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Action

Public Hearing

Proposed Amendments to 5 California Code of Regulations §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits

Executive Summary: Proposed amendments to 5 California Code of Regulations, §80440 and §80443 to align with Education Code §44350 as amended by Assembly Bill 469 (Chap. 133, Stats. 2007) are being presented for public hearing.

Recommended Action: Staff recommends that the Commission adopt the proposed amendments to 5 California Code of Regulations, §80440 and §80443.

Presenter: Tammy Duggan, Program Analyst, Certification, Assignment and Waivers Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Grant credentials, certificates and permits as set out in regulation and statute.

January-February 2008

Proposed Amendments to 5 California Code of Regulations §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits

Introduction

The proposed amendments to 5 California Code of Regulations, §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits due to the passage of Assembly Bill (AB) 469 (Chap. 133, Stats. 2007) are being presented for public hearing.

Background

AB 469 amended Education Code §44350 to require the Commission to process an application within 50 business days of receipt. This is a reduction of the previous regulatory mandate of 75 working days. The new timeline pertains to all applications, whether submitted online or by paper through the U.S. mail. The only exceptions to the 50-day processing timeline are applications submitted by individuals who must undergo a Commission fitness review.

Another provision of AB 469 requires school districts, county offices of education, nonpublic schools, charter schools, colleges and universities to submit application packets to the Commission no more than three months after the requested issuance date for the document. This is a reduction of the previous four month timeline. This provision pertains to all applications, submitted online or through the U.S. mail, regardless of whether the application is accompanied by fingerprint cards. A document for an application received more than three months after the requested issuance date will be issued effective the date the application is received at the Commission provided all requirements for the document have been met.

Proposed Amendments to Regulations

Section 80440

§80440(a)(2) Education Code §44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(b) Education Code §44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to

three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(c)(2) Staff proposes that the submission timeline for renewal applications be changed from four months to three months.

Section 80443

§80443(a)(1) Staff proposes that 75 working days for the processing of applications be changed to 50 business days to align with Education Code §44350. Staff also proposes deletion of the language pertaining to the return of incomplete applications, as all applications will be processed in 50 business days.

§80443(a)(2) Staff proposes that the language concerning maximum processing times be deleted, as it provides outdated information.

§80443(b)-(d) Staff proposes deletion of these subsections due to the repeal of the Permit Reform Act of 1981 (Government Codes sections 15374–15378, which was the statutory authority for these provisions). (Chap. 229, Stats 2003, section 1.8 (AB 1757).)

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new

business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendments to the regulations do not affect small businesses.

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the California Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-accredited programs
- Credential Analysts at the California Institutions of Higher Education with Commission-accredited programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

Tally of Responses

As of Friday, January 11, the Commission had received the following written response to the public announcement:

Support

0 organizational opinions

1 personal opinion

Opposition

0 organizational opinions

0 personal opinions

Total Responses: 1

Responses Representing Individuals in Support

1. Marina Fata, Credential Analyst, Touro University

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendments to 5 California Code of Regulations, §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits.

DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

80440. Date of Issuance of Credentials.

(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non-public school, non-sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing provided the following conditions are satisfied:

- (1) all the requirements for the credential were met prior to the issuance date of the credential, and
- (2) the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential ~~if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(b) The issuance date for a credential recommended by a California institution of higher education with a program accredited by the Committee on Accreditation shall be the date of completion of all requirements for the credential or later as established by the institution provided the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential ~~if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(c) The issuance date of the renewal of a credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied:

- (1) the renewal application is submitted to one of the agencies listed in (a) above within one year prior to the expiration date;
- (2) the renewal application is submitted to the Commission not more than three ~~4~~ months after the issuance date of the credential; and
- (3) all the requirements for the credential were met prior to the issuance date of the credential.

(d) If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.

Note: Authority cited: Section 44225, Education Code. Reference: Section ~~44252~~ 44350, Education Code.

80443. Processing Time for Credentials and Permits.

(a) The processing time for all credentials and permits shall meet all of the following criteria:

- (1) The Commission on Teacher Credentialing shall reach an issuance decision for a credential or permit and notify the applicant within fifty (50) ~~75-working business~~ days of

the receipt of the application. ~~Incomplete applications will be returned to the applicant or recommending institutions within 45 working days of the receipt of the application. The processing time of fifty (50) ~~75~~ working business days in these cases will commence upon receipt of the resubmitted complete application;~~

~~(2) For the past two years the Commission's maximum processing time has been 77 working days, a minimum of 7 working days, and a median of 35 working days;~~

~~(3) An application is determined complete when all materials needed for processing and all facts required by the law are included.~~

~~(b) The appeal process for the implementation of this section shall be as follows:~~

~~(1) An applicant who has submitted a complete application and has not received notification of his or her credential status within 75 working days may appeal directly in writing to the Executive Secretary of the Commission. If the appeal is decided in the applicant's favor because the agency exceeded the maximum time period, without good cause, all filing fees are refundable. The applicant must appeal in writing to the Executive Secretary. The applicant will be informed in writing of the decision of the Executive Secretary within 30 working days of the receipt of the appeal. The application form will include information indicating the right to appeal and provisions for making an appeal established by this section.~~

~~(2) Applicants who are making a Commission appeal as to academic requirements or applicants under review by the Professional Standards Section of the Commission are not eligible to appeal under this section.~~

~~(c) The Commission shall be considered to have good cause for exceeding the maximum time period established for processing a credential or permit, under the following conditions:~~

~~(1) The number of permits and/or credentials to be processed exceeds by at least 15 percent the number processed in the same calendar quarter the preceding year;~~

~~(2) Fingerprint card clearance is not received from the Department of Justice and/or the Federal Bureau of Investigation during the 75 working days, specified in subsection (a)(2). In such event the Commission shall issue the credential within 7 working days of receipt of the fingerprint clearance;~~

~~(3) Other statutory mandates cause an unforeseeable delay in the application process.~~

~~(d) Any new or additional credentials or permits required or established by the Commission after the effective date of, on or after March 1, 1984 shall be subject to these regulations.~~

Note: Authority cited: Section 44225, Education Code 15376, Government Code. Reference: Sections 44350, Education Code 15374, 15375, 15376 and 15378, Government Code.