. Intimate relationships between supervisors and subordinates should be avoided, because they open the door to perceptions of retaliation and favoritism.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITORS RIGHTS

Every employee, contractor, job applicant, volunteer and/or visitor has the following rights:

1. The right to a discrimination-free work environment.
2. The right to lodge a complaint (see "Complaint Process" below).
Employees, contractors, job applicants, volunteers, and visitors are encouraged to report the unwanted conduct immediately and, whenever possible, to put the complaint or concern in writing.
3. The right to a full, impartial, and prompt investigation by a Commission representative or designee.
4. The right to be informed of the results of the Commission's investigation.
5. The right to a timely decision from the appointing power, after full consideration of all relevant facts and circumstances. Decisions will be rendered within thirty (30) days of the complaint. If the investigation exceeds the thirty (30) days, the complainant will be informed of the reason for the delay.
6. The right to be represented by a person of the complainant's choosing at each and all steps of the process.
7. The right to be informed of and make use of the benefits of the Employee Assistance Program (EAP).
8. The right to a remedy for the complainant's loss.
9. The right of an employee to file a complaint against the Department's decision within thirty (30) days to the State Personnel Board.
10. The right to be free from reprisals after filing a complaint.

EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITOR RESPONSIBILITIES

Sexual harassment is a violation of an individual's privacy rights and personal dignity. It can cause physical, psychological and economic problems for its victims. In addition, it can lead to reprisals such as escalation of the harassment, poor work assignments, sabotaging work, sarcasm, unsatisfactory evaluations, threats of demotion or transfer, poor job references, slander, gossip, blackmail, and other forms of retribution.

Sexual harassment also undermines the integrity of the employment relationship, and can result in economic loss to the employer, harasser and employee; excessive absenteeism; employee turnover; low morale; polarization of staff; loss of credibility for management; and decreased productivity.

Every person can be held personally liable for his or her sexual harassment of an employee, contractor, job applicant, volunteer, or visitor regardless of whether they are a rank and file employee or non-represented. Thus, in addition to any corrective action taken by the employer, an employee, contractor, or job

applicant, volunteer or visitor who is found by a court of law to have harassed someone may have his or her own personal assets taken to satisfy a judgment.

Any person who perceives the comments, gestures or actions of another employee or manager/supervisor to be offensive should immediately communicate to that person that such behavior is unwelcome. However, a failure to do so does not prevent that person from filing a complaint, nor does it exonerate the harasser.

The options available to an employee are outlined below under “Complaint Procedures.”

In addition, all employees have an obligation to:

- Adhere to the Commission’s “Zero Tolerance” Sexual Harassment policy;
- Refrain from engaging in, condoning, tolerating or merely ignoring conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager or the Commission’s EEO Officer; and
- Cooperate with any investigation into allegations that the Commission’s “Zero Tolerance Policy” has been violated.

COMMISSION RESPONSIBILITIES

The Commission is legally responsible for taking all reasonable steps necessary to prevent harassment from occurring and, if it does, stop it from continuing. Toward that end, the Commission will provide training for all new employees and to all continuing employees on a biannual basis; provide counseling opportunities; promptly investigate complaints; and take suitable corrective action as appropriate.

COMPLAINT PROCEDURES

Any employee, contractor, job applicant, volunteer, or visitor to the Commission, who believes that he/she has been subjected to sexual harassment or asked to perform a sexual favor, or believes he/she has been retaliated against for complaining about sexual harassment or participating in a sexual harassment inquiry, should immediately report the incident to his/her supervisor or manager or the EEO Office. Individuals are requested to complete the Discrimination Complaint form (CTC-OHR 84) in order to document the complaint.

It is the Commission’s policy that complaints be resolved at the lowest appropriate management level. Confidentiality concerning complaints and/or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation. However, the Commission cannot guarantee confidentiality to a complaining employee,



contractor, or job applicant, volunteer or visitor when to do so would interfere with the Commission's ability to fulfill its legal obligation(s).

If the alleged harasser is an employee or vendor of another agency (board, bureau, commission, and department), the harassed employee and any employee witnessing the incident have the right to report the incident to the appropriate manager/supervisor or Commission's EEO Officer. Immediate and appropriate corrective action will be taken.

Employee, contractor, job applicant, volunteer, or visitor may also file formal complaints of discrimination with the following agencies:

Department of Fair Employment and Housing (DFEH)

2218 Kausen Drive, Suite 100
Elk Grove, California 95758
www.dfeh.ca.gov

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division

Equal Employment Opportunity Commission

350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

If the alleged offender is the employee's supervisor or manager, the employee may contact a manager/supervisor in or out of the employee's chain of command or, alternatively, as noted above, contact the Commission's EEO Officer directly.

An employee who files an internal Commission complaint and is not satisfied with the Commission's decision may file a complaint with the SPB Appeals' Division within thirty (30) days of the Commission's decision.

The Appeals' Division is at:

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division
(916) 653-0544



Persons providing services pursuant to a contract may file a formal complaint of discrimination with:

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals Division

EEO OFFICER'S RESPONSIBILITY

As of the date of this policy, the Director, Administrative Services Division serves as the Commission's EEO Officer. Therefore, for sake of this policy, the titles may be used interchangeably. The EEO Officer will receive and investigate sexual harassment complaints, and maintain statistics, identifying any patterns. The EEO Officer may decide to use an outside trained investigator to conduct any and all investigations of Sexual Harassment. The investigator will then report his/her findings and provide a recommend course of action to the EEO Officer for consideration.

CORRECTIVE ACTION GUIDELINES

The Commission shall take appropriate corrective action(s) up to and including formal discipline against any employee(s) found to have violated its Zero Tolerance Policy (see Government Code sections 19570 and 19583.5). Such corrective action(s) may include, but not limited to, letter of reprimand, suspension, demotion, up to and including dismissal. Additionally, as discussed within this policy, civil liability could be imposed upon both the violator and the Commission.

EDUCATION AND TRAINING

Education and training for employees at each level of the work force is critical to the success of the Commission's policy against sexual harassment. The Commission will annually distribute this policy statement on sexual harassment to all employees. All employees will participate in training on sexual harassment on a biennial basis. As new employees are hired they will have sixty (60) days to complete sexual harassment training. In addition, managers and supervisors are responsible for knowing the contents of the Commission's Sexual Harassment policy and ensuring a harassment-free work environment.

References (or Legal Authority):

Title VII of the Civil Rights Act of 1964

Government Code sections 12925-12928, 12940-12951, 19572 (w) and 19700-19706

Fair Employment and Housing Act, Commencing with Government Code Section 12900 et seq.

Civil code Sections 51.9 and 52



Executive Order B-54-79
29 Code of Federal Regulations Section 1604.11
Penal Code Section 422.76

Contact Information:

If you have any questions please feel contact the Administrative Services Division -
Equal Employment Opportunity Officer.





**Annual
Acknowledgement of Receipt and Understanding of Sexual Harassment
Prevention Policy**

This is to acknowledge receipt of the Commission's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

1. I have a right to work in an environment free from sexual harassment.
2. I have a responsibility not to engage in behaviors that constitute sexual harassment.
3. If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my manager/supervisor, to a non-involved supervisor/manager, or the Commission's Equal Employment Opportunity (EEO) Office.
4. I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

Acknowledgement Information	
Print Name:	
Signature (Please complete in Ink):	Date:

Completed Form Should Be Returned To:

Commission on Teacher Credentialing
 Administrative Services Division - Equal Employment Opportunity Office
 1900 Capitol Avenue
 Sacramento, CA 95811

EEO Office Use	
Date Received:	Date Filed:
EEO Office Signature:	Date:





POLICY DIRECTIVE

EFFECTIVE DATE: September 26, 2011	NUMBER: PD - 052
EXPIRES: Indefinite	APPROVED: Elizabeth Graybill Interim Executive Director
Supersedes: Policy Dated December 21, 2009	
TITLE: WORKPLACE VIOLENCE POLICY	

Policy:

Violent acts or threats against another person’s life, health, well-being, family or property, directly or indirectly, regardless of intent, made by or to any Commission on Teacher Credentialing (Commission) employee are unacceptable. Violent or threatening behaviors which involve or affect Commission employees or visitors will not be tolerated. It is the Commission's policy to protect employees from assaults, threats, and/or coercion, and to take appropriate action if such incidents occur.

The Commission will take all necessary action to assure that its employees are protected from violent, intimidating or threatening conduct engaged in by members of the public. Similarly, all Commission employees are to treat coworkers and visitors responsibly and respectfully.

Any person who exhibits violent or threatening behavior, or retaliates for reporting workplace against another person in the work environment, will be subject to prompt investigation and appropriate corrective action, up to and including dismissal from State service.

This Workplace Violence Policy is applicable to conduct committed upon the premises of the Commission, at Commission-sponsored events or under any other circumstances which might negatively affect the Commission’s ability to conduct its business and/or jeopardize the safety and well-being of its employees.



Purpose:

All employees of the Commission have a right to be safe, healthful, and secure in the work environment. The Commission recognizes the importance of ensuring the safety and security of its employees and visitors. The Commission will encourage and maintain a secure and safe atmosphere through the establishment and enforcement of a clear policy and procedures prohibiting violent acts in the workplace.

Employee Responsibilities:

All employees are expected to:

- Act courteously and responsibly at all times
- Act professionally at all times
- Participate in workplace safety practices
- Report situations or circumstances which may endanger someone's health and safety
- Cooperate with the workplace safety team

Employees are expected to adhere to a standard of conduct that is consistent with the principles of courtesy, dignity and respect.

Employees must report all acts of violence and all situations where violence is a potential outcome.

Employer Responsibilities:

Every employer shall provide to each of its employees a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

- Managers, supervisors and employees are responsible for following workplace safety rules
- Managers and supervisors are responsible for preventing and resolving workplace violence issues
- Ensure proper documentation of Work Place Violence incident, to include completing a Report of Crime/Incident on State Property Missing/Lost Property (STD 99)

Steps to Prevent Workplace Violence:

- Foster a supportive, harmonious work environment
- Train supervisors and employees how to resolve conflicts
- Develop effective policies to protect employees from harassment
- Establish procedures for handling grievances
- Provide counseling through an Employee Assistance Program (EAP)
- Implement security programs that protect employees
- Provide employee safety education programs
- Provide EAP counseling for employees who have been laid off or fired
- Set Up a Crisis Plan. Be proactive, not reactive!

Grievance Procedures

Any employee of the Commission, who witnesses an act violating the Workplace Violence Policy, should immediately report the incident to his/her supervisor or manager, or the Office of Human Resources. Individuals are also requested to complete either an Employee Contract Grievance (STD 630) or Excluded Employee Grievance (STD 631) <http://www.dpa.ca.gov/bargaining/grievances.htm> in order to document the grievance.

It is the Commission's policy that grievances be resolved at the lowest appropriate management level. Confidentiality concerning grievance and/or investigations is maintained to the greatest extent possible. However, the Commission cannot guarantee confidentiality to a complaining employee when to do so would interfere with the Commission's ability to fulfill its legal obligation(s).

References (or Legal Authority):

Cal Labor Code, §§ 6400, 6404
29 U.S.C. § 654 (a) (1)

Contact Information:

Office of Human Resources or Health and Safety Officer

EQUAL EMPLOYMENT OPPORTUNITY HANDBOOK



COMMISSION ON
TEACHER CREDENTIALING

Ensuring Educator Excellence

Dale Janssen, Executive Director

May 2011

Equal Employment Opportunity

The purpose of the discrimination complaint procedures is to provide all Commission on Teacher Credentialing (Commission) employees, volunteers (as applicable) and applicants, with a uniform method to raise allegations and complaints of discrimination. The procedures are intended to resolve complaints at the lowest possible organizational level, while assuring that such allegations and complaints receive full consideration and appropriate remedy as applicable, without fear of reprisal or retaliation.

Complaints of discrimination, which the Commission has authority to investigate, must allege that the complainant was discriminated against on the basis of age, race, sex (including sexual harassment), ancestry, color, religion, disability, national origin, marital status, political affiliation or opinion, sexual orientation, pregnancy, or retaliation.

These procedures apply to all Commission employees, volunteers (as applicable, applicants.

ROLES AND RESPONSIBILITIES

Equal Employment Opportunity (EEO) Officer

The EEO Officer is responsible for providing leadership in resolving informal and formal complaints of discrimination by working with managers/supervisors, providing EEO counseling, and investigating complaints as necessary. He/she must determine if the Commission has jurisdiction: The legal power to act on a complaint in order to investigate it or attempt resolution.

A complaint can be received formally or informally, directly from the complainant, with or without the manager's/supervisor's knowledge. It can be forwarded by a manager/supervisor after initial review or it can be brought to the attention of the EEO Officer by a third party.

The EEO Officer is responsible for developing and implementing a plan to resolve each individual complaint. The plan can include 1) Manager/Supervisor counseling, 2) informal complaint resolution procedures, and/or 3) procedures for formal complaint investigation and findings.

Managers/Supervisors

It is the managers/supervisors' responsibility to promote a discrimination-free work environment, and take appropriate action to prevent or stop any and all forms of discrimination, including sexual harassment; ensure that all employees, volunteers and applicants are informed of the Commission's discrimination complaint process prior to the need to know, and again if a complaint is brought forth; ensure that subordinate managers/supervisors and employees attend training as a preventive measure, and to sensitize them to conduct and/or behavior that constitutes discrimination and the consequences of such actions.

When a discrimination complaint is filed (formally or informally) or brought to the managers/supervisors' attention, it is the managers'/supervisors' responsibility to:

- Listen to the complainant and take the complaint seriously (employees/volunteers/applicants should not be discouraged from reporting such complaints);
- Provide the complainant with a copy of the Statement of Rights (CCTC-HR-XXX); and contact the EEO Officer immediately.

- The EEO Officer will provide assistance to resolve the issue informally or determine if other action is necessary;
- Record and document the complaint and perform an immediate preliminary investigation to determine the validity of the complaint;
- Provide a copy of the preliminary investigation report to the EEO Office regardless of the findings;

In conjunction with the EEO Office, initiate appropriate and immediate action against the respondent where discrimination is found; Ensure that the complainant is made aware of the actions taken against the respondent (within guidelines of the Information Practices Act) to give the victim a sense of redress; Protect the employee(s) complaining of discrimination or sexual harassment from any reprisal or retaliation.

Employees/Volunteers/Applicants

An employee, volunteer, or applicant who perceives the comments, gestures, or actions of another employee, volunteer or applicant to be discriminatory and offensive should immediately communicate to that person that such behavior is not appropriate and/or is unwelcome. Employees, volunteers, or applicants who feel threatened or have difficulty expressing disapproval may seek informal assistance from the manager/supervisor or EEO Officer. Failure to confront the harasser, however, does not interfere with the rights to file a discrimination complaint.

An employee/volunteer/applicant who believes he/she has incurred discrimination or witnessed discrimination has the responsibility to report it to the appropriate manager/supervisor or the EEO Officer and to provide all relevant information in a manner that allows the Commission the best opportunity to resolve the complaint at the lowest level possible.

An employee, volunteer or applicant may file a discrimination complaint informally, formally, or externally. The complainant decides which level or type of complaint to file. He/she may contact the EEO Officer at any time to determine if his/her concerns constitute discrimination.

PROCEDURES FOR RESOLVING DISCRIMINATION COMPLAINTS

The stages of the discrimination complaint process are described below. Before discussing the stages, there are several points that should be highlighted.

The identification that managers/supervisors serve as Equal Employment Opportunity Counselors and Investigators is critical to the success of Commission's discrimination complaint process. It is the responsibility of the EEO Officer to see that persons are knowledgeable, empathetic, flexible and resourceful people who can diplomatically correct misunderstandings and help forge stronger relationships between people working in the same work environment. He/she must maintain the employees' concerns in the strictest confidence.

Those who conduct investigations must maintain the role of fact finder. His/her responsibility is to assemble enough information to provide a basis for deciding whether the action was or was not discriminatory. Therefore, he/she should never act in such a way as to leave an impression of personal interest in the outcome of the investigation. The manager/supervisor should also avoid becoming the intermediary between the complainant and the Commission in any efforts on their part in seeking a resolution of the complaint during an investigation.

The importance of neutrality cannot be overemphasized. The EEO Investigator must not communicate any personal judgment or opinion on the merits of any complaint he/she investigates.

The Commission has two levels for raising concerns of possible discrimination: an informal process using managers/supervisors and a formal process using trained EEO Investigators.

Employees are **urged** to resolve complaints on an informal process or as a last resort file a complaint of discrimination through the formal process.

PROCEDURES FOR FILING A DISCRIMINATION COMPLAINT

Informal Process

1. The employee, volunteer, or applicant should immediately report the incident to a manager/supervisor or to the EEO Officer if the respondent is the manager/supervisor. The manager/supervisor shall listen to the complaint and regard it seriously. The complaint shall not be shrugged off, minimized nor in any way shall the reporting of the complaint be discouraged. The manager/supervisor shall record and document the complaint. Managers/Supervisors are strongly encouraged to immediately contact the EEO Officer for assistance in dealing with potential discrimination issues. The manager/supervisor shall perform an immediate preliminary investigation to determine the validity of the complaint. A copy of this preliminary investigation shall be provided to the EEO Officer. If an employee wishes to initiate a formal complaint, managers/supervisors should allow the employee a reasonable amount of state time to prepare the complaint (Discrimination Complaint form, CCTC-HR-084).
2. If the respondent is the manager/supervisor or the employee does not believe the complaint is being adequately addressed by the manager/supervisor, he/she should report the incident directly to the EEO Officer.
3. The EEO Officer will hear the complaint and initiate whatever preliminary inquiry is deemed necessary to prepare an informal analysis of the problem and/or achieve immediate resolution.
4. Unless otherwise waived by the complainant, the EEO Officer will attempt to keep the employee's/volunteer's/applicant's name confidential. However, it should be clear that in order to bring the complaint to the appropriate authority for resolution, confidentiality is often not possible.

Formal Process

1. If the complainant wishes to file a formal complaint, he/she should file the Discrimination Complaint form (CCTC-HR-084) with the EEO Officer within one (1) year of the alleged discriminatory action or decision or the time employee/volunteer/applicant first became aware of the action or decision. The written complaint must state the action perceived to be discriminatory, the basis of discrimination, and the specific remedy sought by the complainant.
2. The EEO Officer will notify the respondent that a formal complaint has been filed.
3. The EEO Officer will review the formal complaint and make a preliminary determination. He/she may:
 - a. Attempt to mediate informal resolution of the complaint;
 - b. Make a decision on the merits of the complaint; or
 - c. Assign an investigator

4. If referred for investigation, the investigator will conduct a full investigation. Upon completion, he/she will provide the EEO Officer with a written report of the findings of fact.
5. If the allegations are substantiated, a meeting will be held between EEO Officer and Legal Counsel to determine a course of action. After consultation with Legal Counsel, the EEO Officer will release the results of the investigation including recommendations for any appropriate remedies, to the Director of the affected Division, the complainant, the respondent, and their respective representatives.
6. If the complainant is not satisfied with the results of the Commission's investigation, he/she may contact the State Personnel Board.

ADDITIONAL INFORMATION

Access to Records

The EEO Office shall have access to all information deemed necessary to determine the validity of the complaint in both the informal and formal stages of the process. The cooperation and assistance of all employees, volunteers, applicants, supervisors and managers involved is required. If an employee of the Commission refuses or threatens to refuse to cooperate in an investigation, the State Personnel Board (SPB) may directly investigate or hear the complaint. Subpoenas or any other action deemed appropriate will be used to affect the purpose of the investigation.

Appeal Process

A complainant who is not satisfied with the Commission's decision may file an appeal with the Executive Office of the SPB within thirty (30) days from the date of receipt of the Commission's decision, in accordance with Article 4, Rules 51.2 and 547.1 of the SPB Regulations.

A complaint that is not resolved by the Commission within 180 days from the date of formal filing with the Commission may be referred to the SPB as an appeal for remedial action.

Confidentiality

Generally, all discussions with a complainant are confidential and resolution will not be pursued without the concurrence of the complainant. However, when the issues are serious in nature (sexual harassment) or involve potential criminal activity, (abuse, rape, property damage) the EEO Officer or the manager/supervisor must advise the complainant that the information provided must be referred to the appropriate authority in order to remedy the conduct of the offending party. In addition, once the complainant requests resolution, confidentiality may no longer be assured.

When a complaint becomes formal, confidentiality provisions do not apply. Persons charged with discriminatory practices will be informed of the charge and allowed to respond once an investigation is initiated. Information gathered during the investigation regarding the complainant or charged party(s) will be kept confidential to the extent possible.

Persons interviewed during an investigation shall be informed that their comments will remain confidential unless the information is to be used for a basis for adverse action. In these cases the information may be presented in a public forum.

Involved participants will be informed that Federal and State EEO regulatory agencies require a report on both formal and informal discrimination complaints filed with the Commission. The identity of the complainant and other involved persons may be released to those agencies.

Parallel Review

The Discrimination Complaint procedure is separate and distinct from employee grievance procedures. An employee will not be allowed a parallel review under both the employee grievance and discrimination complaint procedures.

Complaints or issues that do not allege discrimination are handled through the employee grievance procedure or other applicable processes as a result the Office of Human Resources would be involved.

The grievance procedure is used to address terms and conditions of employment such as working hours, out of class claims, overtime requirements, etc.

If a grievance is found to meet the discrimination complaint criteria, the grievance process will cease at that point and the matter will be referred to the EEO Officer.

If during the course of the Commission discrimination complaint investigation, a rejection during probation or an adverse action appeal is filed with the SPB and the employee alleges discrimination, the Commission will suspend its investigation and the complaint will be examined and adjudicated by the SPB.

Release Time

The complainant may use a reasonable amount of State time based on the complexity and sensitivity of the issues, as determined by the EEO Officer, to discuss the complaint with a manager/supervisor or an EEO Investigator.

Retaliation and Intimidation

No person shall intimidate, threaten, coerce, or discriminate against any individual because he/she; 1) opposed an employment practice made unlawful by the laws (Federal and State) prohibiting employment discrimination; or 2) made a complaint or testified, assisted, or participated in any manner in any investigation, proceeding, or hearing regarding a discrimination complaint.

Right to Representation

The complainant has the right to representation at each step of the process by a person of his/her choosing.

TIME LINES

Filing Complaints

An employee, volunteer, or applicant has the right to file a discrimination complaint immediately after such incident occurs and has up to three hundred sixty-five (365) calendar days to file the complaint. This period may be extended up to ninety (90) days if a person allegedly aggrieved by the discrimination first obtained knowledge of the facts after the expiration of the one-year period.

A Discrimination Complaint Form (CCTC-HR-084) must be completed by the complainant, indicating whether the complainant wants to file an informal or formal complaint.

The time requirement for filing a discrimination complaint is in conformity with all other Federal and State statutes and policies. However, both the Department of Fair Employment and

Housing and the Federal Equal Employment Opportunity Commission Title VII guidelines do not allow the additional 90-day exception provided under the SPB administered process.

Responding to the Complaints

The complaint and notify the complainant within ten (10) days whether the allegations(s) meets the criteria to be handled through the discrimination complaint procedure. In accordance with the Commission stated process, the Commission has 90 (90) calendar days from the date the complaint is filed to issue a final decision on a formal discrimination complaint. This time frame may be extended upon mutual written agreement with the EEO Officer and the complainant.

The Department has thirty (30) days to resolve an informal discrimination complaint. If the complaint cannot be resolved in thirty (30) days, the complaint will be handled formally unless the complainant and the EEO Officer have agreed to extend that period.

EXTERNAL COMPLIANCE

External Compliance Agencies

The Commission's discrimination complaint procedures are not intended to prohibit employees from filing a charge of discrimination with the State Personnel Board (SPB), the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), and/or the Division of Labor Standards Enforcement (DLSE), Department of Industrial Relations. Employees are not required to exhaust the administrative procedure to file a formal discrimination complaint prior to exercising their right to file with an outside compliance agency.

The SPB will accept direct jurisdiction of a discrimination complaint under the following four circumstances:

- When the complainant is alleging discrimination based upon retaliation;
- When the circumstances directly involve a high level administrator of the Commission; or
- When the Department has exceeded its 90-day requirement to respond to the complaint.

The EEOC and DFEH maintain separate jurisdiction over discrimination complaints filed by State civil service employees. By mutual agreement, both EEOC and DFEH will cross-file discrimination complaints between each agency; thus the agency initially receiving the complaint will automatically cross-file with the other agency.

The Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE) handles complaints of discrimination on the basis of sexual orientation.

Process

The external agency makes it a practice to notify the Commission that a complaint has been filed and may request information pertaining to the complaint. Commonly EEOC, DFEH, and SPB will file a notice with the Commission's EEO Office, advising that a complaint has been filed and requesting a position statement on the charges filed. If the notice of filing is received at the Commission, the notice should immediately be forwarded to the EEO Office for response.

The EEO Office is responsible for providing a response to the outside compliance agency. The EEO Office sends a request to the appropriate Division Director with a copy of the charges filed. The Division is requested to provide the needed information within two (2) weeks from the request for information.

Because the complaint filed with an outside compliance agency in essence names the Commission itself as "respondent", the information contained in the complaint should be maintained as sensitive in nature. Those persons directly named in a charge filed with an outside compliance agency are notified directly by the compliance agency. All files will be maintained and monitored by the EEO Office. The EEO Office will be responsible for making any determination of case file information release. Any request for information contained in a discrimination complaint investigative file needs to be referred to the EEO Office.

Determination of the need for revision of this policy is the responsibility of the Equal Employment Opportunity Officer – Administrative Services Division. Questions about the status or maintenance of these procedures should be directed to the EEO Officer at (916) 322-3459.

DISCRIMINATION COMPLAINT FORM

CTC-HR 84 (Rev. 08-11)

Informal Complaint – An employee who believes that he/she has been discriminated against should contact their immediate manager/supervisor. The manager/supervisor will informally discuss the complaint with the employee to reach a mutually agreed resolution of the issue. If you do not feel comfortable speaking with your immediate manager/supervisor you can also speak with another manager/supervisor outside your chain of command, EEO Ombudsman, or the Equal Employment Opportunity Officer.

Formal Complaint – An employee who believes that he/she has been discriminated against and is unsatisfied with the resolution of the informal complaint or chooses to bypass the informal process may file a formal complaint by completing this form and sending it to the Administrative Services Division - Equal Employment Opportunity Office.

SELECT WHETHER YOUR COMPLAINT IS INFORMAL OR FORMAL:

Informal Complaint of Discrimination

Formal Complaint of Discrimination

COMPLAINANT INFORMATION

Name	Classification	Division/Office/Section
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RESPONDENT INFORMATION (PERSON (S) WHO THE COMPLAINT IS AGAINST):

Name	Classification	Division/Office/Section
Date(s) Discrimination Occurred	Date of Informal Discussion With Manager/Supervisor	Date of Informal Response

PROTECTED GROUP STATUS/THE BASIS OF DISCRIMINATION:

Race	National Origin/Ancestry	Disability	Religion/Creed
Color	Marital Status	Medical Condition	Political Affiliation
Age	Sexual Harassment	Retaliation	
Sex	Sexual Orientation	Other (specify) _____	

1. Description of complaint. (Include dates and as much detail as possible, attach additional pages if necessary.)

2. Identify all individual (s) with information relevant to the allegations.

3. Did the employee(s) listed above personally observe or overhear the alleged conduct? If yes, please indicate the dates of observed/overheard behavior.

4. Are there documents that contain information supporting the occurrences described? If yes, please attach a copy.

5. Is there any physical evidence that supports your complaint? If so, please describe or attach a copy.

DISCRIMINATION COMPLAINT FORM

CTC-HR 84 (Rev. 08-11)

6. Did you report this complaint to your supervisor or manager? If so, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint.

7. Are there any other individuals you want the Commission to contact regarding your complaint? If so, provide name(s) and the reason the person(s) should be contacted.

8. What corrective action/remedy are you seeking?

ACKNOWLEDGEMENT

To investigate your complaint, it will be necessary to interview you, the alleged individual(s) and any witnesses with knowledge of the allegations or defenses. The Commission representative will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action, up to and including termination of employment.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the Commission deems relevant.

I understand that this matter may not be held confidential as a result of the investigation.

Employee Signature

Date Signed

Completed Form Should Be Returned To:
Administrative Services Division
Equal Employment Opportunity Office
1900 Capitol Avenue
Sacramento, CA 95811

EEO Office Use	
Date Received:	EEO Office Signature:

DLC 767

Commission on Teacher Credentialing

Worksite Lunch Meeting

RSVP for Lunch Please

We Need Everyone in Attendance

**Where: Room: DPP Conference Room
Commission on Teacher Credentialing
1900 Capitol Avenue**

When: Wednesday – June 8, 2011

Time: 11:30 – 1:00 pm

The Agenda Will Be Presented in 15-20 min. Intervals - So Everyone Will Have Time To Hear The Information and Get Back To Work.

Union leave is not given to attend this meeting. Please attend during your lunch hour. If additional time is needed please make arrangements with your supervisor.

SEIU Local 1000

STRONGER TOGETHER

Featured Topics

- **Your Rights:**
 - ✓ **Weingarten Rights**
 - ✓ **Contract Grievances**
 - ✓ **EEO Complaints**
 - ✓ **Discrimination – FEH**
- **Exams**
- **Upward Mobility**

Guest Speakers

- Ana Newberry, Field Representative Union Resource Center
- Kara Walker, Field Organization for Education

If you are a new employee/recent hire please attend this important and informational meeting.

Agenda

June 8, 2011

1. Your Rights

- Weingarten Rights
- Contract Grievances
- EEO Complaints
- Discrimination – FEH

2. Exams

3. Upward Mobility - *Contract Violation - 13.11.4*

4. What Are Your Thoughts: Q & A?

5. What We Need To Do

- Wear Purple T-Shirts every Wednesday
- Stay informed with Channel 1000 updates
- Read the Union Update every week
- Attend 2nd Wednesday Monthly Meeting

WORKPLACE RETALIATION

Under the California Fair Employment and Housing Act

Phyllis W. Cheng, Director
California Department of Fair Employment & Housing
www.dfeh.ca.gov



Overview on Workplace Retaliation

1. Introduction.
2. Basic protections under the FEHA.
3. Potential defenses and limits to liability.
4. Recent trends and case law.
5. Best practices.



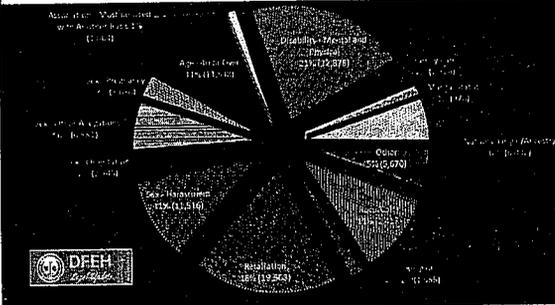
Introduction

- The DFEH's civil rights mission.
- Statutes enforced:
 - Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.);
 - Unruh Civil Rights Act (Civ. Code, § 51 et seq.);
 - Ralph Civil Rights Act (Civ. Code, § 51.7); and
 - Disabled Persons Act (Civil Code, § 54 et seq.).
- Jurisdiction.



California Department of Fair Employment and Housing Calendar Years 2008 - 2010

Cases Filed: Count of Bases (54,801 Employment Cases)

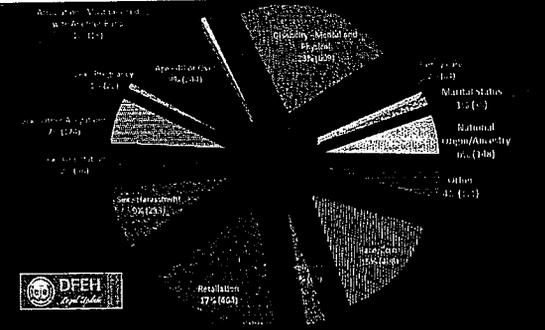


Basis	Count
Retaliation	19,563
Sex Harassment	11,116
Sexual Harassment	5,670
Disability - Physical	12,878
Disability - Mental and Emotional	11,116
Age - Discrimination	11,116
Other	11,116



California Department of Fair Employment and Housing Calendar Years 2008 - 2010

Cases Filed Against State Agencies by Bases (1,346 Employment Cases)



Basis	Count
Retaliation	623
Sex Harassment	143
Sexual Harassment	143
Disability - Physical	143
Disability - Mental and Emotional	143
Age - Discrimination	143
Other	143



The FEHA's Protection against Workplace Retaliation

“It is an unlawful employment practice for an employer to “discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part” (Gov. Code, § 12940, subd. (h).)



Elements of a Retaliation Claim

Prima facie case:

1. Protected activity.
2. Adverse job action.
3. Causal link.



What is Protected Activity?

The employee, applicant or contractor:

- Opposes an unlawful employment practice under the FEHA; or
- Files a complaint, testifies, or assists in a proceeding under the FEHA.



What is Adverse Job Action?

The employer:

- Refuses to hire or employ;
- Refuses to select for training program leading to employment;
- Bars or discharges from employment or training program leading to employment; or
- Discriminates in compensation or in terms, conditions or privileges of employment.



What is Causal Link?

Circumstantial evidence:

- Employer aware of protected activity; and
- Adverse action followed within a relatively short period in time.



Hypothetical 1

- An award-winning regional sales manager for a cosmetic company repeatedly refused to carry out an order from a male supervisor to fire a female sales associate who, in the supervisor's view, was not sufficiently sexually attractive. After a short time, the male supervisor tried to get the sales manager's subordinates to undermine and oppose her. He then criticized the sales manager at every turn and threatened to end her 18-year career with the company. The sales manager was forced to quit.

Prima facie case of retaliation?

- Is there protected activity?
- Is there adverse job action?
- Is there a causal link?

Yonowitz v. L'Oreal USA, Inc. (2005) 36 Cal.App.4th 1028



Hypothetical 2

- A registered nurse of Mexican citizenship, who worked as a temporary independent contractor for a hospital, told the nursing supervisor a patient had complained that not enough nurses spoke Spanish. The supervisor expressed surprise that the nurse had no accent since she was foreign and asked why she did not return home to work in Mexico. Soon after, the nurse applied for a permanent nursing position there doing the same job, but was not selected even though she met the qualifications and the hospital continued to keep her on as an independent contractor. She filed a DFEH complaint for national origin discrimination. During the DFEH investigation, the hospital terminated her as a contractor.

Prima facie case of retaliation?

- Is there protected activity?
- Is there adverse job action?
- Is there a causal link?

Sada v. Robert F. Kennedy Medical Center (1997) 56 Cal.App.4th 138



Affirmative Defense

- The employer has a legitimate, non-discriminatory reason for the adverse job action.



Hypothetical 3

An employee at an armored transportation company was the subject of an internal investigation into missing cash and knew he could be terminated depending on the outcome. During the investigation, he notified his employer for the first time that he was suffering from pain and numbness in his arms, fingers, shoulders, and feet, and that he filed claims for workers' compensation. Days later, he was terminated based on the results of the investigation. The employee then filed a lawsuit claiming retaliation under the FEHA.

Is there an affirmative defense of a legitimate, non-discriminatory reason for the adverse job action?

Arteaga v. Brink's, Inc. (2008) 163 Cal.App.4th 327



Hypothetical 4



A marginally performing office technician was a frequent participant in radio station-sponsored bikini contests outside of work. The head of her agency came to one of her bikini contests and tried to kiss her on the mouth. She was "taken aback, but not offended." She told a co-worker, and it eventually got back to the higher-ups. During the short time she worked for the agency, the office technician's performance was criticized and her managers changed her hours "to make [her] job less desirable," and encouraged her to resign before she was disciplined or fired for poor performance. When she resigned, she was also instructed to write a statement denying that the agency head ever kissed her at the bikini contest. Eventually, she sued for constructive termination.

Is there an affirmative defense of a legitimate, non-discriminatory reason for the adverse job action?

Steel v. Youthful Offender Parole Bd. (2008) 162 Cal.App.4th 1241



Liability for Retaliation

- Employer liability: Yes.
- Non-employer or supervisor liability: No.

Recent Cases

- *Kelley v. Conco Companies* (June 1, 2011) __ Cal.App. 4th __ [2011 WL 2177235]
- In a summary judgment appeal, the court found a genuine issues of material fact as to whether an employee's coworkers engaged in retaliatory harassment sufficiently severe to constitute an adverse employment action, whether employer had actual or constructive knowledge of the improper conduct, and whether employer took appropriate action in response precluded summary judgment on retaliatory harassment claim.



Recent Cases

- *Thompson v. North American Stainless, LP* (2011) __ U.S. __ [__ L.Ed. __; 131 S.Ct. 863]
- After the employee's fiancée filed a sex discrimination charge with the Equal Employment Opportunity Commission (EEOC) against their employer, the employer fired the employee. He filed his own charge and a subsequent suit under Title VII of the Civil Rights Act, claiming that his employer fired him to retaliate against his fiancée for filing her charge. The U.S. Supreme Court found standing for the employee under Title VII.



Recent Cases



- *Dawson v. Entek Intern* (9th Cir. 2011) 630 F.3d 928.
- A former temporary employee, who was a male homosexual, brought action against employer under Title VII alleging retaliatory discharge among other claims. The court held the employee produced circumstantial evidence of retaliatory discharge and sexual orientation hostile work environment, such that resolution by summary judgment was error.

Best Practices

1. Put retaliation on the workplace map:
 - Train management and employees.
 - Incorporate into all appropriate written policies.
 - Build specific anti-retaliation information into employee training programs.



Best Practices

2. Have experts review complaints:

- Provide high level HR review.
- Funnel all retaliation complaints to senior group for review.
 - Review the specifics of each incident and explore the context in which the matter arose.
 - Determine the likely existence of "protected activity".
 - Decide on an appropriate response.
 - Provide guidance and coaching to direct supervisors and managers.



Best Practices

3. Ensure internal quality control:

- The centralized complaint-and-review function must ensure the quality and thoroughness of its work. A good process results in:
 - Adequate and accurate records and documentation.
 - Fair decisions.
 - Similar treatment of all similarly situated employees.
 - Neutralization of any anger, frustration or unwarranted urgency in the decision-making process.
 - Responses timed and managed to minimize any perceived connection to the complaint/report.



Best Practices



4. Use performance management to prevent retaliation:

- Complete, addressing job expectations, evaluating job performance and offering clear feedback to employees—including any coaching, warning, discipline or discharge.
- Thoughtful and deliberate—that is, avoiding canned or formulaic appraisals and feedback.
- Carefully executed by supervisors who create complete and accurate assessments of employees and honor all stages of the process.
- Thoroughly documented in writing, with records kept in a central file.

Contact the DFEH



contact.center@dfeh.ca.gov
 (800) 884-1684
www.dfeh.ca.gov
 DFEH YouTube, Facebook, Twitter
 and LinkedIn



**DISCRIMINATION & HARASSMENT
PREVENTION TRAINING FOR
NON-SUPERVISORY EMPLOYEES**

By: Vida L. Thomas, Esq.
Carlsen Thomas, LLP
1000 - 4th Street, Suite 245
Sacramento, CA 95814
(916) 447-7755
www.carlenthomas.com



Sources of Anti-Harassment Laws

- Title VII of the Civil Rights Act of 1965
 - covers employers with 15 or more employees
 - statute prohibits discrimination; case law prohibits harassment
- California Fair Employment and Housing Act
 - covers employers with 1 or more employees
 - statute specifically prohibits "harassment"



Title VII Prohibits:

- Discrimination & Harassment Based On:
 - Race
 - Color
 - Religion
 - Sex
 - National origin




FEHA Prohibits Discrimination & Harassment Based On:

- Age (40 and over)
- Ancestry
- Color
- Creed
- Mental or physical disability
- Marital Status
- Medical condition (cancer/genetic characteristics)
- National origin
- Pregnancy
- Race
- Religion
- Sex (including transgender status)
- Sexual orientation



What Conduct Is Unlawful?

Harassment

Subjecting someone, on the basis of his/her protected status, to unwelcome statements, conduct or behavior of an offensive nature to such an extent as to alter the work environment.



What Conduct is Unlawful?

Discrimination

Making decisions about hiring, firing, compensation, or the terms, conditions, and privileges of employment, based on a protected category.



What Conduct Is Unlawful?

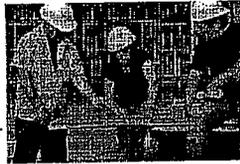
Retaliation

Taking an adverse employment action against an employee who complained of discrimination/harassment



Sexual Harassment Is Not Welcome

- Unwelcome, gender-based conduct
- Most frequently about power, not sex
- The victim and harasser can be same gender
- Women or men can be harassers or victims



Quid Pro Quo Sexual Harassment

The express or implied request/demand for the exchange of sex, sexual favors, or sexual interest in return for a promised job benefit.

Sex



Job Benefit



Hostile Environment Sexual Harassment

- Based on gender
- Offensive
- Unwelcome
- So severe or pervasive that it creates an intimidating, offensive, threatening or hostile work environment, and would do so for a reasonable person under similar circumstances.



Employer Vicarious Liability

- Liable for employees *and* independent contractors
- Sexual harassment by supervisors: employers are strictly liable
- Sexual harassment by non-supervisory employee: employer is liable if it, its agents or supervisors "knew or should have known" and failed to take *prompt* and *effective* corrective action.
- Sexual harassment by non-employees: same as non-supervisory employees.



Individual (Personal) Liability

- In California, **all employees** are liable if they harass another employee.
- Employees can be sued individually.
- Employer is not legally obligated to defend the employee in the lawsuit.
- Employer is not legally obligated to pay any damages assessed against the employee.

How to Report Harassment

- ***If you feel comfortable***, deal with the offending employee directly
- Report your concerns immediately to:
 - Your direct supervisor
 - Any manager/supervisor with whom you feel comfortable
 - Human Resources/EEO Officer

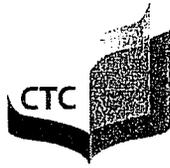


Once You Report Harassment

The agency will:

- Conduct a confidential investigation
- Take appropriate action where a violation of policy is found
- Protect you from retaliation





COMMISSION ON
TEACHER CREDENTIALING
Ensuring Educator Excellence

POLICY DIRECTIVE

EFFECTIVE DATE:

May 9, 2011

NUMBER:

PD-018

EXPIRES:

Indefinite

FROM:

Dale Janssen,
Executive Director

SUPERCEDES:

Policy Directive 07-014
CTC Administrative Manual
Sections 3-4262 - 3-4269

TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY**Policy:**

It is the policy of the Commission on Teacher Credentialing (CTC) that discrimination against any employee, volunteer (as applicable), or applicant will not be tolerated. Discrimination is defined as any unfair employment practice or behavior that treats individuals differently because of their race, color, national origin, ancestry, religion, creed, sex, sexual orientation, marital status, age, physical or mental disability as defined in the Americans with Disabilities Act, political affiliation, or veteran status. The practice or behavior may or may not be intentional but it results in applicants, employees, and/or volunteers not being given full and equal consideration for employment, retention, evaluation, or advancement purely on the basis of merit and job related qualifications. The CTC process for addressing discrimination complaints has been developed to facilitate resolution of the complaint at the lowest level possible and in the fairest, most timely manner.

Sexual harassment has been interpreted by the courts to be a form of sex discrimination. Therefore, complaints based on sexual harassment are subject to the same process and time frames as complaints based on sex, race, color, religion, etc. Once an allegation of sexual harassment is brought to the attention of a manager/supervisor, the manager/supervisor is legally required to investigate the allegation, even if the complaining employee, volunteer, or applicant requests that no action be taken.



Purpose:

The purpose of this Policy Directive is threefold:

1. To provide a ready means for resolving individual or group problems of a sensitive nature, quickly, informally and at the lowest level possible.
2. To decrease significantly formal complaints, which are expensive, time-consuming, and detrimental to employee relations.
3. To make managers/supervisors more sensitive to the needs of individual employees and groups, and to improve their capacity of handling problems before they become complaints.

The establishment of a discrimination complaint procedure is not intended to supplant regular grievance procedures or prohibit employees from filing a complaint with the DFEH or the EEOC, or filing an action in court. The procedure is intended, and should be viewed, as a means of providing the special skill needed to promptly and fairly handle the sensitive issues involved in allegations of discrimination and to ensure full cooperation with Federal and State control agencies.

An individual who utilizes the discrimination complaint process is entitled to certain rights and guarantees. These rights must be discussed with the complainant at the initial stages of the complaint process. The EEO Officer and/or the EEO Investigator shall ensure the complainant clearly understands each right.

These rights include:

- An informal, confidential presentation of a complaint to the manager/supervisor, EEO Officer.*
- Keeping their complaint confidential until such time as they give their manager/supervisor or EEO Officer permission to do otherwise, in order to bring the complaint to the appropriate authority for remedy; or until such time as a formal complaint is filed.*
- A full, impartial and prompt investigation by a trained departmental investigator.*
- A timely, written decision from the appointing power, after full consideration of all relevant facts and circumstances.
- Representation by a person of his/her own choosing at each and all steps of the process.*
- Appealing the appointing power's decision within thirty (30) days to the State Personnel Board and/or file a complaint with the appropriate Federal or State agency.
- Being free from reprisals after filing a complaint.
- Being notified in writing when a formal complaint has been filed and when a final decision has been made.*

*Also applies to employees responding to a complaint (respondents).

References (or Legal Authority):

Resource	Section
Executive Orders	S-6-04
Laws and Regulations http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/olrules.htm	GC: 18701, 8547.2, 8547.8, 19683, 18500, 12900, 12940, 18930.5, 11092, 11092.5, 11139.6, 12926, 12926.1, 12940, 18523, 18675, 18952, 19230, 19240, 19241, 19700, 19790 et seq. Education Code: 87162, 87164 Rules: 10, 56.1-56.8, 53, 54-54.2, 547-547.2, 250, 547.58, 547.79-547.806, 547.807-547.8191 Labor Code: 1101, 1102 Federal Laws: Civil Rights Act of 1964 http://www.eeoc.gov/policy/vii.html , Rehabilitation Act of 1973 http://www.dol.gov/esa/regs/compliance/ofccp/sec503.htm , Age Discrimination Act of 1978 http://www.eeoc.gov/policy/adea.html , www.ada.gov/pubs/ada.htm
Memorandum of Understanding (MOU) http://www.dpa.ca.gov/bargaining/contracts/index.htm	See applicable MOU
Responsible Agency/Program	Federal Government, SPB, DFEH, DGS EEO Office
SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm	SPB Pinkies: 12/22/05, 12/20/05, 5/19/03, 12/23/02, 11/22/02, 8/29/02, 5/17/02, 4/12/02, 2/4/02, 1/10/02(2), 12/21/02(2), 1/3/01, 9/26/00, 9/5/00, 6/15/00, 12/14/99, 11/17/97, 5/6/92, 7/18/91, 11/14/90, 12/2/88, 10/20/88, 9/23/88, 5/10/88
Other	
Workers' Compensation/Return to Work Coordinator ADA DFEH	http://orim.dgs.ca.gov/WorkersCompensation/default.htm http://www.usdoj.gov/crt/ada/adahom1.htm http://www.dfeh.ca.gov/

Contact Information:

Equal Employment Opportunity Officer, Administrative Services Division.





POLICY DIRECTIVE

EFFECTIVE DATE: August 29, 2011	NUMBER: PD-44
EXPIRES: Indefinite	APPROVED: Beth Graybill Interim Executive Director
SUPERSEDES: Policy Dated August 15, 2011 & Memo Dated September 28, 2005	
TITLE: "ZERO TOLERANCE" SEXUAL HARRASSMENT POLICY	

Policy:

The Commission on Teacher Credentialing (Commission) is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment.

Sexual Harassment will not be tolerated. Appropriate corrective action will be taken immediately if any employee engages in such behavior. A "zero tolerance" policy means that inappropriate behavior will NOT be tolerated. Therefore, corrective action(s) up to and including formal discipline, will be taken when policy violations occur, even if the violations are not so serious as to be unlawful (see "Corrective Action Guidelines" below). For example, even though the inappropriate behavior/comment may not, in and of itself, rise to the level of creating a hostile work environment under the law, such a behavior/comment is unacceptable in the workplace, violates the Commission's Zero Tolerance Policy, and will be subject to appropriate corrective action.

Purpose:

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is defined by case law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature directed to person(s) of the same or opposite sex when:



1. Submission is made either explicitly or implicitly as a term or condition of employment or a contract.
2. Submission or rejection by an employee, contractor, applicant and/or visitor is used as a basis for employment decisions affecting the employee, contractor, job applicant or visitor.
3. Such conduct has the potential to affect an employee or contractor's work performance negatively and/or create an intimidating, hostile or otherwise offensive environment for an employee, contractor, job applicant or visitor.

TYPES OF SEXUAL HARASSMENT

The courts have defined two (2) types of sexual harassment:

Type 1 – Quid Pro Quo is Latin for “something for something”:

This form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implicit term or condition of employment, contracting or hiring decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implicit term or condition of employment, contracting or hiring decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a job, promotion or raise;
- Express or implied statements that a person will be demoted, fired or denied a job opportunity or contract if he/she does not submit to a sexual request, regardless of whether the threat is actually carried out.

Type 2 – Hostile Environment:

This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment.

- The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.
- Sexual harassment can take the form of a series of inappropriate behaviors or can be a single serious incident, such as sexual battery. Sexual harassment by a manager, supervisor, co-worker or, in certain circumstances, a non-employee, such as a supplier or customer, is unlawful.

Examples of hostile work environment harassment include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, contracting or hire; Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

In determining whether the conduct created a hostile work environment, the impact of the offensive behavior on the offended person is the primary consideration, not the intent of the person accused. The objective severity of the harassment is judged from the perspective of a reasonable person in the complainant's position, considering all the circumstances. In the case of same-sex harassment, careful consideration is given to the social context in which the behavior occurred and was experienced by the complainant.

Examples of Sexual Harassment

The following are some general examples of behavior, which may constitute sexual harassment:

Verbal - Sexual comments, slurs, jokes, remarks, or epithets. This may include innuendos that are not overtly sexual.

Visual - Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Physical - Unwanted physical conduct. This may include: unwanted touching, blocking someone's movement, in a hallway or doorway, for example, with or without touching. More severe examples of physical conduct include assault, rape, and attempted rape. Invading someone's space may be perceived as unwelcomed contact.

Other - Sexual advances that are unwanted (this may include a relationship which began as consensual, but that one individual no longer wants to continue). Employment benefits granted in exchange for sexual favors. Sexual harassment also occurs when an employee exerts authority over another employee in return for sexual favors, or retaliates when the sexual favor is not granted. Intimate relationships between supervisors and subordinates should be avoided, because they open the door to perceptions of retaliation and favoritism.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.



EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITORS RIGHTS

Every employee, contractor, job applicant, volunteer and/or visitor has the following rights:

1. The right to a discrimination-free work environment.
2. The right to lodge a complaint (see "Complaint Process" below).
Employees, contractors, job applicants, volunteers, and visitors are encouraged to report the unwanted conduct immediately and, whenever possible, to put the complaint or concern in writing.
3. The right to a full, impartial, and prompt investigation by a Commission representative or designee.
4. The right to be informed of the results of the Commission's investigation.
5. The right to a timely decision from the appointing power, after full consideration of all relevant facts and circumstances. Decisions will be rendered within thirty (30) days of the complaint. If the investigation exceeds the thirty (30) days, the complainant will be informed of the reason for the delay.
6. The right to be represented by a person of the complainant's choosing at each and all steps of the process.
7. The right to be informed of and make use of the benefits of the Employee Assistance Program (EAP).
8. The right to a remedy for the complainant's loss.
9. The right of an employee to file a complaint against the Department's decision within thirty (30) days to the State Personnel Board.
10. The right to be free from reprisals after filing a complaint.

EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITOR RESPONSIBILITIES

Sexual harassment is a violation of an individual's privacy rights and personal dignity. It can cause physical, psychological and economic problems for its victims. In addition, it can lead to reprisals such as escalation of the harassment, poor work assignments, sabotaging work, sarcasm, unsatisfactory evaluations, threats of demotion or transfer, poor job references, slander, gossip, blackmail, and other forms of retribution.

Sexual harassment also undermines the integrity of the employment relationship, and can result in economic loss to the employer, harasser and employee; excessive absenteeism; employee turnover; low morale; polarization of staff; loss of credibility for management; and decreased productivity.

Every person can be held personally liable for his or her sexual harassment of an employee, contractor, job applicant, volunteer, or visitor regardless of whether they are a rank and file employee or non-represented. Thus, in addition to any corrective action taken by the employer, an employee, contractor, or job



applicant, volunteer or visitor who is found by a court of law to have harassed someone may have his or her own personal assets taken to satisfy a judgment.

Any person who perceives the comments, gestures or actions of another employee or manager/supervisor to be offensive should immediately communicate to that person that such behavior is unwelcome. However, a failure to do so does not prevent that person from filing a complaint, nor does it exonerate the harasser.

The options available to an employee are outlined below under "Complaint Procedures."

In addition, all employees have an obligation to:

- Adhere to the Commission's "Zero Tolerance" Sexual Harassment policy;
- Refrain from engaging in, condoning, tolerating or merely ignoring conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager or the Commission's EEO Officer; and
- Cooperate with any investigation into allegations that the Commission's "Zero Tolerance Policy" has been violated.

COMMISSION RESPONSIBILITIES

The Commission is legally responsible for taking all reasonable steps necessary to prevent harassment from occurring and, if it does, stop it from continuing. Toward that end, the Commission will provide training for all new employees and to all continuing employees on a biannual basis; provide counseling opportunities; promptly investigate complaints; and take suitable corrective action as appropriate.

COMPLAINT PROCEDURES

Any employee, contractor, job applicant, volunteer, or visitor to the Commission, who believes that he/she has been subjected to sexual harassment or asked to perform a sexual favor, or believes he/she has been retaliated against for complaining about sexual harassment or participating in a sexual harassment inquiry, should immediately report the incident to his/her supervisor or manager or the EEO Office. Individuals are requested to complete the Discrimination Complaint form (CTC-OHR 84) in order to document the complaint.

It is the Commission's policy that complaints be resolved at the lowest appropriate management level. Confidentiality concerning complaints and/or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation. However, the Commission cannot guarantee confidentiality to a complaining employee,



contractor, or job applicant, volunteer or visitor when to do so would interfere with the Commission's ability to fulfill its legal obligation(s).

If the alleged harasser is an employee or vendor of another agency (board, bureau, commission, and department), the harassed employee and any employee witnessing the incident have the right to report the incident to the appropriate manager/supervisor or Commission's EEO Officer. Immediate and appropriate corrective action will be taken.

Employee, contractor, job applicant, volunteer, or visitor may also file formal complaints of discrimination with the following agencies:

Department of Fair Employment and Housing (DFEH)

2218 Kausen Drive, Suite 100
Elk Grove, California 95758
www.dfeh.ca.gov

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division

Equal Employment Opportunity Commission

350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

If the alleged offender is the employee's supervisor or manager, the employee may contact a manager/supervisor in or out of the employee's chain of command or, alternatively, as noted above, contact the Commission's EEO Officer directly.

An employee who files an internal Commission complaint and is not satisfied with the Commission's decision may file a complaint with the 'SPB Appeals' Division within thirty (30) days of the Commission's decision.

The Appeals' Division is at:

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division
(916) 653-0544



Persons providing services pursuant to a contract may file a formal complaint of discrimination with:

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals Division

EEO OFFICER'S RESPONSIBILITY

As of the date of this policy, the Director, Administrative Services Division serves as the Commission's EEO Officer. Therefore, for sake of this policy, the titles may be used interchangeably. The EEO Officer will receive and investigate sexual harassment complaints, and maintain statistics, identifying any patterns. The EEO Officer may decide to use an outside trained investigator to conduct any and all investigations of Sexual Harassment. The investigator will then report his/her findings and provide a recommend course of action to the EEO Officer for consideration.

CORRECTIVE ACTION GUIDELINES

The Commission shall take appropriate corrective action(s) up to and including formal discipline against any employee(s) found to have violated its Zero Tolerance Policy (see Government Code sections 19570 and 19583.5). Such corrective action(s) may include, but not limited to, letter of reprimand, suspension, demotion, up to and including dismissal. Additionally, as discussed within this policy, civil liability could be imposed upon both the violator and the Commission.

EDUCATION AND TRAINING

Education and training for employees at each level of the work force is critical to the success of the Commission's policy against sexual harassment. The Commission will annually distribute this policy statement on sexual harassment to all employees. All employees will participate in training on sexual harassment on a biannual basis. As new employees are hired they will have sixty (60) days to complete sexual harassment training. In addition, managers and supervisors are responsible for knowing the contents of the Commission's Sexual Harassment policy and ensuring a harassment-free work environment.

References (or Legal Authority):

Title VII of the Civil Rights Act of 1964

Government Code sections 12925-12928, 12940-12951, 19572 (w) and 19700-19706

Fair Employment and Housing Act, Commencing with Government Code Section 12900 et seq.

Civil code Sections 51.9 and 52

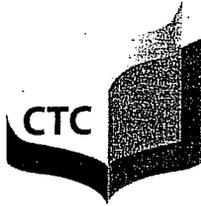


Executive Order B-54-79
29 Code of Federal Regulations Section 1604.11
Penal Code Section 422.76

Contact Information:

If you have any questions please feel contact the Administrative Services Division -
Equal Employment Opportunity Officer.





**Annual
Acknowledgement of Receipt and Understanding of Sexual Harassment
Prevention Policy**

This is to acknowledge receipt of the Commission's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

1. I have a right to work in an environment free from sexual harassment.
2. I have a responsibility not to engage in behaviors that constitute sexual harassment.
3. If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my manager/supervisor, to a non-involved supervisor/manager, or the Commission's Equal Employment Opportunity (EEO) Office.
4. I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

Acknowledgement Information	
Print Name:	
Signature (Please complete in Ink):	Date:

Completed Form Should Be Returned To:
Commission on Teacher Credentialing
 Administrative Services Division - Equal Employment Opportunity Office
 1900 Capitol Avenue
 Sacramento, CA 95811

EEO Office Use	
Date Received:	Date Filed:
EEO Office Signature:	Date:



DISCRIMINATION & HARASSMENT PREVENTION TRAINING FOR MANAGERS AND SUPERVISORS

By: Vida L. Thomas, Esq.

Carlson Thomas, LLP
1008 - 4th Street, Suite 245
Sacramento, CA 95814
(916) 447-7755
www.carlsonthomas.com



Sources of Anti-Harassment Laws

- Title VII of the Civil Rights Act of 1965
 - covers employers with 15 or more employees
 - statute prohibits discrimination; case law prohibits harassment
- California Fair Employment and Housing Act
 - covers employers with 1 or more employees
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- Discrimination & Harassment Based On:
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 - National origin



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- Age (40 and over)
- Ancestry
- Color
- Creed
- Mental or physical disability
- Marital Status
- Medical condition (cancer/genetic characteristics)
- National origin
- Pregnancy
- Race
- Religion
- Sex (including transgender status)
- Sexual orientation



What Conduct Is Unlawful?

Harassment

Subjecting someone, on the basis of his/her protected status, to unwelcome statements, conduct or behavior of an offensive nature to such an extent as to alter the work environment.



What Conduct is Unlawful?

Discrimination

Making decisions about hiring, firing, compensation, or the terms, conditions, and privileges of employment, based on a protected category.



What Conduct Is Unlawful?

Retaliation

Taking an adverse employment action against an employee who complained of discrimination/harassment



Sexual Harassment Is Not Welcome

- Unwelcome, gender-based conduct
- Most frequently about power, not sex
- The victim and harasser can be same gender.
- Women or men can be harassers or victims



Quid Pro Quo Sexual Harassment

The express or implied request/demand for the exchange of sex, sexual favors, or sexual interest in return for a promised job benefit.



Hostile Environment Sexual Harassment

- Based on gender
- Offensive
- Unwelcome
- So severe or pervasive that it creates an intimidating, offensive, threatening or hostile work environment, and would do so for a reasonable person under similar circumstances.



Employer Vicarious Liability

- Liable for employees **and** independent contractors
- Sexual harassment by supervisors: employers are strictly liable.
- Sexual harassment by non-supervisory employee: employer is liable if it, its agents or supervisors "knew or should have known" and failed to take **prompt** and **effective** corrective action.
- Sexual harassment by non-employees: same as non-supervisory employees.



Individual (Personal) Liability

- In California, **all employees** are liable if they harass another employee.
- Employees can be sued individually.
- Employer is not legally obligated to defend the employee in the lawsuit.
- Employer is not legally obligated to pay any damages assessed against the employee.

How to Report Harassment

- **If you feel comfortable**, deal with the offending employee directly
- Report your concerns immediately to:
 - Your direct supervisor
 - Any manager/supervisor with whom you feel comfortable
 - Human Resources/EEO Officer



Once You Report Harassment

The agency will:

- Conduct a confidential investigation
- Take appropriate action where a violation of policy is found
- Protect you from retaliation



Discrimination vs. Accommodation

For two categories of individuals, employer must not only refrain from discrimination/harassment, but must also provide reasonable accommodation, unless doing so would cause undue hardship:

- Disability
- Religious beliefs or observances



Disability Accommodation

- Known disability
 - Employee discloses
 - Employer aware of circumstances that should make it aware of need for accommodation
- Interactive process (mandatory under FEHA)
- Employer must provide a reasonable accommodation unless would create undue hardship



Religious Accommodation

- Employee must inform employer that a bona fide religious belief conflicts with the employee's employment responsibilities.
- Employer must make a good faith effort to accommodate the employee's religious beliefs.
- If the employer's efforts to accommodate are unsuccessful, employer must also demonstrate undue hardship.



Bona Fide Religious Belief

- A sincere and meaningful belief that occupies in the life of its possessor a place parallel to that filled by the "God" of traditional religions
- Includes moral or ethical beliefs about what is right and wrong
- Includes atheistic beliefs



Religious Accommodation: Undue Hardship Defined

1. **Undue hardship on the employer:**
 - Involves hardship on the conduct of the business; and
 - Accommodation would result in more than a *de minimis* cost to the employer's business operations.
2. **Undue hardship on coworkers:**
 - Involves hardship on the rights of other employees; and
 - Accommodation would result in a significant, discriminatory impact upon those rights (i.e., preferential treat to religious employee).



Avoiding Discrimination

- Do not make arbitrary, subject employment decisions.
- Apply work rules in a **consistent**, manner.
- Focus on employee's **conduct**, not their **status**.
- **Document** the reasons for your decisions.



Consensual Romantic Relationships

- Between co-workers, generally not sexual harassment.
- Romantic relationships between managers and their subordinates are **strongly discouraged**.
- Employee in position of higher authority has obligation to report relationship to CTC.



Problems Created by Manager-Subordinate Dating Relationships

- Perceived conflict of interest, exploitation, favoritism, and bias may undermine employee morale.
- Actual favoritism may occur.
- Other employees believe that they must consent to such relationships as a term or condition of employment.



Supervisor/Manager Liability

- A supervisor/manager is personally liable if he/she sexually harasses another employee.
- A supervisor is personally liable if he/she "aids or abets" the sexual harassment of another.
- Public employees: no defense or indemnification by employer



Signs of Potential Sexual Harassment

- Openly sexual/romantic behavior between employees, even if it appears consensual
- Employees who were dating terminate their romantic relationship
- Employee suddenly asks to change job assignment, or refuses to work with a particular employee
- Sudden absenteeism or lack of productivity by employee with previously exemplary performance or attendance



Signs of Sexual Harassment, cont'd



- Employee physically avoids another employee
- Frequent after-work partying or drinking by particular employees
- Material of a sexual nature found in the workplace (e.g., on desks, cubicle walls, restroom walls)
- Frequent use of profanity or sexually explicit language by employees



How to Respond to Complaint

- Contact EEO Officer *immediately* to report the complaint.
- Treat all complaints seriously, timely and with dignity
 - Even if you believe you know what happened.
 - Even if you believe complaint has no merit.



How to Respond to Complaint, cont'd

- When appropriate, gather preliminary information from complainant (who, what, when, and where).
- Don't delay and don't chat; investigations must be done swiftly and in confidence (using a "need to know" standard).
- Don't wait for a written complaint from the employee.
- Be supportive and non-judgmental; avoid any indication of whether you think the complaint is valid or not.



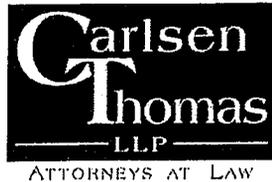
Obligation to Follow-up

- Periodically "check in" with the complainant to confirm that no additional harassment or retaliation has occurred.
- Monitor the respondent to ensure that he/she is not engaging in behavior that could be retaliatory.
- Monitor co-workers for inappropriate gossip or breaches of confidentiality.



THANK YOU!

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Sexual Harassment Prevention Training for Supervisors Hypothetical Scenario

Marian and Michael work for the California Department of Water Conservation. Both have worked for the Department for over 10 years, and are employed as Accounting Analyst IIIs. Janet is their boss, and is employed as the Accounting Manager. The Accounting Department is made up of three units, each supervised by an Accounting Supervisor. All three Accounting Supervisors report directly to Janet. Each unit has different responsibilities. One is responsible for audits, another for training, and the third for developing policy. Each unit is housed on a separate floor, with employees working in separate cubicles. Marian and Michael report to Accounting Supervisor Alice. Their unit is responsible for developing policy.

PART I

Approximately four months ago, as Janet was walking through Michael's and Marian's floor on her way to meet with her superiors, she overheard a conversation between Marian and several other female employees. Although she did not overhear much of the conversation, Janet did hear Marian utter the phrases, "hot kisser," and "killer abs." As she walked past Marian's desk, Janet heard another female employee exclaim, "You need to jump start your sex life!" Everyone at Marian's desk burst into laughter. Because Janet was in a hurry and distracted about the meeting with her superiors, she kept walking by.

Questions

- Has Marian said anything that would constitute inappropriate sexual conduct?
- Did Marian's co-worker's comment constitute inappropriate sexual conduct?
- Should Janet have done something about what she overheard?
- If so, what should Janet have done?

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PART II

Over the next three months, Janet continued her practice of occasionally going to lunch and for drinks after work with various employees and supervisors in her department. Sometimes Marian and Michael were both there; sometimes only one of them was there. When Janet first arrived at the department as a manager, she heard that Marian had a reputation in the office for being a "party girl." Over the years Janet has learned why: Marian is very outgoing, sometimes a bit brash and loud. She has a good sense of humor, and is frequently keeping her co-workers in stitches. On one occasion when both Michael and Marian attended the lunch or after-work drinks, Michael appeared to make a point of sitting on the far end of the table away from Marian. At subsequent events, however, Michael sat closer to Marian and appeared to be enjoying himself, sometimes laughing at Marian's shenanigans. Janet decided she had over-interpreted Michael's previous behavior, since she could not recall ever seeing Marian say or do anything sexually inappropriate in Michael's presence.

Questions

- **Should Janet have talked to Michael after seeing him sit far away from Marian?**
- **If so, what should she have asked him?**
- **Should Janet have talked to Marian after seeing Michael sit far away from her?**
- **If so, what should she have asked Marian?**
- **Should Janet have taken any other steps?**

PART III

As Accounting Manager, Janet reviews and signs off on all employee performance evaluations. She has made a practice of meeting with the supervisor and employee to go over the evaluation before the evaluation is finalized. Janet has found these sessions very helpful. Not only do they demonstrate to the employees her interest in their professional development, but Janet gains valuable insight into each employee's job strengths and weaknesses. Last month, Janet and Alice met with Michael to go over his performance evaluation. When Janet sought Michael's input into his areas for growth in the following year, Michael said that he would like the opportunity to work under other Accounting Supervisors. Michael complimented Alice's supervising style, but said he thought his professional skills would be improved by learning the functions of the other two units. After meeting with Michael, Janet and Alice discuss his request, and agree that a reassignment to another unit would benefit him professionally. Janet reassigned Michael to Byron's unit, which is responsible for training.

Questions

- Should Janet have probed Michael's explanation further? Why/Why not?
- Should Janet have documented Michael's request for reassignment? Why/Why not?

PART IV

Three days ago, Janet and Byron walked down to the local deli to grab some sandwiches for lunch. As they were walking back to the office, Janet asked Byron how soon employees would be trained on the new policy changes created by recently passed California legislation. Byron told Janet he had assigned Michael to develop the training module, and Michael had missed their tentative deadline for presenting the module to Janet. Byron also told Janet that he was very frustrated by Michael's missed deadline, which was caused in part by his stubborn refusal to involve Marian in coordinating the training with existing department accounting policies. When Janet asked Byron for details, Byron explained that when he directed Michael to consult with Marian, Michael insisted he did not need to since he had worked in her unit and already had the information he needed. Byron asked Janet whether she thought Michael should be reprimanded for insubordination.

Questions

- What should Janet advise Byron to do?
- What should Janet do?

PART V

This morning, Byron came into Janet's office, closed the door and said, "We've got a problem." Byron went on to explain that he had just finished talking to Michael, who had turned in his letter of resignation. When Janet asked Byron whether Michael had said why he was quitting, Byron responded, "He said it was for 'personal reasons,' but I think it's because of Marian." When Janet asked Byron to elaborate, he went on to explain that he once overheard Marian ask Michael out for drinks, and Michael turned her down. Byron also said that on a couple of occasions as he was walking through Marian's floor, he had overheard Marian say that she thought Michael was "hot." Byron explained to Janet that he hadn't said anything to Marian because he wasn't her supervisor, and because he knew she had a tendency to talk about her social life a lot, so he thought she may have been joking.

Questions

- Should Janet talk to Michael? Should Janet and Byron talk to Michael together?
- If Janet/Byron talk to Michael, what should they ask him?
- Should Janet/Byron talk to Marian?
- If they do, what should they ask her?



COMMISSION ON
TEACHER CREDENTIALING
Ensuring Educator Excellence

POLICY DIRECTIVE

EFFECTIVE DATE:

May 9, 2011

NUMBER:

PD-018

EXPIRES:

Indefinite

FROM:

Dale Janssen,
Executive Director

SUPERCEDES:

Policy Directive 07-014
CTC Administrative Manual
Sections 3-4262 - 3-4269

TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY

Policy:

It is the policy of the Commission on Teacher Credentialing (CTC) that discrimination against any employee, volunteer (as applicable), or applicant will not be tolerated. Discrimination is defined as any unfair employment practice or behavior that treats individuals differently because of their race, color, national origin, ancestry, religion, creed, sex, sexual orientation, marital status, age, physical or mental disability as defined in the Americans with Disabilities Act, political affiliation, or veteran status. The practice or behavior may or may not be intentional but it results in applicants, employees, and/or volunteers not being given full and equal consideration for employment, retention, evaluation, or advancement purely on the basis of merit and job related qualifications. The CTC process for addressing discrimination complaints has been developed to facilitate resolution of the complaint at the lowest level possible and in the fairest, most timely manner.

Sexual harassment has been interpreted by the courts to be a form of sex discrimination. Therefore, complaints based on sexual harassment are subject to the same process and time frames as complaints based on sex, race, color, religion, etc. Once an allegation of sexual harassment is brought to the attention of a manager/supervisor, the manager/supervisor is legally required to investigate the allegation, even if the complaining employee, volunteer, or applicant requests that no action be taken.



Purpose:

The purpose of this Policy Directive is threefold:

1. To provide a ready means for resolving individual or group problems of a sensitive nature, quickly, informally and at the lowest level possible.
2. To decrease significantly formal complaints, which are expensive, time-consuming, and detrimental to employee relations.
3. To make managers/supervisors more sensitive to the needs of individual employees and groups, and to improve their capacity of handling problems before they become complaints.

The establishment of a discrimination complaint procedure is not intended to supplant regular grievance procedures or prohibit employees from filing a complaint with the DFEH or the EEOC, or filing an action in court. The procedure is intended, and should be viewed, as a means of providing the special skill needed to promptly and fairly handle the sensitive issues involved in allegations of discrimination and to ensure full cooperation with Federal and State control agencies.

An individual who utilizes the discrimination complaint process is entitled to certain rights and guarantees. These rights must be discussed with the complainant at the initial stages of the complaint process. The EEO Officer and/or the EEO Investigator shall ensure the complainant clearly understands each right.

These rights include:

- An informal, confidential presentation of a complaint to the manager/supervisor, EEO Officer.*
- Keeping their complaint confidential until such time as they give their manager/supervisor or EEO Officer permission to do otherwise, in order to bring the complaint to the appropriate authority for remedy; or until such time as a formal complaint is filed.*
- A full, impartial and prompt investigation by a trained departmental investigator.*
- A timely, written decision from the appointing power, after full consideration of all relevant facts and circumstances.
- Representation by a person of his/her own choosing at each and all steps of the process.*
- Appealing the appointing power's decision within thirty (30) days to the State Personnel Board and/or file a complaint with the appropriate Federal or State agency.
- Being free from reprisals after filing a complaint.
- Being notified in writing when a formal complaint has been filed and when a final decision has been made.*

*Also applies to employees responding to a complaint (respondents).



References (or Legal Authority):

Resource	Section
Executive Orders	S-6-04
Laws and Regulations http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/oirules.htm	GC: 18701, 8547.2, 8547.8, 19683, 18500, 12900, 12940, 18930.5, 11092, 11092.5, 11139.6, 12926, 12926.1, 12940, 18523, 18675, 18952, 19230, 19240, 19241, 19700, 19790 et seq. Education Code: 87162, 87164 Rules: 10, 56.1-56.8, 53, 54-54.2, 547-547.2, 250, 547.58, 547.79-547.806, 547.807-547.8191 Labor Code: 1101, 1102 Federal Laws: Civil Rights Act of 1964 http://www.eeoc.gov/policy/vii.html , Rehabilitation Act of 1973 http://www.dol.gov/esa/regs/compliance/ofccp/sec503.htm , Age Discrimination Act of 1978 http://www.eeoc.gov/policy/adea.html , www.ada.gov/pubs/ada.htm
Memorandum of Understanding (MOU) http://www.dpa.ca.gov/bargaining/contracts/index.htm	See applicable MOU
Responsible Agency/Program	Federal Government, SPB, DFEH, DGS EEO Office.
SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm	SPB Pinkies: 12/22/05, 12/20/05, 5/19/03, 12/23/02, 11/22/02, 8/29/02, 5/17/02, 4/12/02, 2/4/02, 1/10/02(2), 12/21/02(2), 1/3/01, 9/26/00, 9/5/00, 6/15/00, 12/14/99, 11/17/97, 5/6/92, 7/18/91, 11/14/90, 12/2/88, 10/20/88, 9/23/88, 5/10/88
Other	
Workers' Compensation/Return to Work Coordinator ADA DFEH	http://orim.dgs.ca.gov/WorkersCompensation/default.htm http://www.usdoj.gov/crt/ada/adahom1.htm http://www.dfeh.ca.gov/

Contact Information:

Equal Employment Opportunity Officer, Administrative Services Division.



POLICY DIRECTIVE

EFFECTIVE DATE:

August 29, 2011

NUMBER:

PD-44

EXPIRES:

Indefinite

APPROVED:

Beth Graybill
Interim Executive Director

SUPERSEDES:

Policy Dated August 15, 2011 &
Memo Dated September 28, 2005

TITLE: "ZERO TOLERANCE" SEXUAL HARRASSMENT POLICY

Policy:

The Commission on Teacher Credentialing (Commission) is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment.

Sexual Harassment will not be tolerated. Appropriate corrective action will be taken immediately if any employee engages in such behavior. A "zero tolerance" policy means that inappropriate behavior will NOT be tolerated. Therefore, corrective action(s) up to and including formal discipline, will be taken when policy violations occur, even if the violations are not so serious as to be unlawful (see "Corrective Action Guidelines" below). For example, even though the inappropriate behavior/comment may not, in and of itself, rise to the level of creating a hostile work environment under the law, such a behavior/comment is unacceptable in the workplace, violates the Commission's Zero Tolerance Policy, and will be subject to appropriate corrective action.

Purpose:**DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment is defined by case law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature directed to person(s) of the same or opposite sex when:

1. Submission is made either explicitly or implicitly as a term or condition of employment or a contract.
2. Submission or rejection by an employee, contractor, applicant and/or visitor is used as a basis for employment decisions affecting the employee, contractor, job applicant or visitor.
3. Such conduct has the potential to affect an employee or contractor's work performance negatively and/or create an intimidating, hostile or otherwise offensive environment for an employee, contractor, job applicant or visitor.

TYPES OF SEXUAL HARASSMENT

The courts have defined two (2) types of sexual harassment:

Type 1 – Quid Pro Quo is Latin for “something for something”:

This form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implicit term or condition of employment, contracting or hiring decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implicit term or condition of employment, contracting or hiring decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a job, promotion or raise;
- Express or implied statements that a person will be demoted, fired or denied a job opportunity or contract if he/she does not submit to a sexual request, regardless of whether the threat is actually carried out.

Type 2 – Hostile Environment:

This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment.

- The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.
- Sexual harassment can take the form of a series of inappropriate behaviors or can be a single serious incident, such as sexual battery. Sexual harassment by a manager, supervisor, co-worker or, in certain circumstances, a non-employee, such as a supplier or customer, is unlawful.

Examples of hostile work environment harassment include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, contracting or hire; Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

In determining whether the conduct created a hostile work environment, the impact of the offensive behavior on the offended person is the primary consideration, not the intent of the person accused. The objective severity of the harassment is judged from the perspective of a reasonable person in the complainant's position, considering all the circumstances. In the case of same-sex harassment, careful consideration is given to the social context in which the behavior occurred and was experienced by the complainant.

Examples of Sexual Harassment

The following are some general examples of behavior, which may constitute sexual harassment:

Verbal - Sexual comments, slurs, jokes, remarks, or epithets. This may include innuendos that are not overtly sexual.

Visual - Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Physical - Unwanted physical conduct. This may include: unwanted touching, blocking someone's movement, in a hallway or doorway, for example, with or without touching. More severe examples of physical conduct include assault, rape, and attempted rape. Invading someone's space may be perceived as unwelcomed contact.

Other - Sexual advances that are unwanted (this may include a relationship which began as consensual, but that one individual no longer wants to continue). Employment benefits granted in exchange for sexual favors. Sexual harassment also occurs when an employee exerts authority over another employee in return for sexual favors, or retaliates when the sexual favor is not granted. Intimate relationships between supervisors and subordinates should be avoided, because they open the door to perceptions of retaliation and favoritism.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.



EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITORS RIGHTS

Every employee, contractor, job applicant, volunteer and/or visitor has the following rights:

1. The right to a discrimination-free work environment.
2. The right to lodge a complaint (see "Complaint Process" below).
Employees, contractors, job applicants, volunteers, and visitors are encouraged to report the unwanted conduct immediately and, whenever possible, to put the complaint or concern in writing.
3. The right to a full, impartial, and prompt investigation by a Commission representative or designee.
4. The right to be informed of the results of the Commission's investigation.
5. The right to a timely decision from the appointing power, after full consideration of all relevant facts and circumstances. Decisions will be rendered within thirty (30) days of the complaint. If the investigation exceeds the thirty (30) days, the complainant will be informed of the reason for the delay.
6. The right to be represented by a person of the complainant's choosing at each and all steps of the process.
7. The right to be informed of and make use of the benefits of the Employee Assistance Program (EAP).
8. The right to a remedy for the complainant's loss.
9. The right of an employee to file a complaint against the Department's decision within thirty (30) days to the State Personnel Board.
10. The right to be free from reprisals after filing a complaint.

EMPLOYEE/CONTRACTOR/APPLICANT/VOLUNTEER/VISITOR RESPONSIBILITIES

Sexual harassment is a violation of an individual's privacy rights and personal dignity. It can cause physical, psychological and economic problems for its victims. In addition, it can lead to reprisals such as escalation of the harassment, poor work assignments, sabotaging work, sarcasm, unsatisfactory evaluations, threats of demotion or transfer, poor job references, slander, gossip, blackmail, and other forms of retribution.

Sexual harassment also undermines the integrity of the employment relationship, and can result in economic loss to the employer, harasser and employee; excessive absenteeism; employee turnover; low morale; polarization of staff; loss of credibility for management; and decreased productivity.

Every person can be held personally liable for his or her sexual harassment of an employee, contractor, job applicant, volunteer, or visitor regardless of whether they are a rank and file employee or non-represented. Thus, in addition to any corrective action taken by the employer, an employee, contractor, or job



applicant, volunteer or visitor who is found by a court of law to have harassed someone may have his or her own personal assets taken to satisfy a judgment.

Any person who perceives the comments, gestures or actions of another employee or manager/supervisor to be offensive should immediately communicate to that person that such behavior is unwelcome. However, a failure to do so does not prevent that person from filing a complaint, nor does it exonerate the harasser.

The options available to an employee are outlined below under "Complaint Procedures."

In addition, all employees have an obligation to:

- Adhere to the Commission's "Zero Tolerance" Sexual Harassment policy;
- Refrain from engaging in, condoning, tolerating or merely ignoring conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager or the Commission's EEO Officer; and
- Cooperate with any investigation into allegations that the Commission's "Zero Tolerance Policy" has been violated.

COMMISSION RESPONSIBILITIES

The Commission is legally responsible for taking all reasonable steps necessary to prevent harassment from occurring and, if it does, stop it from continuing. Toward that end, the Commission will provide training for all new employees and to all continuing employees on a biannual basis; provide counseling opportunities; promptly investigate complaints; and take suitable corrective action as appropriate.

COMPLAINT PROCEDURES

Any employee, contractor, job applicant, volunteer, or visitor to the Commission, who believes that he/she has been subjected to sexual harassment or asked to perform a sexual favor, or believes he/she has been retaliated against for complaining about sexual harassment or participating in a sexual harassment inquiry, should immediately report the incident to his/her supervisor or manager or the EEO Office. Individuals are requested to complete the Discrimination Complaint form (CTC-OHR 84) in order to document the complaint.

It is the Commission's policy that complaints be resolved at the lowest appropriate management level. Confidentiality concerning complaints and/or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation. However, the Commission cannot guarantee confidentiality to a complaining employee,



contractor, or job applicant, volunteer or visitor when to do so would interfere with the Commission's ability to fulfill its legal obligation(s).

If the alleged harasser is an employee or vendor of another agency (board, bureau, commission, and department), the harassed employee and any employee witnessing the incident have the right to report the incident to the appropriate manager/supervisor or Commission's EEO Officer. Immediate and appropriate corrective action will be taken.

Employee, contractor, job applicant, volunteer, or visitor may also file formal complaints of discrimination with the following agencies:

Department of Fair Employment and Housing (DFEH)

2218 Kausen Drive, Suite 100
Elk Grove, California 95758
www.dfeh.ca.gov

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division

Equal Employment Opportunity Commission

350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

If the alleged offender is the employee's supervisor or manager, the employee may contact a manager/supervisor in or out of the employee's chain of command or, alternatively, as noted above, contact the Commission's EEO Officer directly.

An employee who files an internal Commission complaint and is not satisfied with the Commission's decision may file a complaint with the SPB Appeals' Division within thirty (30) days of the Commission's decision.

The Appeals' Division is at:

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division
(916) 653-0544



Persons providing services pursuant to a contract may file a formal complaint of discrimination with:

State Personnel Board

801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals Division

EEO OFFICER'S RESPONSIBILITY

As of the date of this policy, the Director, Administrative Services Division serves as the Commission's EEO Officer. Therefore, for sake of this policy, the titles may be used interchangeably. The EEO Officer will receive and investigate sexual harassment complaints, and maintain statistics, identifying any patterns. The EEO Officer may decide to use an outside trained investigator to conduct any and all investigations of Sexual Harassment. The investigator will then report his/her findings and provide a recommend course of action to the EEO Officer for consideration.

CORRECTIVE ACTION GUIDELINES

The Commission shall take appropriate corrective action(s) up to and including formal discipline against any employee(s) found to have violated its Zero Tolerance Policy (see Government Code sections 19570 and 19583.5). Such corrective action(s) may include, but not limited to, letter of reprimand, suspension, demotion, up to and including dismissal. Additionally, as discussed within this policy, civil liability could be imposed upon both the violator and the Commission.

EDUCATION AND TRAINING

Education and training for employees at each level of the work force is critical to the success of the Commission's policy against sexual harassment. The Commission will annually distribute this policy statement on sexual harassment to all employees. All employees will participate in training on sexual harassment on a biannual basis. As new employees are hired they will have sixty (60) days to complete sexual harassment training. In addition, managers and supervisors are responsible for knowing the contents of the Commission's Sexual Harassment policy and ensuring a harassment-free work environment.

References (or Legal Authority):

Title VII of the Civil Rights Act of 1964
Government Code sections 12925-12928, 12940-12951, 19572 (w) and 19700-19706
Fair Employment and Housing Act, Commencing with Government Code Section 12900 et seq.
Civil code Sections 51.9 and 52

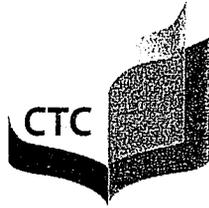


Executive Order B-54-79
29 Code of Federal Regulations Section 1604.11
Penal Code Section 422.76

Contact Information:

If you have any questions please feel contact the Administrative Services Division -
Equal Employment Opportunity Officer.





**Annual
Acknowledgement of Receipt and Understanding of Sexual Harassment
Prevention Policy**

This is to acknowledge receipt of the Commission's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

1. I have a right to work in an environment free from sexual harassment.
2. I have a responsibility not to engage in behaviors that constitute sexual harassment.
3. If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my manager/supervisor, to a non-involved supervisor/manager, or the Commission's Equal Employment Opportunity (EEO) Office.
4. I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

Acknowledgement Information	
Print Name:	
Signature (Please complete in Ink):	Date:

Completed Form Should Be Returned To:
Commission on Teacher Credentialing
 Administrative Services Division - Equal Employment Opportunity Office
 1900 Capitol Avenue
 Sacramento, CA 95811

EEO Office Use	
Date Received:	Date Filed:
EEO Office Signature:	Date:



**POST-TRAINING TEST
ON SEXUAL HARASSMENT PREVENTION TRAINING
FOR CTC's MANAGERS AND SUPERVISORS**

1. Your company prohibits employees from subjecting each other to unwelcome sexual conduct.

_____ True _____ False

2. According to your company's policy, supervisors may discipline employees for reporting what they believe to be harassment or discrimination, if the supervisor/manager determines the employee's complaint was unfounded.

_____ True _____ False

3. Before a supervisor or manager can take any action, unwelcome sexual conduct must be so severe or pervasive that it would create a hostile working environment for a "reasonable person" under the circumstances.

_____ True _____ False

4. State and federal laws prohibit sexual harassment and retaliation for filing a sexual harassment complaint.

_____ True _____ False

5. Supervisors and managers would be wise to ignore rumors that an employee is being sexually harassed by a co-worker.

_____ True _____ False

6. You become aware that two of the employees you supervise have had a dating (and sexual) relationship. He complains to you that she is "bugging" him. You as the supervisor can do nothing because of the two employees' "right to privacy."

_____ True _____ False

7. An employee who does not mean to offend anyone will not be liable for unlawful harassment.

_____ True _____ False

**POST-TRAINING TEST
ON SEXUAL HARASSMENT PREVENTION TRAINING
FOR CTC's MANAGERS AND SUPERVISORS**

1. Your company prohibits employees from subjecting each other to unwelcome sexual conduct.
 True False

2. According to your company's policy, supervisors may discipline employees for reporting what they believe to be harassment or discrimination, if the supervisor/manager determines the employee's complaint was unfounded.
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3. Before a supervisor or manager can take any action, unwelcome sexual conduct must be so severe or pervasive that it would create a hostile working environment for a "reasonable person" under the circumstances.
 True False

4. State and federal laws prohibit sexual harassment and retaliation for filing a sexual harassment complaint.
 True False

5. Supervisors and managers would be wise to ignore rumors that an employee is being sexually harassed by a co-worker.
 True False

6. You become aware that two of the employees you supervise have had a dating (and sexual) relationship. He complains to you that she is "bugging" him. You as the supervisor can do nothing because of the two employees' "right to privacy."
 True False

7. An employee who does not mean to offend anyone will not be liable for unlawful harassment.
 True False

8. If you become aware that a customer or vendor is subjecting an employee to unwelcome, gender-based conduct, you should take prompt action ensure that the harassment stops.

True False

9. Supervisors and managers can be personally sued in court if they engage in unlawful sexual harassment.

True False

10. An employee complains to you that she is being subjected to unwelcome conduct by her co-worker. When you ask her if she has confronted the co-worker, she says no. You should inform the employee that you cannot take any action until she has at least attempted to resolve the matter herself.

True False

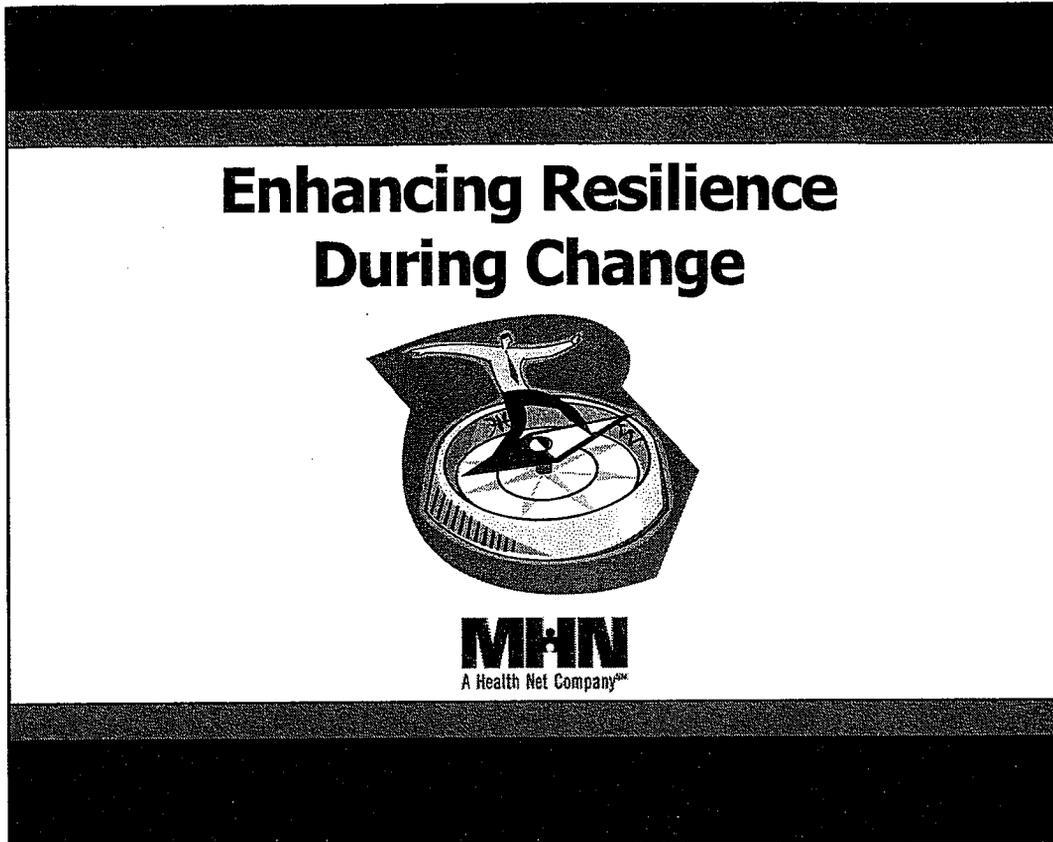
Name _____

Date _____

Signature _____

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Slide 1



Participant Handbook

Slide 2

Learning Objectives

- Understand the process change
- Identify current or upcoming changes in the workplace
- Discuss normal reactions to change
- Explore options for enhancing resilience and managing stress
- Understand ways to support yourself and others

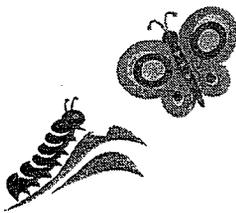
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Notes:

Slide 3

Definitions of "Change"

- Change denotes the transition that occurs as an entity moves from one state to another.
- Change may require organisms and organizations to adapt



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Notes:

Slide 4

Why is Change "Stressful"?

"Any change, even a change for the better, is always accompanied by drawbacks and discomforts."

by *Arnold Bennett*
British Novelist (1867-1931)



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Notes:

Slide 5

Types of Change

- Unexpected or Unwanted Changes (beyond our control)
- Planned Changes (within our control)



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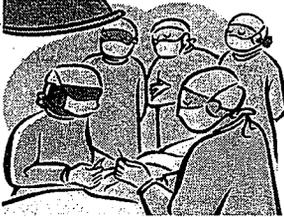
See **Handout A**, the Life Change Index

Notes:

Slide 6

Major Areas of Life Change

1. Loss
2. Separation
3. Relocation
4. Change in a Relationship
5. Change in a Direction/Job/
Career
6. Change in Health



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Notes:

Slide 7

Why is Change Challenging?

Change May Require You To:

- Readjust Your Behavior
- Rethink Your Thinking
- Redefine Your Feelings
- Reevaluate Values & Goals



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Notes:

Slide 8

Responses to Change

- Understand the normal responses to change
- Maintain personal standards of performance and behavior
- Support co-workers through change process



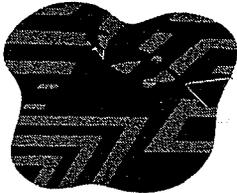
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Notes:

Slide 9

Managing the Personal Impact

- Understand normal personal reactions
- Assume responsibility for personal behavior
- Utilize available resources
- Taking care of yourself

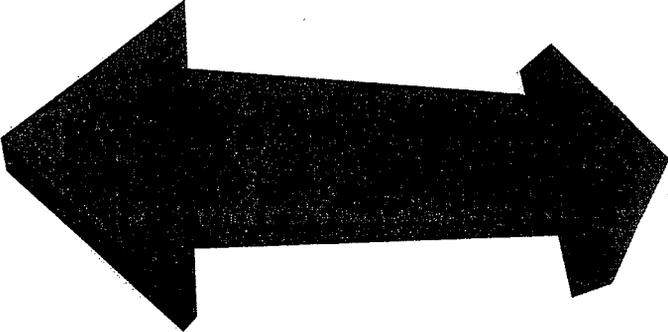


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Notes:

Slide 10

Where's Your Tolerance?



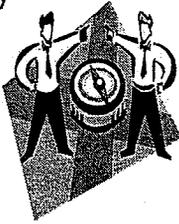
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Notes:

Slide 11

Identifying the Scope of Change

- What are some different aspects of change in your organization?
- The Workplace Changes Inventory
 - Personal assessment
 - Interactive exercise
 - Group discussion and debrief



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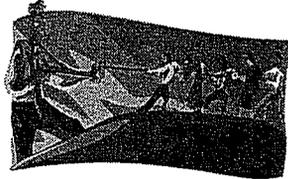
See **Handout B**, the Workplace Changes Inventory

Notes:

Slide 12

Stages in Processing Change

- **Denial**
 - Immobilization/shock
- **Resistance**
 - Emotional
 - Behavioral
- **Exploration**
 - Testing new possibilities
- **Acceptance**
 - Making commitment to change
 - Taking responsibility for personal decisions/choices



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Notes:

Slide 13

Typical Reactions to Change

- **Individual Tolerance**
 - Personal/Professional experiences
 - Personal/Professional circumstances
- **Normal Human Reactions**
 - Emotional
 - Physical
 - Mental
 - Behavioral



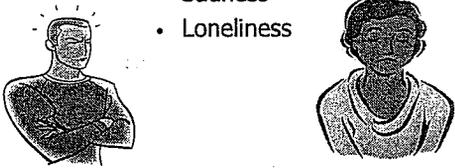
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Notes:

Slide 14

Normal Emotional Reactions

- Anger
- Anxiety
- Apathy
- Depression
- Denial/shock
- Distrust
- Fear
- Frustration
- Irritability
- Emptiness
- Guilt
- Numbness
- Powerlessness
- Resentment
- Sadness
- Loneliness



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Notes:

Slide 15

Normal Physical Reactions

- Digestion problems
- Dizziness
- Changes in eating (overeating/loss of appetite)
- Fatigue
- Hyperactivity
- Muscle aches
- Rapid heartbeat
- Shortness of breath
- Sleep disturbances



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Notes:

Slide 16

Normal Mental Reactions

- Confusion
- Daydreaming
- Disorganization
- Lack of concentration
- Poor judgment
- Poor memory recall
- Preoccupation
- Self-blame
- Decreased decision-making capability



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Notes:

Slide 17

Normal Behavioral Reactions

- Communication deteriorates
- Productivity suffers
- Team work falls apart
- Power/turf struggles intensify
- Passive-aggressive behavior may increase
- Morale decreases
- People leave or quit
- People withdraw/isolate themselves



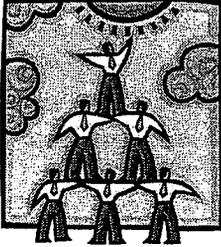
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Notes:

Slide 18

When Change Occurs: What are Your Options?

- Adapt and Support
- Cope and Maintain
- Resist and Oppose



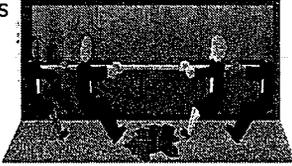
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Notes:

Slide 19

Reasons for Resistance to Change

- Concerns about future expectations
- Ripple effect, including more work
- Fear of learning new tasks
- Past resentments can re-surface
- Facing potential or real losses
- Lack of control
- Too much uncertainty



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Notes:

Slide 20

Responding to Co-Workers

- Anticipate emotional reactions
- Avoid internalizing other's reactions
- Be an active listener
- Be honest and forthcoming
- Value individual perspectives
- Encourage use of the EAP



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Notes:

Slide 21

Change and Resilience

- What are some times that you felt "resilient" during challenging times?
- What were the characteristics of that experience?
- What were your specific feelings?
- What contributions did other people make to your experience of resilience?

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Notes:

Slide 22

What is Resilience?

- Coping well with changes brought about by life events
- Maintaining your best possible health
- Bouncing back easily from setbacks
- Overcoming adversities
- Changing to a new way when an old way is no longer possible
- Doing all this without dysfunction



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Notes:

Slide 23

Building Resilience to Change

- Resilience Attitudes
 - Control
 - Challenge
 - Commitment
- Resilience Skills
 - Transformational Coping
 - Social Support
 - Continuous Learning and Improvement



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To assess your current Resilience/Stress Hardiness, see **Handout C**
Notes:

Slide 24

Action Plan for Managing Change

- **Identify What Information You Need**
 - Personal
 - Professional
- **Identify Your Resources**
 - Internal
 - External
- **Clarify Options**
 - Personal
 - Professional
- **Identify Opportunities**
 - What do you want to get out of the change?
 - Evaluating risks and benefits



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See **Handout D**, *An Action Plan for Managing Change*
Notes:

Slide 25

Additional Tips for Effective Change Management

- **Take Care of Yourself**
 - Manage your stress
 - Acknowledge your own reactions to change
 - Seek EAP assistance as needed
- **Workplace guidelines**
 - Listen with empathy
 - Be realistic
 - Assure co-workers they are valued
 - Encourage use of EAP, when needed
 - Model professional behavior



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Notes:

Slide 26

Positive Stress Management Strategies

- Change your Behavior
 - Use Humor Appropriately
 - Get Organized!
 - Vent Emotionally
- Create Social Support
 - Identify Your Needs
 - Communicate
 - Use Your EAP
- Change your Lifestyle
 - Good Nutrition
 - Exercise
 - Get Plenty of Sleep
 - Use Stress Reduction Techniques
- Identify What's Important
 - Values/Goals
 - Talents & Abilities



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Notes:

Slide 27

Resources

- Internal
 - Human Resources
 - Direct Supervisor/Manager
 - *Who Else?*
- External
 - MHN Online www.MHN.com
 - MHN EAP Clinical Services
 - *Who Else?*

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Notes:

Handout A. Life Change Index. *By T. Holmes and R. Rahe*

Instructions: If an event has occurred in the past year, or will occur in the near future, write the number beside it on the line to the right of the number. Then total your points.

<u>Event:</u>	<u>Scale of Impact:</u>	
Death of spouse	100	_____
Divorce	73	_____
Marital separation or ending of close relationship	65	_____
Jail term	63	_____
Death of close family member	63	_____
Personal injury or illness	53	_____
Marriage	50	_____
Fired at work	47	_____
Marital reconciliation	45	_____
Retirement	45	_____
Change in health of family member	44	_____
Pregnancy	40	_____
Sex difficulties	39	_____
Gain of new family member	39	_____
Business readjustment	39	_____
Change in financial state	38	_____
Death of a close friend	37	_____
Change to a different line of work	36	_____
Change in number of arguments with mate	35	_____
Mortgage or loan for major purchase (home, etc.)	31	_____
Foreclosure of mortgage or loan	30	_____
Change in responsibilities at work	29	_____
Son or daughter leaving home	29	_____
Trouble with in-laws	29	_____
Outstanding personal achievement	28	_____

<u>Event:</u>	<u>Scale of Impact:</u>	
Begin or end school	26	_____
Change in living conditions	25	_____
Mate begins or stops work	26	_____
Revision of personal habit	24	_____
Trouble with boss	23	_____
Change in work hours or conditions	20	_____
Change in residence	20	_____
Change in schools	20	_____
Change in recreation	19	_____
Change in church activities	19	_____
Change in social activities	18	_____
Mortgage or loan for lesser purchase (car, TV, etc.)	17	_____
Change in sleeping habits	16	_____
Change in number of family get-togethers	15	_____
Change in eating habits	15	_____
Vacation	13	_____
Holidays (if approaching)	12	_____
Minor violations of the law	11	_____
	Total	_____

Scoring: Identifying major life stressors can help you understand the variety of factors that may be contributing to your level of stress at a given time. Your total score may be indicative of how at risk you may be for stress-related illnesses. This scale can be interpreted as follows:

Under 150 points: No major levels of life stress are occurring at this time. A small or no chance for stress-related illness.

150 to 199 points: Mild levels of life stress are occurring at this time.
Only a 33% chance for stress-related illness.

200 to 299 points: Moderate levels of life stress are occurring at this time.
About a 50% probability for stress-related illness.

Over 300 points: Severe levels of life stress are occurring at this time.
A high probability, 80% chance, for stress-related illness.

Handout B. Workplace Changes Inventory

Indicate by checking the box if you have experienced these events within the last 12 months (count multiple occurrences as separate events; place a number in the box to indicate the number of occurrences).

EVENT

- Transferred against your will to a new position or assignment
- Being "shelved" (moved to a less important job)
- Decrease in status (actual or in relation to peers)
- Disciplined or publicly reprimanded by your superior
- Rejection of your request to transfer to a new/more-satisfying job
- Sudden significant change in the nature of your work
- Cancellation of a project you were involved with and considered important
- Major or frequent changes in instruction, policies, procedures
- Being promoted or advanced at a slower rate than you expected
- Transferred voluntarily to a new position or assignment (not a promotion)
- Anticipation of own imminent retirement
- Major reorganization (at least department-wide)
- Sudden decrease in number of positive recognitions of your accomplishments from any or all sources
- Major change (increase or decrease) in technology affecting your job (computers, systems, techniques, state of art, etc)
- Gave major public briefing or formal presentation
- Significant deterioration of environmental conditions (lighting, noise, space, temperature, décor, etc.)

Workplace Changes Inventory (Continued)

- New boss or supervisor
- Sudden significant decrease in activity level or pace of your work
- Sudden significant increase in activity level or pace of your work
- Major relocation of your place
- Increase in status (actual or in relation to peers)
- Required to work more hours per week than normal (due to crises, deadlines, failures by others, etc.)
- Transfer, resignation, termination or retirement of a close friend or valued colleague
- Being promoted or advanced at a faster rate than you expected
- New subordinates
- Major change in work schedule
- New co-workers
- Noted increase in number of positive recognitions of accomplishments from any source
- Significant improvement in environmental conditions (lighting, noise, space, temperature, décor, etc.)
- Minor relocation of work place

Adapted from Naismith, D., "Stress Among Managers as a Function of Organizational Change", George Washington University.

Handout C. How Stress Hardy Are You?

Write down how much you agree or disagree with the following statements using this scale:

0 = Strongly Disagree

1 = Mildly Disagree

2 = Mildly Agree

3 = Strongly Agree

- A. Trying my best at work makes a difference.
- B. Trusting to fate is sometimes all I can do in a relationship.
- C. I often wake up eager to start on the day's projects.
- D. Thinking of myself as a free person leads to great frustration and difficulty.
- E. I would be willing to sacrifice financial security in my work if something really challenging came along.
- F. It bothers me if I have to deviate from the routine or schedule I've set for myself.
- G. An average citizen can have an impact on politics.
- H. Without the right breaks, it is hard to be successful in my field.
- I. I know why I am doing what I am doing.
- J. Getting close to people puts me at risk of being obliterated by them.
- K. Encountering new situations is an important priority in my life.
- L. I really don't mind it when I have nothing to do.

To Score Yourself: The questions above measure control, commitment, and challenge. For half the questions, a high score (like "3=Strongly Agree") indicates hardiness; for the other half, a low score (disagreement) does.

First, you will calculate your scores on control, commitment, and challenge. Then, you will add those scores together to get a score for total hardiness. See the scoring instructions on the next page.

How Stress Hardy Are You -- Scoring

- To calculate your scores on control, commitment, and challenge, write in your answers above the letter of each question. Then add and subtract as indicated.

<u>Column 1</u>	<u>Column 2</u>	<u>Column 1 minus Column 2</u>
$\frac{\quad}{A} + \frac{\quad}{G} = \underline{\quad}$	$\frac{\quad}{B} + \frac{\quad}{H} = \underline{\quad}$	$= \underline{\quad}$ CONTROL
$\frac{\quad}{C} + \frac{\quad}{I} = \underline{\quad}$	$\frac{\quad}{D} + \frac{\quad}{J} = \underline{\quad}$	$= \underline{\quad}$ COMMITMENT
$\frac{\quad}{E} + \frac{\quad}{K} = \underline{\quad}$	$\frac{\quad}{F} + \frac{\quad}{L} = \underline{\quad}$	$= \underline{\quad}$ CHALLENGE

- Add your scores for control, commitment, and challenge together to obtain a score for total hardiness.

$$\frac{\quad}{\text{Control}} + \frac{\quad}{\text{Commitment}} + \frac{\quad}{\text{Challenge}} = \frac{\quad}{\text{Hardiness Score}}$$

- Score Interpretation:**

10 to 18 points: A resilient/stress hardy personality

0 to 9 points: Moderate resilience/stress hardiness

Less than 0 points (a negative score): Low resilience /stress hardiness

Handout D. An Action Plan for Managing Change

Identify What Information You Need. Learn everything you can about the change.

Ask yourself questions such as:

- What information do I need to get in order to evaluate the change?
- What's the worse thing that can happen?
- What do I stand to lose because of this change?
- How is this change affecting me now?
- Who or what is in control of the effects of this change now?
- Is there a way to minimize the negative effects of the change?
- What result do I want to avoid?
- What result do I want to create?

Identify Your Resources. These include resources both internal and external to your organization.

When identifying and evaluating your resources, ask yourself:

- What do I value and what are my goals?
- What talents and abilities do I possess to help me deal with the change?
- How can the resources that I have identified work collaboratively or in conjunction with one another to assist me through the transition?

Clarify Options. Think about and evaluate your options with some of the following questions in mind:

- What do you want to get out of the change?
- What are the possibilities and opportunities for *growing*? for learning? for becoming wiser? stronger? healthier? more loving? more productive?

Identify Opportunities. Begin by asking yourself, in light of your change:

- What benefits or gains are hidden in this call to change?
- What actions do I need to engage in to effectively deal with this change? Which choices best match my values and goals, and best utilize my talents and abilities?



Executive Director's Message

Accreditation, Examinations, and Fewer Staff to do the Work, Oh My!

The Professional Services Division has been busy this spring with accreditation site visits. As of this week, 26 accreditation site visits have been completed. In addition, five institutions have hosted re-visits based on the standard findings and the COA's accreditation decision from the 2009-10 accreditation site visit. There are five more site visits scheduled to be completed during the remainder of May. Prior to an accreditation visit, the institution has submitted Biennial Reports and completed the Program Assessment process. The inclusion of the BTSA Induction programs in the Commission's accreditation system has definitely increased the division's workload. For comparison purposes, in 2009-10 a total of 13 initial site visits were held along with three re-visits.

In addition to accreditation, work related to the Commission's examinations has kept staff busy. The development for the California Preliminary Administrative Certification Examination (CPACE) is coming to fruition. The CPACE is the California developed examination that replaces the School Leaders Licensure Assessment (SLLA) that Educational Testing Services has been offering. The final administration of the SLLA for use in California was in February 2011. The CPACE examination will be administered for the first time in June 2011 and an agenda item will come to the Commission in August 2011 to set the passing standard on this new examination. In other work on examinations development, Evaluation Systems is working on developing an assessment for the Mathemat-

ics Instructional Added Authorization (MIAA) that pulls items from both the CSET Multiple Subjects and Single Subject Mathematics examinations. This exam would be available to programs to assess candidates' knowledge of mathematics. Staff will share this information with prospective program sponsors at the May 11 webinar focusing on the MIAA and Mathematics Instructional Leadership Specialist programs. An upcoming coded-correspondence will describe numerous changes to the 2011-2012 examination administrations. One, which will begin this fall, is the transition from paper-based to computer-based testing for the CSET: Multiple Subjects, CSET: Writing Skills, RICA: Written Examination, and CTET examinations.

As you know the Governor ordered a hiring freeze on February 15, 2011. As of that date, there were four vacancies in the Professional Services Division. Since then, Cheryl Hickey has been promoted to the Administrator of Accreditation position which creates a fifth vacancy. In addition Jan Jones Wadsworth, the Commission's consultant who focused on special education for the past ten years, retired in March. Two of the vacancies are for support staff, but the others are consultant level positions. So possibly the biggest challenge for the Professional Services Division at this time is how to continue to staff the work that we are doing. Oh My!

— Teri Clark

Past Events

May 2-3

Cheryl Hickey facilitated the revisit to CSU, East Bay.

May 2-5

Rebecca Parker conducted the Accreditation Site Visit to Modesto City Schools.

Gay Roby facilitated the Accreditation Site Visit to Hayward Unified School District.

May 3

Teri Clark, Terri Fesperman, and Roxann Purdue met with representatives from the Special Education Local Plan Areas (SELPA) organization and staff from the Special Education Division of the California Department of Education to discuss assignment monitoring and Response to Instruction and Intervention (RtI²) issues.

Past Events

May 5

Teri Clark and accreditation staff facilitated the year out pre-visit webcast from the Commission.

Susan Browning, Terri Fesperman, Roxann Purdue and Patty Kelly presented to the HR directors and county credential analysts at the Personnel Administrative Services Steering Committee (PASSCo) meeting.

May 5-6

Terry Janicki and Geri Mohler facilitated the fourth Library Panel meeting at the Commission.

Administrative Bulletin Board

Equal Employment Opportunity (EEO) Policy (PD-018)—The Equal Employment Opportunity Policy has been updated for your reference. In addition, a comprehensive EEO handbook has been established in the event you have questions regarding the process to file an EEO complaint. If you have any questions, please contact the ASD–EEO office. This will be posted on the Intranet under the Policies tab.

Facility Reminder—In the event you see a safety issue in the facility (i.e., lights out, shelf broken, entry doors not working, HVAC issues, etc), please take a few minutes to report this to FBS via the Facility Requests email facilityrequests@ctc.ca.gov. This will go to several FBS staff so the situation can be addressed. Thank you for keeping your eyes and ears open to facility issues.

Year-end Activities—It is that time of year again when we start preparing for year-end activities. If you have any outstanding TECs, Invoices etc., please submit them to FBS as soon as possible. Also, if you have any office supplies requests, please let your Division rep know so they can place an order. The cut-off this year is May 31 for items that will not be included on accruals. Divisions will prepare their accruals from May 16–May 31. If you have any questions please speak with your manager/supervisor or FBS.

Congratulations!—Please come celebrate Erin Snyder’s wedding shower this Thursday (5/12) at 12:00 pm in the DPP conference room. See the attached flyer for detailed information.



Legislative Update

SB 941 (Senate Education Committee) “Sponsor”

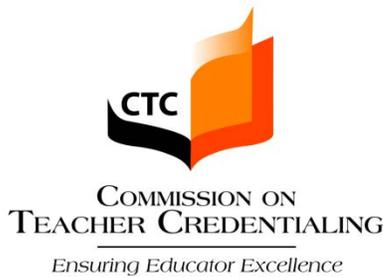
[Technical Clean-up]--The Commission’s sponsored technical clean-up bill passed on consent in the Senate Education Committee.

AB 1304 (Block) Support”

[Linked Learning Recognition of Study] passed in the Assembly Education Committee. Marilyn Errett testified on the Commission’s behalf.

This Week at the Commission

Conf Rm.	Mon (5/9)	Tue (5/10)	Wed (5/11)	Thu (5/12)	Fri (5/13)
CAW	CAW Team Meeting (2:00-3:30)	Planning for Education Specialist Training (9:00-10:00)		IT Advisory Group Meeting (9:30-12:30)	CTE Makeup Training (11:00-12:00)
Comm.	ECE Stakeholder Meeting (12:30-3:00)	IDSolution Testing (8:00-5:00)	Program Assessment (8:00-5:00)		Year Our Pre-visit (10:00-3:00)
DPP	Sr. Manager Meeting (9:00-11:00)		SEIU (11:30-1:00)	Erin Snyder Bridal Shower (11:30-1:30)	
ASD		CWIP Status Meeting (10:00-11:00) PSD/CAW Division Meeting (2:00-4:30)	CWIP (9:30-11:30) Technical Assistant Meeting (1:00-4:00)	CWIP (1:30-4:00)	



POLICY DIRECTIVE

EFFECTIVE DATE: May 9, 2011	NUMBER: PD-018
EXPIRES: Indefinite	FROM: Dale Janssen, Executive Director
SUPERCEDES: Policy Directive 07-014 CTC Administrative Manual Sections 3-4262 - 3-4269	
TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY	

Policy:

It is the policy of the Commission on Teacher Credentialing (CTC) that discrimination against any employee, volunteer (as applicable), or applicant will not be tolerated. Discrimination is defined as any unfair employment practice or behavior that treats individuals differently because of their race, color, national origin, ancestry, religion, creed, sex, sexual orientation, marital status, age, physical or mental disability as defined in the Americans with Disabilities Act, political affiliation, or veteran status. The practice or behavior may or may not be intentional but it results in applicants, employees, and/or volunteers not being given full and equal consideration for employment, retention, evaluation, or advancement purely on the basis of merit and job related qualifications. The CTC process for addressing discrimination complaints has been developed to facilitate resolution of the complaint at the lowest level possible and in the fairest, most timely manner.

Sexual harassment has been interpreted by the courts to be a form of sex discrimination. Therefore, complaints based on sexual harassment are subject to the same process and time frames as complaints based on sex, race, color, religion, etc. Once an allegation of sexual harassment is brought to the attention of a manager/supervisor, the manager/supervisor is legally required to investigate the allegation, even if the complaining employee, volunteer, or applicant requests that no action be taken.



Purpose:

The purpose of this Policy Directive is threefold:

1. To provide a ready means for resolving individual or group problems of a sensitive nature, quickly, informally and at the lowest level possible.
2. To decrease significantly formal complaints, which are expensive, time-consuming, and detrimental to employee relations.
3. To make managers/supervisors more sensitive to the needs of individual employees and groups, and to improve their capacity of handling problems before they become complaints.

The establishment of a discrimination complaint procedure is not intended to supplant regular grievance procedures or prohibit employees from filing a complaint with the DFEH or the EEOC, or filing an action in court. The procedure is intended, and should be viewed, as a means of providing the special skill needed to promptly and fairly handle the sensitive issues involved in allegations of discrimination and to ensure full cooperation with Federal and State control agencies.

An individual who utilizes the discrimination complaint process is entitled to certain rights and guarantees. These rights must be discussed with the complainant at the initial stages of the complaint process. The EEO Officer and/or the EEO Investigator shall ensure the complainant clearly understands each right.

These rights include:

- An informal, confidential presentation of a complaint to the manager/supervisor, EEO Officer.*
- Keeping their complaint confidential until such time as they give their manager/supervisor or EEO Officer permission to do otherwise, in order to bring the complaint to the appropriate authority for remedy; or until such time as a formal complaint is filed.*
- A full, impartial and prompt investigation by a trained departmental investigator.*
- A timely, written decision from the appointing power, after full consideration of all relevant facts and circumstances.
- Representation by a person of his/her own choosing at each and all steps of the process.*
- Appealing the appointing power's decision within thirty (30) days to the State Personnel Board and/or file a complaint with the appropriate Federal or State agency.
- Being free from reprisals after filing a complaint.
- Being notified in writing when a formal complaint has been filed and when a final decision has been made.*

*Also applies to employees responding to a complaint (respondents).

References (or Legal Authority):

Resource	Section
Executive Orders	S-6-04
Laws and Regulations http://www.leginfo.ca.gov/calaw.html http://www.dpa.ca.gov/statesys/dpa/orules.htm	GC: 18701, 8547.2, 8547.8, 19683, 18500, 12900, 12940, 18930.5, 11092, 11092.5, 11139.6, 12926, 12926.1, 12940, 18523, 18675, 18952, 19230, 19240, 19241, 19700, 19790 et seq. Education Code: 87162, 87164 Rules: 10, 56.1-56.8, 53, 54-54.2, 547-547.2, 250, 547.58, 547.79-547.806, 547.807-547.8191 Labor Code: 1101, 1102 Federal Laws: Civil Rights Act of 1964 http://www.eeoc.gov/policy/vii.html , Rehabilitation Act of 1973 http://www.dol.gov/esa/regs/compliance/ofccp/sec503.htm , Age Discrimination Act of 1978 http://www.eeoc.gov/policy/adea.html , www.ada.gov/pubs/ada.htm
Memorandum of Understanding (MOU) http://www.dpa.ca.gov/bargaining/contracts/index.htm	See applicable MOU
Responsible Agency/Program	Federal Government, SPB, DFEH, DGS EEO Office
SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm	SPB Pinkies: 12/22/05, 12/20/05, 5/19/03, 12/23/02, 11/22/02, 8/29/02, 5/17/02, 4/12/02, 2/4/02, 1/10/02(2), 12/21/02(2), 1/3/01, 9/26/00, 9/5/00, 6/15/00, 12/14/99, 11/17/97, 5/6/92, 7/18/91, 11/14/90, 12/2/88, 10/20/88, 9/23/88, 5/10/88
Other	
Workers' Compensation/Return to Work Coordinator ADA DFEH	http://orim.dgs.ca.gov/WorkersCompensation/default.htm http://www.usdoj.gov/crt/ada/adahom1.htm http://www.dfeh.ca.gov/

Contact Information:

Equal Employment Opportunity Officer, Administrative Services Division.



EQUAL EMPLOYMENT OPPORTUNITY HANDBOOK



COMMISSION ON
TEACHER CREDENTIALING

Ensuring Educator Excellence

Dale Janssen, Executive Director

May 2011

Equal Employment Opportunity

The purpose of the discrimination complaint procedures is to provide all Commission on Teacher Credentialing (Commission) employees, volunteers (as applicable) and applicants, with a uniform method to raise allegations and complaints of discrimination. The procedures are intended to resolve complaints at the lowest possible organizational level, while assuring that such allegations and complaints receive full consideration and appropriate remedy as applicable, without fear of reprisal or retaliation.

Complaints of discrimination, which the Commission has authority to investigate, must allege that the complainant was discriminated against on the basis of age, race, sex (including sexual harassment), ancestry, color, religion, disability, national origin, marital status, political affiliation or opinion, sexual orientation, pregnancy, or retaliation.

These procedures apply to all Commission employees, volunteers (as applicable, applicants.

ROLES AND RESPONSIBILITIES

Equal Employment Opportunity (EEO) Officer

The EEO Officer is responsible for providing leadership in resolving informal and formal complaints of discrimination by working with managers/supervisors, providing EEO counseling, and investigating complaints as necessary. He/she must determine if the Commission has jurisdiction: The legal power to act on a complaint in order to investigate it or attempt resolution.

A complaint can be received formally or informally, directly from the complainant, with or without the manager's/supervisor's knowledge. It can be forwarded by a manager/supervisor after initial review or it can be brought to the attention of the EEO Officer by a third party.

The EEO Officer is responsible for developing and implementing a plan to resolve each individual complaint. The plan can include 1) Manager/Supervisor counseling, 2) informal complaint resolution procedures, and/or 3) procedures for formal complaint investigation and findings.

Managers/Supervisors

It is the managers/supervisors' responsibility to promote a discrimination-free work environment, and take appropriate action to prevent or stop any and all forms of discrimination, including sexual harassment; ensure that all employees, volunteers and applicants are informed of the Commission's discrimination complaint process prior to the need to know, and again if a complaint is brought forth; ensure that subordinate managers/supervisors and employees attend training as a preventive measure, and to sensitize them to conduct and/or behavior that constitutes discrimination and the consequences of such actions.

When a discrimination complaint is filed (formally or informally) or brought to the managers/supervisors' attention, it is the managers'/supervisors' responsibility to:

- Listen to the complainant and take the complaint seriously (employees/volunteers/applicants should not be discouraged from reporting such complaints);
- Provide the complainant with a copy of the Statement of Rights (CCTC-HR-XXX); and contact the EEO Officer immediately.

- The EEO Officer will provide assistance to resolve the issue informally or determine if other action is necessary;
- Record and document the complaint and perform an immediate preliminary investigation to determine the validity of the complaint;
- Provide a copy of the preliminary investigation report to the EEO Office regardless of the findings;

In conjunction with the EEO Office, initiate appropriate and immediate action against the respondent where discrimination is found; Ensure that the complainant is made aware of the actions taken against the respondent (within guidelines of the Information Practices Act) to give the victim a sense of redress; Protect the employee(s) complaining of discrimination or sexual harassment from any reprisal or retaliation.

Employees/Volunteers/Applicants

An employee, volunteer, or applicant who perceives the comments, gestures, or actions of another employee, volunteer or applicant to be discriminatory and offensive should immediately communicate to that person that such behavior is not appropriate and/or is unwelcome. Employees, volunteers, or applicants who feel threatened or have difficulty expressing disapproval may seek informal assistance from the manager/supervisor or EEO Officer. Failure to confront the harasser, however, does not interfere with the rights to file a discrimination complaint.

An employee/volunteer/applicant who believes he/she has incurred discrimination or witnessed discrimination has the responsibility to report it to the appropriate manager/supervisor or the EEO Officer and to provide all relevant information in a manner that allows the Commission the best opportunity to resolve the complaint at the lowest level possible.

An employee, volunteer or applicant may file a discrimination complaint informally, formally, or externally. The complainant decides which level or type of complaint to file. He/she may contact the EEO Officer at any time to determine if his/her concerns constitute discrimination.

PROCEDURES FOR RESOLVING DISCRIMINATION COMPLAINTS

The stages of the discrimination complaint process are described below. Before discussing the stages, there are several points that should be highlighted.

The identification that managers/supervisors serve as Equal Employment Opportunity Counselors and Investigators is critical to the success of Commission's discrimination complaint process. It is the responsibility of the EEO Officer to see that persons are knowledgeable, empathetic, flexible and resourceful people who can diplomatically correct misunderstandings and help forge stronger relationships between people working in the same work environment. He/she must maintain the employees' concerns in the strictest confidence.

Those who conduct investigations must maintain the role of fact finder. His/her responsibility is to assemble enough information to provide a basis for deciding whether the action was or was not discriminatory. Therefore, he/she should never act in such a way as to leave an impression of personal interest in the outcome of the investigation. The manager/supervisor should also avoid becoming the intermediary between the complainant and the Commission in any efforts on their part in seeking a resolution of the complaint during an investigation.

The importance of neutrality cannot be overemphasized. The EEO Investigator must not communicate any personal judgment or opinion on the merits of any complaint he/she investigates.

The Commission has two levels for raising concerns of possible discrimination: an informal process using managers/supervisors and a formal process using trained EEO Investigators.

Employees are **urged** to resolve complaints on an informal process or as a last resort file a complaint of discrimination through the formal process.

PROCEDURES FOR FILING A DISCRIMINATION COMPLAINT

Informal Process

1. The employee, volunteer, or applicant should immediately report the incident to a manager/supervisor or to the EEO Officer if the respondent is the manager/supervisor. The manager/supervisor shall listen to the complaint and regard it seriously. The complaint shall not be shrugged off, minimized nor in any way shall the reporting of the complaint be discouraged. The manager/supervisor shall record and document the complaint. Managers/Supervisors are strongly encouraged to immediately contact the EEO Officer for assistance in dealing with potential discrimination issues. The manager/supervisor shall perform an immediate preliminary investigation to determine the validity of the complaint. A copy of this preliminary investigation shall be provided to the EEO Officer. If an employee wishes to initiate a formal complaint, managers/supervisors should allow the employee a reasonable amount of state time to prepare the complaint (Discrimination Complaint form, CCTC-HR-084).
2. If the respondent is the manager/supervisor or the employee does not believe the complaint is being adequately addressed by the manager/supervisor, he/she should report the incident directly to the EEO Officer.
3. The EEO Officer will hear the complaint and initiate whatever preliminary inquiry is deemed necessary to prepare an informal analysis of the problem and/or achieve immediate resolution.
4. Unless otherwise waived by the complainant, the EEO Officer will attempt to keep the employee's/volunteer's/applicant's name confidential. However, it should be clear that in order to bring the complaint to the appropriate authority for resolution, confidentiality is often not possible.

Formal Process

1. If the complainant wishes to file a formal complaint, he/she should file the Discrimination Complaint form (CCTC-HR-084) with the EEO Officer within one (1) year of the alleged discriminatory action or decision or the time employee/volunteer/applicant first became aware of the action or decision. The written complaint must state the action perceived to be discriminatory, the basis of discrimination, and the specific remedy sought by the complainant.
2. The EEO Officer will notify the respondent that a formal complaint has been filed.
3. The EEO Officer will review the formal complaint and make a preliminary determination. He/she may:
 - a. Attempt to mediate informal resolution of the complaint;
 - b. Make a decision on the merits of the complaint; or
 - c. Assign an investigator

4. If referred for investigation, the investigator will conduct a full investigation. Upon completion, he/she will provide the EEO Officer with a written report of the findings of fact.
5. If the allegations are substantiated, a meeting will be held between EEO Officer and Legal Counsel to determine a course of action. After consultation with Legal Counsel, the EEO Officer will release the results of the investigation including recommendations for any appropriate remedies, to the Director of the affected Division, the complainant, the respondent, and their respective representatives.
6. If the complainant is not satisfied with the results of the Commission's investigation, he/she may contact the State Personnel Board.

ADDITIONAL INFORMATION

Access to Records

The EEO Office shall have access to all information deemed necessary to determine the validity of the complaint in both the informal and formal stages of the process. The cooperation and assistance of all employees, volunteers, applicants, supervisors and managers involved is required. If an employee of the Commission refuses or threatens to refuse to cooperate in an investigation, the State Personnel Board (SPB) may directly investigate or hear the complaint. Subpoenas or any other action deemed appropriate will be used to affect the purpose of the investigation.

Appeal Process

A complainant who is not satisfied with the Commission's decision may file an appeal with the Executive Office of the SPB within thirty (30) days from the date of receipt of the Commission's decision, in accordance with Article 4, Rules 51.2 and 547.1 of the SPB Regulations.

A complaint that is not resolved by the Commission within 180 days from the date of formal filing with the Commission may be referred to the SPB as an appeal for remedial action.

Confidentiality

Generally, all discussions with a complainant are confidential and resolution will not be pursued without the concurrence of the complainant. However, when the issues are serious in nature (sexual harassment) or involve potential criminal activity, (abuse, rape, property damage) the EEO Officer or the manager/supervisor must advise the complainant that the information provided must be referred to the appropriate authority in order to remedy the conduct of the offending party. In addition, once the complainant requests resolution, confidentiality may no longer be assured.

When a complaint becomes formal, confidentiality provisions do not apply. Persons charged with discriminatory practices will be informed of the charge and allowed to respond once an investigation is initiated. Information gathered during the investigation regarding the complainant or charged party(s) will be kept confidential to the extent possible.

Persons interviewed during an investigation shall be informed that their comments will remain confidential unless the information is to be used for a basis for adverse action. In these cases the information may be presented in a public forum.

Involved participants will be informed that Federal and State EEO regulatory agencies require a report on both formal and informal discrimination complaints filed with the Commission. The identity of the complainant and other involved persons may be released to those agencies.

Parallel Review

The Discrimination Complaint procedure is separate and distinct from employee grievance procedures. An employee will not be allowed a parallel review under both the employee grievance and discrimination complaint procedures.

Complaints or issues that do not allege discrimination are handled through the employee grievance procedure or other applicable processes as a result the Office of Human Resources would be involved.

The grievance procedure is used to address terms and conditions of employment such as working hours, out of class claims, overtime requirements, etc.

If a grievance is found to meet the discrimination complaint criteria, the grievance process will cease at that point and the matter will be referred to the EEO Officer.

If during the course of the Commission discrimination complaint investigation, a rejection during probation or an adverse action appeal is filed with the SPB and the employee alleges discrimination, the Commission will suspend its investigation and the complaint will be examined and adjudicated by the SPB.

Release Time

The complainant may use a reasonable amount of State time based on the complexity and sensitivity of the issues, as determined by the EEO Officer, to discuss the complaint with a manager/supervisor or an EEO Investigator.

Retaliation and Intimidation

No person shall intimidate, threaten, coerce, or discriminate against any individual because he/she; 1) opposed an employment practice made unlawful by the laws (Federal and State) prohibiting employment discrimination; or 2) made a complaint or testified, assisted, or participated in any manner in any investigation, proceeding, or hearing regarding a discrimination complaint.

Right to Representation

The complainant has the right to representation at each step of the process by a person of his/her choosing.

TIME LINES

Filing Complaints

An employee, volunteer, or applicant has the right to file a discrimination complaint immediately after such incident occurs and has up to three hundred sixty-five (365) calendar days to file the complaint. This period may be extended up to ninety (90) days if a person allegedly aggrieved by the discrimination first obtained knowledge of the facts after the expiration of the one-year period.

A Discrimination Complaint Form (CCTC-HR-084) must be completed by the complainant, indicating whether the complainant wants to file an informal or formal complaint.

The time requirement for filing a discrimination complaint is in conformity with all other Federal and State statutes and policies. However, both the Department of Fair Employment and

Housing and the Federal Equal Employment Opportunity Commission Title VII guidelines do not allow the additional 90-day exception provided under the SPB administered process.

Responding to the Complaints

The complaint and notify the complainant within ten (10) days whether the allegations(s) meets the criteria to be handled through the discrimination complaint procedure. In accordance with the Commission stated process, the Commission as 90 (90) calendar days from the date the complaint is filed to issue a final decision on a formal discrimination complaint. This time frame may be extended upon mutual written agreement with the EEO Officer and the complainant.

The Department has thirty (30) days to resolve an informal discrimination complaint. If the complaint cannot be resolved in thirty (30) days, the complaint will be handled formally unless the complainant and the EEO Officer have agreed to extend that period.

EXTERNAL COMPLIANCE

External Compliance Agencies

The Commission's discrimination complaint procedures are not intended to prohibit employees from filing a charge of discrimination with the State Personnel Board (SPB), the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), and/or the Division of Labor Standards Enforcement (DLSE), Department of Industrial Relations. Employees are not required to exhaust the administrative procedure to file a formal discrimination complaint prior to exercising their right to file with an outside compliance agency.

The SPB will accept direct jurisdiction of a discrimination complaint under the following four circumstances:

- When the complainant is alleging discrimination based upon retaliation;
- When the circumstances directly involve a high level administrator of the Commission; or
- When the Department has exceeded its 90-day requirement to respond to the complaint.

The EEOC and DFEH maintain separate jurisdiction over discrimination complaints filed by State civil service employees. By mutual agreement, both EEOC and DFEH will cross-file discrimination complaints between each agency; thus the agency initially receiving the complaint will automatically cross-file with the other agency.

The Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE) handles complaints of discrimination on the basis of sexual orientation.

Process

The external agency makes it a practice to notify the Commission that a complaint has been filed and may request information pertaining to the complaint. Commonly EEOC, DFEH, and SPB will file a notice with the Commission's EEO Office, advising that a complaint has been filed and requesting a position statement on the charges filed. If the notice of filing is received at the Commission, the notice should immediately be forwarded to the EEO Office for response.

The EEO Office is responsible for providing a response to the outside compliance agency. The EEO Office sends a request to the appropriate Division Director with a copy of the charges filed. The Division is requested to provide the needed information within two (2) weeks from the request for information.

Because the complaint filed with an outside compliance agency in essence names the Commission itself as "respondent", the information contained in the complaint should be maintained as sensitive in nature. Those persons directly named in a charge filed with an outside compliance agency are notified directly by the compliance agency. All files will be maintained and monitored by the EEO Office. The EEO Office will be responsible for making any determination of case file information release. Any request for information contained in a discrimination complaint investigative file needs to be referred to the EEO Office.

Determination of the need for revision of this policy is the responsibility of the Equal Employment Opportunity Officer – Administrative Services Division. Questions about the status or maintenance of these procedures should be directed to the EEO Officer at (916) 322-3459.



Interim Director's Message

Hard Work!

We passed a big milestone last week as we went live with the Intake Document Tracking System. This database allows DPP to track incoming mail and documents for each discipline case. Previously, the Commission used spreadsheets (such as Excel) to track various incoming mail and documents such as district and affidavit/complaints. The new intake document tracking screens will also enable staff to tie or "relate" intake information to an individual or to an existing discipline case thus enabling Commission to have more complete records. This is a big accomplishment in responding to the audit and a big step forward in improving records management. It has taken a great deal of effort by many Commission staff to create and implement this system, including the DPP staff who, in addition to handling their existing workload, are learning a new system for managing the documents for that workload. All of this work has been accomplished under the time pressures that come with the upcoming deadline for the six-month progress report regarding the recommendations contained in the April 2011 State Audit report.

As I noted in the August 1 *Insider*, there is also a LOT of work going on to get CWIP, the commission's Credential Web Interface Project, up and running this fall or early winter. This project is moving into the testing phase, which has required SIEBEL to be temporarily closed to any changes or modifications until the testing phase of CWIP is completed.

Implementing new and much-needed credential discipline procedures and creating a new system that will provide more complete information about the status of credential holders and applicants has required an extraordinary amount of effort from everyone. If you are not directly involved in these projects, you are probably taking on some additional work so that others will be able to devote their time to these improvements. While these projects will enable the Commission to provide better public service, getting there is hard work, made more so in light of the fact that the work must be done while maintaining the regular ongoing work of the Commission and contending with hiring freezes, reduced resources, and changes in leadership.

Thank you for sticking with it, for doing your best, and for being a team player. Thank you for your many seen and unseen contributions and for your willingness to try something new even when change takes so much extra effort. I continue to be impressed by how hard everyone is working. You are AWESOME!!

—Beth

Past Events

August 11

Susan Browning, Terri Fesperman, Patty Kelly, Marylou Moreno-Rios, and Monique Sikich attended the Personnel Administrative Services Steering Committee Credential Networking meeting .

August 11-12

Paula Jacobs, Phyllis Jacobson, and Claudia Lockwood facilitated the meeting of the English Learners Authorization Advisory Panel at the Commission.

Administrative Bulletin Board

"Zero Tolerance" Sexual Harassment Policy (PD-44)—The Commission is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance

Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment. The "Zero Tolerance" Sexual Harassment Policy has been updated and will be available on the Intra-

Administrative Bulletin Board

net under the Policies and Procedures tab. As part of the policy on an annual basis staff will be required to certify that they have read the policy and submit that to the ASD-EEO office. **Please read the attached policy and complete the certification by September 1, 2011.** Once the certification has been completed please forward that to the ASD-EEO office, attention Crista Hill. If you have any questions please contact Crista Hill, EEO officer.

Checkout “What’s New” on the EEO webpage—the EEO intranet webpage (found on the Employee tab) has been updated to reflect EEO resources at your fingertips. Topics include EEO Policy and Handbook, updated Discrimination Complaint Form, Reasonable Accommodation Handbook and Forms, Upward Mobility, as well as additional resources to other agencies as it relates to EEO information. If you have other suggestions on additional information to post on this page, please contact Crista Hill. As this page is updated it will be posted in the Insider.



Mark Your Calendar—Upcoming EEO Mandatory Training has tentatively been scheduled for September 14th 9:00-10:00 and October 4th 1:00-2:00 for rank and file staff. Commission management is tentatively scheduled for a session on September 14th 10:00-12:00. More information will be forthcoming in the near future.

Break room Vending Machine Services—The Department of Rehabilitation notified the FBS that the vending services contract at our location has expired and a new contract has been awarded to a new vendor. The current vendor has 30 days to remove the existing machines in order for the new vendor to install new machines. FBS will be working with the vendors to determine removal and installation of the machines. Thank you for your patience during this transition.



Enjoying the Summer Heat—It is hard to believe that just a few months ago it is raining and thunderstorms. While you and your family are out enjoying the nice summer weather please keep in mind that the heat could have an impact on your health. Attached are some summer heat facts that may be of interest to you and your family. These

will be posted on the Intranet under the Employee tab for future reference.

Would you be ready to ride it out if an earthquake hit today? With some basic planning and thinking ahead, preparing your home or workplace for an earthquake is easy. Attached is a brochure for your reference from the California Office of Emergency Services. You can also visit their website for more information www.oes.ca.gov.

“New” California Department of Human Resources (CalHR) On June 23, 2011 the Little Hoover Commission recommended that the Legislature allow the Governor’s Reorganization Plan to go into effect that would unify state personnel functions under a new California Department of Human Resources (CalHR). The Governor’s proposal would move several functions of the State

Personnel Board and the Department of Personnel Administration to the new department. Among the changes:

-The Department of Personnel Administration would be folded into CalHR, with the expectation that the State Personnel Board would transfer staff involved in day-to-day transactions and document review into the new department.

-The agencies’ joint effort to modernize the state’s human resources efforts, HR Mod, would become a central mission of the new department.

-The function of hearing employee complaints related to gender and racial discrimination would shift to the Department of Fair Employment and Housing from the Personnel Board.

-The Personnel Board would continue to exercise its Constitutional authority related to changes in probation periods and classifications, disciplinary actions and merit-system disputes over hiring and promotions.

The Commission’s recommendation is based on testimony given at its June 2, 2011, public hearing as well as past Commission studies that examined the state’s civil service system. The Commission long has called for eliminating the overlapping roles of the Department of Personnel Administration and the State Personnel Board.

By statute, the reorganization process calls for the Little Hoover Commission to review each Governor’s Reorganization Plan and make an advisory recommendation to the Legislature. If the Legislature takes no action, the reorganization goes into effect. The plan can be rejected by a majority vote in either house. Barring a resolution against the proposal, the plan would take effect July 1, 2012.

To follow the developments of this proposal please visit the DPA website <http://www.dpa.ca.gov/dpa-info/cal-hr/main.htm>.

ETSS Service Request (CTC-ETSS-100)—A service request form is filled out when an enhancement or a new technology is requested. The ETSS Service Request Form is posted under "Forms" on the Intranet. In addition, there will be training sessions for appropriate staff scheduled for August that will guide you through the Service Request process. If you have any questions, please see Iman in ETSS.



Training Dates:

- August 18th 2:00 PM
- August 22nd 10:00 AM

This Week at the Commission

Conf Rm.	Mon (8/15)	Tue (8/16)	Wed (8/17)	Thu (8/18)	Fri (8/19)
CAW	CAW Team Meeting (2:00-3:30)		Initial Program Review (8:00-5:00)		CWIP (8:00-5:00)
Comm.		E-Team Training (8:00-5:00)	BTSA Cluster Re- gional Directors Meet- ing (8:00-5:00)	BTSA State Leader- ship Team Meeting (8:00-5:00)	
DPP	Sr. Manager Meeting (9:00-11:00) DPP Oversight Meet- ing (1:00-2:00)	Image Access Pro- posal (2:00-3:00)	Initial Program Review (8:00-5:00)		
PSD	Audit Recommenda- tion (2:00-3:00)	CTP Data Collection (9:00-11:30) CTP Data Collection (1:00-4:30)	Initial Program Review (8:00-5:00)		
ASD	TOSB Management meeting (2:00-3:00)	CWIP (9:00-2:00)		SLMS (10:00-12:00) ETSS Services Re- quest Training (2:00-3:00)	

POLICY DIRECTIVE

EFFECTIVE DATE:

August 15, 2011

NUMBER:

PD-44

EXPIRES:

Indefinite

APPROVED:

Beth Graybill
Interim Executive Director

SUPERSEDES:

Memo Dated September 28, 2005

TITLE: "ZERO TOLERANCE" SEXUAL HARRASSMENT POLICY**Policy:**

The Commission on Teacher Credentialing (Commission) is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment.

Sexual Harassment will not be tolerated. Appropriate corrective action will be taken immediately if any employee engages in such behavior. A "zero tolerance" policy means that inappropriate behavior will NOT be tolerated. Therefore, corrective action(s) up to and including formal discipline, will be taken when policy violations occur, even if the violations are not so serious as to be unlawful (see "Corrective Action Guidelines" below). For example, even though the inappropriate behavior/comment may not, in and of itself, rise to the level of creating a hostile work environment under the law, such a behavior/comment is unacceptable in the workplace, violates the Commission's Zero Tolerance Policy, and will be subject to appropriate corrective action.

Purpose:**DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment is defined by case law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature directed to person(s) of the same or opposite sex when:

1. Submission is made either explicitly or implicitly as a term or condition of employment or a contract.
2. Submission or rejection by an employee, contractor, applicant and/or visitor is used as a basis for employment decisions affecting the employee, contractor, job applicant or visitor.
3. Such conduct has the potential to affect an employee or contractor's work performance negatively and/or create an intimidating, hostile or otherwise offensive environment for an employee, contractor, job applicant or visitor.

TYPES OF SEXUAL HARASSMENT

The courts have defined two (2) types of sexual harassment:

Type 1 – Quid Pro Quo is Latin for “something for something”:

This form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implicit term or condition of employment, contracting or hiring decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implicit term or condition of employment, contracting or hiring decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a job, promotion or raise;
- Express or implied statements that a person will be demoted, fired or denied a job opportunity or contract if he/she does not submit to a sexual request, regardless of whether the threat is actually carried out.

Type 2 – Hostile Environment:

This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment.

- The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.
- Sexual harassment can take the form of a series of inappropriate behaviors or can be a single serious incident, such as sexual battery. Sexual harassment by a manager, supervisor, co-worker or, in certain circumstances, a non-employee, such as a supplier or customer, is unlawful.

Examples of hostile work environment harassment include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, contracting or hire; Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

In determining whether the conduct created a hostile work environment, the impact of the offensive behavior on the offended person is the primary consideration, not the intent of the person accused. The objective severity of the harassment is judged from the perspective of a reasonable person in the complainant's position, considering all the circumstances. In the case of same-sex harassment, careful consideration is given to the social context in which the behavior occurred and was experienced by the complainant.

Examples of Sexual Harassment

The following are some general examples of behavior, which may constitute sexual harassment:

Verbal - Sexual comments, slurs, jokes, remarks, or epithets. This may include innuendos that are not overtly sexual.

Visual - Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Physical - Unwanted physical conduct. This may include: unwanted touching, blocking someone's movement, in a hallway or doorway, for example, with or without touching. More severe examples of physical conduct include assault, rape, and attempted rape. Invading someone's space may be perceived as unwelcomed contact.

Other - Sexual advances that are unwanted (this may include a relationship which began as consensual, but that one individual no longer wants to continue). Employment benefits granted in exchange for sexual favors. Sexual harassment also occurs when an employee exerts authority over another employee in return for sexual favors, or retaliates when the sexual favor is not granted. Intimate relationships between supervisors and subordinates should be avoided, because they open the door to perceptions of retaliation and favoritism.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

EMPLOYEE/CONTRACTOR/APPLICANT RIGHTS

Every employee, contractor job applicant and/or visitor has the following rights:

1. The right to a discrimination-free work environment.
2. The right to lodge a complaint (see "Complaint Process" below).
Employees, contractors, job applicants and visitors are encouraged to report the unwanted conduct immediately and, whenever possible, to put the complaint or concern in writing.
3. The right to a full, impartial, and prompt investigation by a Commission representative or designee.
4. The right to be informed of the results of the Commission's investigation.
5. The right to a timely decision from the appointing power, after full consideration of all relevant facts and circumstances. Decisions will be rendered within thirty (30) days of the complaint. If the investigation exceeds the thirty (30) days, the complainant will be informed of the reason for the delay.
6. The right to be represented by a person of the complainant's choosing at each and all steps of the process.
7. The right to be informed of and make use of the benefits of the Employee Assistance Program (EAP).
8. The right to a remedy for the complainant's loss.
9. The right of an employee to file a complaint against the Department's decision within thirty (30) days to the State Personnel Board.
10. The right to be free from reprisals after filing a complaint.

EMPLOYEE/CONTRACTOR/APPLICANT RESPONSIBILITIES

Sexual harassment is a violation of an individual's privacy rights and personal dignity. It can cause physical, psychological and economic problems for its victims. In addition, it can lead to reprisals such as escalation of the harassment, poor work assignments, sabotaging work, sarcasm, unsatisfactory evaluations, threats of demotion or transfer, poor job references, slander, gossip, blackmail, and other forms of retribution.

Sexual harassment also undermines the integrity of the employment relationship, and can result in economic loss to the employer, harasser and employee; excessive absenteeism; employee turnover; low morale; polarization of staff; loss of credibility for management; and decreased productivity.

Every person can be held personally liable for his or her sexual harassment of an employee, contractor job applicant, or visitor regardless of whether they are a rank and file employee or non-represented. Thus, in addition to any corrective action taken by the employer, an employee, contractor or job applicant who is found by a court of law to have harassed someone may have his or her own personal assets taken to satisfy a judgment.

Any person who perceives the comments, gestures or actions of another employee or supervisor to be offensive should immediately communicate to that person that such behavior is unwelcome. However, a failure to do so does not prevent that person from filing a complaint, nor does it exonerate the harasser.

The options available to an employee are outlined below under “Complaint Procedures.”

In addition, all employees have an obligation to:

- Adhere to the Commission’s “Zero Tolerance” Sexual Harassment policy;
- Refrain from engaging in, condoning, tolerating or merely ignoring conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager or the Commission’s EEO Officer; and
- Cooperate with any investigation into allegations that the Commission’s “Zero Tolerance Policy” has been violated.

COMMISSION RESPONSIBILITIES

The Commission is legally responsible for taking all reasonable steps necessary to prevent harassment from occurring and, if it does, stop it from continuing. Toward that end, the Commission will provide training for all new employees and to all continuing employees on an annual basis; provide counseling opportunities; promptly investigate complaints; and take suitable corrective action as appropriate.

COMPLAINT PROCEDURES

Any employee, contractor, job applicant or visitor to the Commission, who believes that he/she has been subjected to sexual harassment or asked to perform a sexual favor, or believes he/she has been retaliated against for complaining about sexual harassment or participating in a sexual harassment inquiry, should immediately report the incident to his/her supervisor or manager or the EEO Office. Individuals are requested to complete the Discrimination Complaint form (CTC-OHR 84) in order to document the complaint.

It is the Commission’s policy that complaints be resolved at the lowest appropriate management level. Confidentiality concerning complaints and/or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation. However, the Commission cannot guarantee confidentiality to a complaining employee or contractor when to do so would interfere with the Commission’s ability to fulfill its legal obligation(s).

If the alleged harasser is an employee or vendor of another agency (board, bureau, commission, and department), the harassed employee and any employee witnessing the incident have the right to report the incident to the appropriate supervisor or Commission's EEO Officer. Immediate and appropriate corrective action will be taken.

Employees and applicants may also file formal complaints of discrimination with the following agencies:

Department of Fair Employment and Housing (DFEH)
2218 Kausen Drive, Suite 100
Elk Grove, California 95758
www.dfeh.ca.gov

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division

Equal Employment Opportunity Commission
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

If the alleged offender is the employee's supervisor or manager, the employee may contact a manager in or out of the employee's chain of command or, alternatively, as noted above, contact the Commission's EEO Officer directly.

An employee who files an internal Commission complaint and is not satisfied with the Commission's decision may file a complaint with the SPB Appeals' Division within thirty (30) days of the Commission's decision.

The Appeals' Division is at:
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division
(916) 653-0544

Persons providing services pursuant to a contract may file a formal complaint of discrimination with:

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Attn: Appeals Division

EEO OFFICER'S RESPONSIBILITY

As of the date of this policy, the Director, Administrative Services Division serves as the Commission's EEO Officer. Therefore, for sake of this policy, the titles may be used interchangeably. The EEO Officer will receive and investigate sexual harassment complaints, and maintain statistics, identifying any patterns. The EEO Officer may decide to use an outside trained investigator to conduct any and all investigations of Sexual Harassment. The investigator will then report his/her findings and provide a recommend course of action to the EEO Officer for consideration.

CORRECTIVE ACTION GUIDELINES

The Commission shall take appropriate corrective action(s) up to and including formal discipline against any employee(s) found to have violated its Zero Tolerance Policy (see Government Code sections 19570 and 19583.5). Such corrective action(s) may include, but not limited to, letter of reprimand, suspension, demotion, up to and including dismissal. Additionally, as discussed within this policy, civil liability could be imposed upon both the violator and the Commission.

EDUCATION AND TRAINING

Education and training for employees at each level of the work force is critical to the success of the Commission's policy against sexual harassment. The Commission will annually distribute this policy statement on sexual harassment to all employees. All employees will participate in training on sexual harassment on a biannual basis. As new employees are hired they will have sixty (60) days to complete sexual harassment training. In addition, managers and supervisors are responsible for knowing the contents of the Commission's Sexual Harassment policy and ensuring a harassment-free work environment.

References (or Legal Authority):

Title VII of the Civil Rights Act of 1964

Government Code sections 12925-12928, 12940-12951, 19572 (w) and 19700-19706

Fair Employment and Housing Act, Commencing with Government Code Section 12900 et seq.

Civil code Sections 51.9 and 52

Executive Order B-54-79

29 Code of Federal Regulations Section 1604.11

Penal Code Section 422.76

Contact Information:

If you have any questions please feel contact the Administrative Services Division - Equal Employment Opportunity Officer.





**Annual
Acknowledgement of Receipt and Understanding of Sexual Harassment
Prevention Policy**

This is to acknowledge receipt of the Commission's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

1. Every employee has the right to work in an environment free from sexual harassment.
2. I have a responsibility not to engage in behaviors that constitute sexual harassment.
3. If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my manager/supervisor, to a non-involved supervisor/manager, or the Commission's Equal Employment Opportunity (EEO) Office.
4. I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

Employee Information	
Print Name:	
Signature (Please complete in Ink):	Date:

Completed Form Should Be Returned To:
Administrative Services Division
Equal Opportunity Office
1900 Capitol Avenue
Sacramento, CA 95811

EEO Office Use	
Date Received:	Date Filed:
EEO Office Signature:	Date:





Interim Director's Message

Looking Forward!

Over the last couple of weeks, I have talked about the extraordinary level of activity everyone is engaged in. Over the next six weeks, in addition to preparing for the October Commission meeting or getting ready for the annual fall conference of the Credential Counselors and Analysts of California, many of you will also be focused on the audit and CWIP. The Audit team will be making its final push to accomplish as much as it can before the six-month progress report on the audit is due to the State Auditor on October 6, 2011. Many of you will also be putting in significant time and effort into completing the design and preparing for the testing of CWIP. So, while the next few weeks will be busy, there are a few events on the horizon that I hope will be something to look forward to as we "sprint to the finish" and meet those deadlines.

The Mini-Burger Truck will be here in the CTC parking lot on September 1st between 11:30-1:30. This local "fave" food truck is in

the running for America's Favorite Food Truck by the Food Network. Check out the menu at <http://www.miniburgertruck.com/> and start dreaming about that slider! I heard the sweet potato tots are very good!

The leadership team also invites you to attend the Staff Appreciation Picnic on September 13th, at East Portal Park, located at 51st and M Streets. The picnic is scheduled from 12:00 to 2:00. There will be BBQ Hamburgers, hot dogs, Boca Burgers, desserts, and more! There will also be various raffle prizes, badminton, croquet, volleyball, and tons of fun. Dress comfortable, bring a chair and come and share in the fun. The picnic planning team sent out a calendar request last week, if you haven't already, please responds so the team can determine the number of people who are planning on attending. You will receive your food order request soon, so please be sure to respond to both!

—Beth

Past Events

August 22

Gay Roby met with representatives of Occidental College.

August 22-23

Rebecca Parker conducted the 2 month out pre-visit to UC Santa Barbara.

August 25-26

Nadine Noeling conducted the 2 month out pre-visit to Cal State Teach.

Administrative Bulletin Board



Regional Transit—The September Regional Transit passes are available for sale in the Fiscal and Business Services Section until September 7th. The cost is \$35.00 each for the regular pass. Please see Jody Amaro or Crista Hill.

Mark Your Calendars-CHP Violence in the Workplace Seminar, 1:30-3:30, August 30th in the Commission Room—It has been two years since CHP provided this presentation, please take some time to come to learn

what to be aware of in the workplace and what are the current issues facing state agencies in today's environment. If you miss this session, the next session is scheduled for October 4th from 9:30-11:30.

Walkie Talkie and Panic Light Testing—The E-team will conduct walkie-talkie and panic light testing on Tuesday, August 30th at 11:00 a.m. This testing should take approximately 5 minutes. You do not have to leave the building during this test. Also attached is the current E-Team Calendar of Events.

CTC

CTC Insider

COMMISSION ON TEACHER CREDENTIALING

Administrative Bulletin Board

DPA Benefit Monthly Newsletters—July Topics Include “Save Money with Flex Elect Reimbursement” and August Topics Include “State Employee Heart Walk.” These newsletters will be posted on the Intranet under the Employee tab for future reference.

Tips for Being Debt Free Webinar

Date: September 20, 2011

Time: 11:00 am - 12:00 pm

Presenters: April Nielsen, Training Consultant, EDD University, Angela Van, Retirement Specialist, Savings Plus Program, DPA

Description: During this session, you will have the opportunity to gain tips and skills you can use to become debt-free and/or manage your money more effectively. You will learn several steps that will help you take control of your spending, increase your savings, and achieve your financial goals



To Register <<https://www.livemeeting.com/lrs/8002758780/Registration.aspx?pageName=d0t8vkq0pxlg872h>>

Other useful links on this topic:

<https://www.dpa.ca.gov/secure/training/financial-fitness-fair/form.cfm>

<http://www.dpa.ca.gov/savings-plus/videos/ns4rw-testimonials.htm>

We encourage you to tell all your colleagues about the new State Virtual Training Center - It's free, it's new and it's for you. Every webinar is recorded and published for replay so people can review it later. Here is a link to State Virtual Training Center <http://www.dpa.ca.gov/training/virtual-training-center/main.htm>.

“Zero Tolerance” Sexual Harassment Policy (PD-44)—The Commission is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a “Zero Tolerance Policy.” All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment. The “Zero Tolerance” Sexual Harassment Policy has been updated and will be available on the Intranet under the Policies and Procedures tab. As part of the policy on an annual basis staff will be required to certify that they have read the policy and submit verification to the ASD-EEO office. **Please read the attached policy and complete the certification by September 1, 2011** to the ASD-EEO office, attention Crista Hill. If you have any questions please contact Crista Hill, EEO Officer.

CWIP Update

The Commission’s Credential Web Interface Project (CWIP) continues to move forward. The new system as mentioned previously will replace the current online look up, recommend, renewal, and direct application systems.

LCS/Perficient (LCS), the contractor provided stakeholders and CTC development staff with “screen shots” and demonstrated the basic interface design. Internal testing begins late-August, and external testing is anticipated to begin a couple of weeks after that.

The testing phase requires that the current system be temporarily closed to any changes or modifications until development of CWIP is complete (we can’t add new credential types, renewals or authorizations).

Over the next couple of months, CTC and LCS will work with stakeholders to test the system, train the trainers, and roll out the system both internally and externally by late fall or early winter.

The following are several benefits of CWIP broken down by groups. Look for additional benefits and information regarding CWIP in future News Flash updates.

CWIP BENEFITS

Benefits for everyone:

- No more tabbing when prompted to enter SSN and DOB
- Adverse action information will be available on the public site
- Pending applications will indicate type of document being requested

- Most current information regarding county of employment will be available on the public search
- Different levels of user logons and/or authentication (recommendation program, substitute teacher 30-day permit) but only one logon will be needed
- Public look up will show current documents and will have a tab for documents that are no longer active

Benefits for educators:

- Email reminder to educators to renew their documents
- Teachers can update personal information online such as address, email and name but not SSN or DOB
- After first submittal of yes answers to professional conduct questions, fields will be pre-populated for confirmation with future applications with the ability to add information

Benefits for employers:

- Child abuse and professional conduct links on email
- Document look-up
- Future Online DON submittal

Benefits for recommending agencies:

- Approved programs will be filtered by agency
- Ability to run reports (e.g., pending recommendations)
- Ability for candidate to return recommend for correction of name, DOB, and/or questionable document information

This Week at the Commission

Conf Rm.	Mon (8/29)	Tue (8/30)	Wed (8/31)	Thu (9/1)	Fri (9/2)
CAW	CAW Team Meeting (11:00-12:00)	CWIP (8:00-5:00)			
Comm.	CWIP (8:00-5:00)	CAW Staff Meeting (9:00-11:00) CHP Workplace Violence Prevention (1:00-4:00)		E-Team Fire Extinguisher Training (9:30-11:00)	
DPP	Sr. Manager Meeting (9:30-11:00)		Meeting with UC Berkeley (10:00-1:00)		
PSD	IT Advisory Team Meeting (10:30-11:30) Audit Recommendation (2:00-3:00)	RICA (10:00-11:00)	Regional Intern Meeting (10:00-3:00)	Maximizing Data to Improve Teacher Effectiveness (10:00-1:00)	
ASD	CWIP (8:00-5:00)	CWIP (10:00-12:00) CWIP (2:30-4:00)			

E-Team Activities Calendar 2011/2012

(updated 8/2/2011)

June 2011

28th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing
29th 1:30–3:00 p.m. Dress Rehearsal Fire Drill for E-Team only

July 2011

14th 3:00–4:30 p.m. Building Inspection
26th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

August 2011

10th 9:00a.m.-4:00p.m. CPR/AED Bloodborne Pathogen Training
16th 9:00a.m.-4:00p.m. CPR/AED Bloodborne Pathogen Training
30th 11:00 –11:15 a.m. Panic Light & Walkie Talkie Testing
30th 1:30 – 3:30 p.m. CHP Violence in the Workplace

September 2011

1st 9:30–11:30 a.m. E-Team Fire Extinguisher Training
27th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing
29th 9:00-10:00 a.m. CHP Safety Presentation

October 2011

4th 9:00-11:00 a.m. CHP Violence in the Workplace
13th 10:00-11:00 a.m. CHP Safety Presentation
18th 9:30-11:30 a.m. Rehearsal Fire Drill E-Team Only
25th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

November 2011

TBD All Day CHP Site Vulnerability Survey
29th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

December 2011

5th 9:00–11:00 a.m. E-Team Meeting
13th 2:00-4:00 p.m. Building Inspection
27th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

January 2012

17th 1:30-3:30 p.m. Review of CPR & First Aid Training
31st 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

February 2012

TBA Dress Rehearsal Fire Drill for E-Team only
23rd 2:00–4:00 p.m. Building Inspection
28th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

March 2012

13th 9:00–11:00 a.m. E-Team Meeting
27th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

April 2012

10th 9:30-11:30 a.m. Review of CPR & First Aid Training
24th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

May 2012

23rd 2:00–4:00 p.m. Building Inspection
29th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

June 2012

TBA All Staff Fire Drill
5th 9:00–11:00 a.m. E-Team Meeting
30th 11:00–11:15 a.m. Panic Light & Walkie Talkie Testing

BENEFITS NEWS

An Information Publication for State of California Employees

State Employee Heart Walk

The 11th Annual State Employee Heart Walk and wellness fair will be held on Thursday, September 15, from 11:00 a.m. to 1:00 p.m. on the west steps of the State Capitol.

This event, sponsored jointly by the American Heart Association (AHA) and Department of Personnel Administration (DPA), is designed to promote physical activity and heart-healthy living in an environment that's fun and rewarding for everyone.

Participants are sponsored to walk one mile around the Capitol to raise funds for the AHA. The wellness fair will feature health screenings and a variety of health-related information. State health plan representatives will also be there.

Why Your Department Should Participate

For employers, poor employee health leads to lower productivity, lower morale, higher absenteeism, and higher insurance rates.

On the other hand, physically active people are less likely to develop many chronic diseases such as high blood pressure, type 2 diabetes, osteoporosis, and certain cancers. Coronary heart disease, the nation's leading cause of death, is greatly reduced with physical activity. And, physical activity helps us achieve and maintain a healthy weight and overall wellbeing.

Technology is great, but the downside is a decreased need for physical exertion. Half the day is spent at work with little reason to get up and move. Departments can improve morale and help employees take steps toward leading an active and healthy life by encouraging them to walk and attend this event.

The State Employee Heart Walk helps increase heart health awareness, offers information

about heart disease and stroke, and promotes walking as a beneficial physical activity.

Walking is good for the body and the mind – plus it's free and easy to do!

Get Your Department Involved!

You can register to walk as an individual, but we encourage you to form a department team.

The best way to do this is to designate a Team Leader at each worksite to promote the event and recruit walkers.

Team Leaders in the Sacramento area should contact AHA and speak with Jessica Gordon Jessica.Gordon@heart.org or Celia Cortez Celia.Cortez@heart.org at (916) 446-6505, to arrange for an orientation and a department rally as soon as possible. Departments outside of the Sacramento area may contact their local American Heart Association Corporate Events Director for information about events or opportunities in their area.

Terri Skondin, Statewide Health Promotion Program Manager at DPA, may be reached at Terri.Skondin@dpa.ca.gov or (916) 324-9398 if you have any questions regarding this event.

Be active and join us for the **State Employee Heart Walk on September 15**. Come learn about heart disease, get some exercise, work to fight our nation's number-one killer and help save lives - your heart will thank you for it!



Heart Health

Are you ready to be a **BetterU**?

Find out what you do – and don't – know about improving your heart health. Take weekly quizzes to test your knowledge about heart disease and learn how activity, diet, and lifestyle changes can affect your risk.

Learn more at **Go Red BetterU**: www.goredforwomen.org/betteru.



Get Outside for Some Physical Activity

Enjoy this time of year to get outside for a brisk walk or bike ride. Between family and work, it may be difficult to make time for yourself, but it is critical for your health. Regular physical activity will help keep your metabolism up, help you lose or control your weight, boost your confidence level and improve your mood.

Get heart-healthy tips, including ways you can be active at any age at www.goredforwomen.org/heart_healthy_at_any_age.aspx.

For more motivation and support, join the **Go Red BetterU** program at www.goredforwomen.org/betteru/.

Get Back on Track with the Diabetes Support Program



Want help getting back on track with your diabetes?

Hill Physicians Medical Group is collaborating with UCSF on a new research study, supported by the National Institutes of Health, to help people with type 2 diabetes set and achieve realistic diabetes goals on nutrition, physical activity and taking medications.

The program is for adults with type 2 diabetes and their spouse or partner and is delivered entirely by telephone, at your convenience!

You will also be paid for before and after in-person assessments to help evaluate the program. These can be scheduled at a time and place most convenient for you.

For more information, please call 916-995-0260 or 866-774-7761

*This study is only available to those in the greater Sacramento area.

For More Information

DPA Benefits Division
(916) 322-0300

Dental Program
(916) 324-0866

Drug Testing Program
(916) 324-9386

**Employee Assistance Program
MHN (Managed Health Network)**
1-866-327-4762

FlexElect Program
(916) 327-6429

**Group Legal Services Plan
ARAG®**
1-866-762-0972

Group Term Life Insurance Plan
(916) 327-1092

Health Promotion Program
(916) 324-9398

**Long-Term Disability Insurance
Plan**
(916) 327-1092

Merit Award Program
(916) 324-0522

Pre-Tax Parking
(916) 324-0526

Savings Plus Program
1-866-566-4777
www.sppforu.com

SDI/FMLA
(916) 323-3343

State-Owned Housing Program
(916) 327-1439

**Travel & Relocation and
Vanpool Programs**
(916) 324-0526

Vision Service Plan
1-800-877-7195

**Workers' Compensation
Program**
(916) 445-9760

DPA Fax Numbers

Benefits Division
(916) 322-3769

Savings Plus Program
(916) 327-1885

Internet Address

www.dpa.ca.gov

BENEFITS NEWS

An Information Publication for State of California Employees

Save Money with a FlexElect Reimbursement Account

Everyone knows there are some medical bills health insurance doesn't cover, such as office visit copays. But you may not know about a great benefit available to most State employees that allows you to pay these bills with pre-tax income. It's called a **Medical Reimbursement Account**.

Do you pay someone to take care of your children, spouse, or elderly parents so you can work? If you do, a **Dependent Care Reimbursement Account** may save you money.

The FlexElect Program offers both kinds of accounts. You can sign up for one or both accounts during Fall Open Enrollment (October 10 - November 4, 2011) or, if you're a new employee, within your first 60 days.

Who's eligible?

State employees with a permanent appointment and a time base that's half-time or greater are eligible to enroll in a FlexElect account. Permanent-intermittent employees are not eligible to enroll. Check with your personnel office if you have questions on eligibility.

How does a FlexElect account work?

When you enroll, you authorize a monthly deduction from your paycheck, based on your best estimate of the coming year's eligible expenses. This deduction is taken before income taxes are calculated and is kept in an account. Then, after you incur an eligible expense, you submit a claim to the FlexElect

third party administrator, and a reimbursement check will be mailed to you.

What's the tax advantage of FlexElect?

Money deducted from your paycheck for a FlexElect account is not taxable, nor are the reimbursement payments. That means you can reduce the amount of income tax you pay by enrolling in a FlexElect reimbursement account.

Medical Reimbursement Account

The Medical Reimbursement Account covers out-of-pocket health-related expenses for you, your spouse, and your dependents. The minimum monthly deduction is \$10. The maximum is \$5,000 per year, per person.

What expenses can I pay for with a medical reimbursement account?

You may claim reimbursement for uninsured medical services/supplies received during the calendar year for which you are enrolled. Here are a few examples of eligible expenses:

- ✓ Copays for office visits and prescriptions (but **not** out-of-pocket health premiums)
- ✓ Lab fees
- ✓ Orthodontic work
- ✓ Eye glasses and contacts
- ✓ Laser eye surgery
- ✓ Hearing aids and exams
- ✓ Transportation for medical care

Dependent Care Reimbursement Account

A Dependent Care Reimbursement Account can be used if you pay someone to take care of your dependents so you can go to work. The minimum monthly deduction is \$20. The maximum is \$5,000 per year, per household.

You need to be aware that if you enroll in a Dependent Care Reimbursement Account, you cannot claim the dependent care tax credit when you file your tax return. For this reason, you need to first decide whether you'll get a better tax break using a reimbursement account **or** claiming these expenses as a tax credit. Check with a tax advisor if you have questions.

What expenses can I pay for with a dependent care account?

Expenses for child care, elder care, and care for a disabled dependent are reimbursable if the care is necessary for you to work. If you're married, your spouse must also work, unless he or she is a full-time student or physically or mentally incapable of caring for himself or herself. For child care expenses to qualify, your child must be a dependent **under the age of 13** when the child care is provided. There is no age limit if your child is disabled. If you need help figuring out whether your expenses qualify for reimbursement, check the FlexElect Handbook, IRS Publication 503, or consult a tax advisor.

2011 Open Enrollment Period

For most employees, the time to enroll is during Fall Open Enrollment: October 10 – November 4, 2011. Enrollments during this time will take effect on January 1, 2012. The 2012 "Plan Year" runs from January 1 through December 31, 2012.

Outside the open enrollment period: If you become "newly eligible" (new hire, or change to an eligible time base), you have 60 days from that date to enroll in a FlexElect Reimbursement Account.

For More Information

If you need more information, the FlexElect Handbook is available on the Department of Personnel Administration's website at www.dpa.ca.gov (under Publications).



For More Information

DPA Benefits Division
(916) 322-0300

Dental Program
(916) 324-0866

Drug Testing Program
(916) 324-9386

**Employee Assistance Program
MHN (Managed Health Network)**
1-866-327-4762

FlexElect Program
(916) 327-6429

**Group Legal Services Plan
ARAG®**
1-866-762-0972

Group Term Life Insurance Plan
(916) 324-0533

Health Promotion Program
(916) 324-9398

**Long-Term Disability Insurance
Plan**
(916) 324-0533

Merit Award Program
(916) 324-0522

Pre-Tax Parking
(916) 324-0526

Savings Plus Program
1-866-566-4777
www.sppforu.com

SDI/FMLA
(916) 323-3343

State-Owned Housing Program
(916) 327-1439

**Travel & Relocation and
Vanpool Programs**
(916) 324-0526

Vision Service Plan
1-800-877-7195

**Workers' Compensation
Program**
(916) 445-9760

DPA Fax Numbers

Benefits Division
(916) 322-3769

Savings Plus Program
(916) 327-1885

Internet Address

www.dpa.ca.gov

POLICY DIRECTIVE

EFFECTIVE DATE:

August 15, 2011

NUMBER:

PD-44

EXPIRES:

Indefinite

APPROVED:

Beth Graybill
Interim Executive Director

SUPERSEDES:

Memo Dated September 28, 2005

TITLE: "ZERO TOLERANCE" SEXUAL HARRASSMENT POLICY**Policy:**

The Commission on Teacher Credentialing (Commission) is committed to providing all of its employees, contractors, job applicants, volunteers, and visitors a work environment free from sexual harassment and, thus, has adopted a "Zero Tolerance Policy." All Commission employees are expected to adhere to a standard of conduct that is respectful of all persons within the work environment.

Sexual Harassment will not be tolerated. Appropriate corrective action will be taken immediately if any employee engages in such behavior. A "zero tolerance" policy means that inappropriate behavior will NOT be tolerated. Therefore, corrective action(s) up to and including formal discipline, will be taken when policy violations occur, even if the violations are not so serious as to be unlawful (see "Corrective Action Guidelines" below). For example, even though the inappropriate behavior/comment may not, in and of itself, rise to the level of creating a hostile work environment under the law, such a behavior/comment is unacceptable in the workplace, violates the Commission's Zero Tolerance Policy, and will be subject to appropriate corrective action.

Purpose:**DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment is defined by case law as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature directed to person(s) of the same or opposite sex when:

1. Submission is made either explicitly or implicitly as a term or condition of employment or a contract.
2. Submission or rejection by an employee, contractor, applicant and/or visitor is used as a basis for employment decisions affecting the employee, contractor, job applicant or visitor.
3. Such conduct has the potential to affect an employee or contractor's work performance negatively and/or create an intimidating, hostile or otherwise offensive environment for an employee, contractor, job applicant or visitor.

TYPES OF SEXUAL HARASSMENT

The courts have defined two (2) types of sexual harassment:

Type 1 – Quid Pro Quo is Latin for “something for something”:

This form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implicit term or condition of employment, contracting or hiring decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implicit term or condition of employment, contracting or hiring decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a job, promotion or raise;
- Express or implied statements that a person will be demoted, fired or denied a job opportunity or contract if he/she does not submit to a sexual request, regardless of whether the threat is actually carried out.

Type 2 – Hostile Environment:

This form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment.

- The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.
- Sexual harassment can take the form of a series of inappropriate behaviors or can be a single serious incident, such as sexual battery. Sexual harassment by a manager, supervisor, co-worker or, in certain circumstances, a non-employee, such as a supplier or customer, is unlawful.

Examples of hostile work environment harassment include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, contracting or hire; Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

In determining whether the conduct created a hostile work environment, the impact of the offensive behavior on the offended person is the primary consideration, not the intent of the person accused. The objective severity of the harassment is judged from the perspective of a reasonable person in the complainant's position, considering all the circumstances. In the case of same-sex harassment, careful consideration is given to the social context in which the behavior occurred and was experienced by the complainant.

Examples of Sexual Harassment

The following are some general examples of behavior, which may constitute sexual harassment:

Verbal - Sexual comments, slurs, jokes, remarks, or epithets. This may include innuendos that are not overtly sexual.

Visual - Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Physical - Unwanted physical conduct. This may include: unwanted touching, blocking someone's movement, in a hallway or doorway, for example, with or without touching. More severe examples of physical conduct include assault, rape, and attempted rape. Invading someone's space may be perceived as unwelcomed contact.

Other - Sexual advances that are unwanted (this may include a relationship which began as consensual, but that one individual no longer wants to continue). Employment benefits granted in exchange for sexual favors. Sexual harassment also occurs when an employee exerts authority over another employee in return for sexual favors, or retaliates when the sexual favor is not granted. Intimate relationships between supervisors and subordinates should be avoided, because they open the door to perceptions of retaliation and favoritism.

The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

EMPLOYEE/CONTRACTOR/APPLICANT RIGHTS

Every employee, contractor job applicant and/or visitor has the following rights:

1. The right to a discrimination-free work environment.
2. The right to lodge a complaint (see "Complaint Process" below).
Employees, contractors, job applicants and visitors are encouraged to report the unwanted conduct immediately and, whenever possible, to put the complaint or concern in writing.
3. The right to a full, impartial, and prompt investigation by a Commission representative or designee.
4. The right to be informed of the results of the Commission's investigation.
5. The right to a timely decision from the appointing power, after full consideration of all relevant facts and circumstances. Decisions will be rendered within thirty (30) days of the complaint. If the investigation exceeds the thirty (30) days, the complainant will be informed of the reason for the delay.
6. The right to be represented by a person of the complainant's choosing at each and all steps of the process.
7. The right to be informed of and make use of the benefits of the Employee Assistance Program (EAP).
8. The right to a remedy for the complainant's loss.
9. The right of an employee to file a complaint against the Department's decision within thirty (30) days to the State Personnel Board.
10. The right to be free from reprisals after filing a complaint.

EMPLOYEE/CONTRACTOR/APPLICANT RESPONSIBILITIES

Sexual harassment is a violation of an individual's privacy rights and personal dignity. It can cause physical, psychological and economic problems for its victims. In addition, it can lead to reprisals such as escalation of the harassment, poor work assignments, sabotaging work, sarcasm, unsatisfactory evaluations, threats of demotion or transfer, poor job references, slander, gossip, blackmail, and other forms of retribution.

Sexual harassment also undermines the integrity of the employment relationship, and can result in economic loss to the employer, harasser and employee; excessive absenteeism; employee turnover; low morale; polarization of staff; loss of credibility for management; and decreased productivity.

Every person can be held personally liable for his or her sexual harassment of an employee, contractor job applicant, or visitor regardless of whether they are a rank and file employee or non-represented. Thus, in addition to any corrective action taken by the employer, an employee, contractor or job applicant who is found by a court of law to have harassed someone may have his or her own personal assets taken to satisfy a judgment.

Any person who perceives the comments, gestures or actions of another employee or supervisor to be offensive should immediately communicate to that person that such behavior is unwelcome. However, a failure to do so does not prevent that person from filing a complaint, nor does it exonerate the harasser.

The options available to an employee are outlined below under “Complaint Procedures.”

In addition, all employees have an obligation to:

- Adhere to the Commission’s “Zero Tolerance” Sexual Harassment policy;
- Refrain from engaging in, condoning, tolerating or merely ignoring conduct that violates this policy;
- Report any violations of this policy to a supervisor, manager or the Commission’s EEO Officer; and
- Cooperate with any investigation into allegations that the Commission’s “Zero Tolerance Policy” has been violated.

COMMISSION RESPONSIBILITIES

The Commission is legally responsible for taking all reasonable steps necessary to prevent harassment from occurring and, if it does, stop it from continuing. Toward that end, the Commission will provide training for all new employees and to all continuing employees on an annual basis; provide counseling opportunities; promptly investigate complaints; and take suitable corrective action as appropriate.

COMPLAINT PROCEDURES

Any employee, contractor, job applicant or visitor to the Commission, who believes that he/she has been subjected to sexual harassment or asked to perform a sexual favor, or believes he/she has been retaliated against for complaining about sexual harassment or participating in a sexual harassment inquiry, should immediately report the incident to his/her supervisor or manager or the EEO Office. Individuals are requested to complete the Discrimination Complaint form (CTC-OHR 84) in order to document the complaint.

It is the Commission’s policy that complaints be resolved at the lowest appropriate management level. Confidentiality concerning complaints and/or investigations is maintained to the greatest extent possible in order to prevent embarrassment, further discrimination or harassment, or retaliation. However, the Commission cannot guarantee confidentiality to a complaining employee or contractor when to do so would interfere with the Commission’s ability to fulfill its legal obligation(s).

If the alleged harasser is an employee or vendor of another agency (board, bureau, commission, and department), the harassed employee and any employee witnessing the incident have the right to report the incident to the appropriate supervisor or Commission's EEO Officer. Immediate and appropriate corrective action will be taken.

Employees and applicants may also file formal complaints of discrimination with the following agencies:

Department of Fair Employment and Housing (DFEH)
2218 Kausen Drive, Suite 100
Elk Grove, California 95758
www.dfeh.ca.gov

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division

Equal Employment Opportunity Commission
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

If the alleged offender is the employee's supervisor or manager, the employee may contact a manager in or out of the employee's chain of command or, alternatively, as noted above, contact the Commission's EEO Officer directly.

An employee who files an internal Commission complaint and is not satisfied with the Commission's decision may file a complaint with the SPB Appeals' Division within thirty (30) days of the Commission's decision.

The Appeals' Division is at:
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Attn: Appeals' Division
(916) 653-0544

Persons providing services pursuant to a contract may file a formal complaint of discrimination with:

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Attn: Appeals Division

EEO OFFICER'S RESPONSIBILITY

As of the date of this policy, the Director, Administrative Services Division serves as the Commission's EEO Officer. Therefore, for sake of this policy, the titles may be used interchangeably. The EEO Officer will receive and investigate sexual harassment complaints, and maintain statistics, identifying any patterns. The EEO Officer may decide to use an outside trained investigator to conduct any and all investigations of Sexual Harassment. The investigator will then report his/her findings and provide a recommend course of action to the EEO Officer for consideration.

CORRECTIVE ACTION GUIDELINES

The Commission shall take appropriate corrective action(s) up to and including formal discipline against any employee(s) found to have violated its Zero Tolerance Policy (see Government Code sections 19570 and 19583.5). Such corrective action(s) may include, but not limited to, letter of reprimand, suspension, demotion, up to and including dismissal. Additionally, as discussed within this policy, civil liability could be imposed upon both the violator and the Commission.

EDUCATION AND TRAINING

Education and training for employees at each level of the work force is critical to the success of the Commission's policy against sexual harassment. The Commission will annually distribute this policy statement on sexual harassment to all employees. All employees will participate in training on sexual harassment on a biannual basis. As new employees are hired they will have sixty (60) days to complete sexual harassment training. In addition, managers and supervisors are responsible for knowing the contents of the Commission's Sexual Harassment policy and ensuring a harassment-free work environment.

References (or Legal Authority):

Title VII of the Civil Rights Act of 1964

Government Code sections 12925-12928, 12940-12951, 19572 (w) and 19700-19706

Fair Employment and Housing Act, Commencing with Government Code Section 12900 et seq.

Civil code Sections 51.9 and 52

Executive Order B-54-79

29 Code of Federal Regulations Section 1604.11

Penal Code Section 422.76

Contact Information:

If you have any questions please feel contact the Administrative Services Division - Equal Employment Opportunity Officer.





**Annual
Acknowledgement of Receipt and Understanding of Sexual Harassment
Prevention Policy**

This is to acknowledge receipt of the Commission's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

1. Every employee has the right to work in an environment free from sexual harassment.
2. I have a responsibility not to engage in behaviors that constitute sexual harassment.
3. If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my manager/supervisor, to a non-involved supervisor/manager, or the Commission's Equal Employment Opportunity (EEO) Office.
4. I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

Employee Information	
Print Name:	
Signature (Please complete in Ink):	Date:

Completed Form Should Be Returned To:
Administrative Services Division
Equal Opportunity Office
1900 Capitol Avenue
Sacramento, CA 95811

EEO Office Use	
Date Received:	Date Filed:
EEO Office Signature:	Date:





Interim Director's Message

Staff Picnic Time!

Don't forget – our Staff Picnic is tomorrow, September 13, at East Portal Park (located at 51st and M Streets). The picnic is scheduled from 12:00 to 2:00. There will be BBQ Hamburgers, hot dogs, Boca Burgers, desserts, and more! There will also be various raffle prizes, badminton, croquet, volleyball, and tons of fun. Dress comfortable, bring a chair and come and share in the fun. I know the team planning the picnic has been working hard to bring you an afternoon of good food and fun – and it is always fun to spend time getting to know people we don't normally interact with in our day-to-day work assignments.

Most of you know that East Portal Park is one of the great, historic landmarks of the East Sacramento area and is famous for its beautiful bocce ball courts. The courts were an outgrowth of the rich Italian culture of East Sacramento's historic "Little Italy" neighborhood and are frequently occupied by dedicated and competitive bocce ball players. The East Portal Bocce Club is part of the United States Bocce Federation and is home to the 2004 USBF National Champions. How cool is that??

—Beth

Past Events

September 7-8

Paula Jacobs, Phyllis Jacobson, Roxann Purdue and Lou Aguirre facilitated the English Learners Authorization Panel meeting at the Commission.

September 8

Staff from the Certification, Assignment and Waivers Division and Enterprise Technology & Services Section met with the IT Advisory Team and discussed the CWIP project in depth as well as other topics such as the CCAC conference and the audit.

September 8-9

Cheryl Hickey and Marilyn Fairgood facilitated the accreditation pre-visit to the University of San Diego.

Karen Sacramento and Teri Clark conducted the accreditation pre-visit to CSU, Dominguez Hills.

Administrative Bulletin Board

EAP Monthly Newsletter – Topic this month includes Healthy Habits That Help You As You Age. Please refer to the attachment for more information. This will be posted on the Intranet for future reference.

Training Opportunities – You are encouraged to attend the following sessions being held here at CTC. All sessions will occur in the Commission Meeting Room. Please coordinate with your manager/supervisor prior to scheduling for the session.

- Vida Thomas **EEO Training** session on September 14, 2011 from 9:00 – 10:00 and October 4, 2011 from 1:00 - 2:00.
- CHP **Safety Presentation** session on September 29, 2011 and October 13, 2011 from 9:00-10:00.

- **CHP Violence in the Workplace** session on October 4, 2011 from 9:00-10:00.
- **EAP Creating a Positive Work Environment** session on November 2, 2011 9:00-10:00.
- **EAP Managing Stress** session on December 6, 2011 9:00-10:00.

If you have any questions please contact the Office of Human Resources.



HEALTHY HABITS THAT HELP AS YOU AGE

You may have gazed with envy at the neighbor's car, the one that looks and runs great despite being years old and having hundreds of thousands of miles on the odometer. Of course, there's no secret to keeping a car like new. You have to know how to treat it when it's no longer new – when it needs routine maintenance and a little more.

Your overall wellbeing is like that. Yes, there are habits that are good for you throughout your life, but some of the things you do to maintain good health at age 50 are not the same as the things that kept you in tip-top shape at 25. Making adjustments as we age helps us live longer and live better.

KEYS TO A LONG AND HEALTHY LIFE

There's near consensus in mainstream medical research on what you should do to lead a healthy life. The basics are the same as the things that promote longevity. A recent report by the federal Centers for Disease Control and Prevention (CDC) says a study involving about 17,000 people found four keys to living longer. They are exercising regularly, avoiding tobacco use, eating a healthy diet and drinking alcohol in moderation.

These behaviors are good for you at any stage of life. Here are a few tips on how to make the most of these healthy habits as you age.

- » **Broaden your ideas about exercise.** Perhaps running a mile was once just the warm-up for your exercise routine. That may not be the case anymore. Staying active as you age is what's most important. Can't run a fast mile these days? Take a brisk, half-hour walk four or five days a week. Adjust your expectations of the benefits of exercise. For example, even if it's too late to pump iron for bodybuilding, you still can use moderate weight training to improve your strength and balance, thus avoiding falls. You'll get something out of getting moving even late in life.
- » **Eat healthy and eat less.** Your slowing metabolism and other changes as you age mean you're burning fewer calories. If you continue taking in the same amount, the unburned calories will be stored as fat. As you get older, it becomes more important to make every bite count by selecting foods that are high in nutrients and low in calories.
- » **It's never too late to quit smoking.** You may think after 20, 30 or 40 years of smoking that there's no point in giving it up, and the damage is done. That's not true. You will improve your health when you give up tobacco. You may need help breaking a long-time nicotine addiction. Your EAP can help.
- » **As you get older, it's more important to drink alcohol in moderation and to do so with care.** Changes in your body will heighten the effects of drinking. You're also more likely to be on medications that can interact badly with alcohol.

The CDC study found that if you adhere to all four of these healthy habits, you'll have a 63 percent chance of living longer than those who ignore this sound advice. And, just as it is with the car that's still running great after all those years and all those miles, the earlier you start taking care, the better your chances of staying healthy over the long haul.

(continued)

This article is for informational and self-help purposes only. It should not be treated as a substitute for financial, medical, psychiatric, psychological or behavioral health care advice, or as a substitute for consultation with a qualified professional.

Are you looking to make lifestyle changes to improve your health and quality of life? Call your EAP!

Your Employee Assistance Program helps solve problems, whether you face them at work or at home. We can address many issues, including:

- » Weight management
- » Emotional health
- » Childcare
- » Fitness and nutrition

Call any time for a telephonic consultation.

(866) EAP-4SOC

(866) 327-4762

TDD callers: (800) 327-0801

Or visit us online at:

www.eap4soc.mhn.com

(log in with the company code "SOC")

E-Team Activities Calendar 2011/2012

(updated 9/8/2011)

June 2011

28th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing
29th 1:30-3:00 p.m. Dress Rehearsal Fire Drill for E-Team only

July 2011

14th 3:00-4:30 p.m. Building Inspection
26th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

August 2011

10th 9:00a.m.-4:00p.m. CPR/AED Bloodborne Pathogen Training
16th 9:00a.m.-4:00p.m. CPR/AED Bloodborne Pathogen Training
30th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing
*30th 1:30-3:30 p.m. CHP Violence in the Workplace

September 2011

1st 9:30-11:30 a.m. E-Team Fire Extinguisher Training
27th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing
*29th 9:00-10:00 a.m. CHP Safety Presentation

October 2011

*4th 9:00-11:00 a.m. CHP Violence in the Workplace
*13th 10:00-11:00 a.m. CHP Safety Presentation
20th 9:30-11:30 a.m. Rehearsal Fire Drill E-Team Only
25th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

November 2011

TBD All Day CHP Site Vulnerability Assessment
29th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

December 2011

5th 9:00-11:00 a.m. E-Team Meeting
13th 2:00-4:00 p.m. Building Inspection
27th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

January 2012

17th 1:30-3:30 p.m. Review of CPR & First Aid Training
31st 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

February 2012

TBA Dress Rehearsal Fire Drill for E-Team only
23rd 2:00-4:00 p.m. Building Inspection
28th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

March 2012

13th 9:00-11:00 a.m. E-Team Meeting
27th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

April 2012

10th 9:30-11:30 a.m. Review of CPR & First Aid Training
24th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

May 2012

23rd 2:00-4:00 p.m. Building Inspection
29th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

June 2012

TBA All Staff Fire Drill
5th 9:00-11:00 a.m. E-Team Meeting
30th 11:00-11:15 a.m. Panic Light & Walkie Talkie Testing

