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Information

Professional Practices Committee

Division of Professional Practices Discipline Workload Report FY 2007-2008

Executive Summary: This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2007-2008.

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 2008

Division of Professional Practices Discipline Workload Report FY 2007-2008

Introduction

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for FY 2007-2008.

Background

In addition to administering the laws and rules governing the issuance of credentials and approving college and university teacher education 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 2007-2008

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 first hand 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 2007-08, the following reports of misconduct, by type were reviewed:

Reports of Misconduct FY 2007-2008

School District Reports	210
Complaints under penalty of perjury	223
All others.....	4,578
(includes DOJ reports and self disclosures)	
Total	5,011

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 2007-08 caseload is as follows:

New Cases Opened

Applicants	349
Applicant/holders.....	621
First time applicants.....	2,378
Holders.....	1,355
Waivers	85
Total	4,788

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

Staff action	3,132
Committee of Credentials	574
Commission	695
Total	4,401

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 2007-2008

Mandatory Actions

Revocations.....	78
Denials.....	42

Discretionary Actions

Revocation	160
Denial.....	64
Suspension	276
Public reproof.....	81
Private admonition.....	24
Total mandatory and discretionary actions	725

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 2007-2008

Appeals requested.....	103
Settlements (Commission).....	68
Settlements (Attorney General)	15
Proposed Decisions Adopted by CTC	7
Decisions Issued by CTC.....	8
Judicial Actions (Writs)	2

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 2007-2008

Granted.....	2
Denied.....	14
Total Petitions.....	16

Other DPP Discipline Activities

In addition to the workload described above DPP provides telephonic and electronic mail responses to stakeholders and the public.

E-mails sent to DPP info.....592
 (DPP dedicated e-mail service began February 19, 2008)
 Phone calls.....37,448

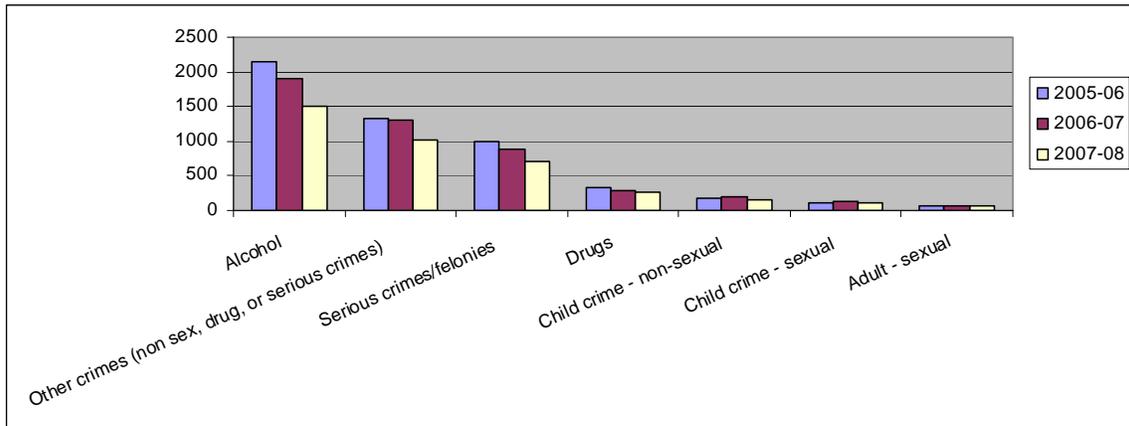
Analysis of Types of Criminal Misconduct

Of the total number of allegations of criminal misconduct reviewed during FY 2007-08, one-third of the offenses were alcohol related. This trend is consistent with the criminal misconduct over the previous two years.

Misconduct

Offenses	Percent
Alcohol.....	34.0
Other Crimes.....	28.0
Serious Crimes/Felonies.....	21.1
Drugs.....	6.7
Child Crime–Non-sexual	5.2
Child Crime–Sexual.....	3.1
Adult–Sexual.....	1.9
Total.....	100.0

Criminal Misconduct Cases by Type FY 2005-2008



Improvements Initiated During FY 2007-2008

DPP continues to review its processes and procedures to determine both efficiencies and streamlining of the 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. To that end DPP has initiated the following:

Use On-Line Court Records

A few courts now have plea, sentencing, and case status available on-line. Instead of preparing and mailing a document request and waiting for a reply, DPP queries the on-line database, when possible. This can result in a decrease in the total time to investigate and review a case from weeks to minutes.

Case Activities and Tracking Project

Under California law, the Commission loses its ability to impose an adverse action on a credential holder if specific statutory deadlines for Committee review are not met. To ensure that those deadlines are met, DPP has utilized technology to modify its software system to record activities. This resulted in the creation of a record of all activities for each case reviewed and staff notification of pending statutory deadlines.

Expedited Process for First-Time Applicants

Under a pilot program initiated by DPP, first-time applicants have the option to proceed immediately to final review, but cannot appear before the Committee. This has reduced the time an applicant has to wait for a decision from the Committee by two to four months.

Internet-Based Telephone System

DPP implemented a new telephone system with a toll-free number that allows fewer staff to answer the telephone, records telephone calls, and provides statistical information.

Utilization of Technology to Reduce Staff Time on Standardized Forms

Information is automatically added to several of the standard forms included in case files.

Increased Utilization of Commission Settlement to Reduce Attorney General Workload

Cases involving low levels of discipline are reviewed prior to being transferred the Attorney General. Settlement negotiations are initiated as appropriate.

New Laws

The Commission sponsored two bills during FY 2007-2008 related to teacher misconduct. Both passed the Legislature with bipartisan support and were signed by Governor Schwarzenegger. These changes to statute could result in a slight increase in the number of mandatory actions. Briefly summarized the two bills are as follows:

SB 1105 (Margett)

(Chap. 577, Stats. 2008) Treats no contest pleas as a guilty plea for certain misdemeanor sex offenses and provides that they are mandatory revocation offenses. The bill also increases the amount of time from one year to five years that findings of the Committee can be provided to employing school districts and limits the disclosure of findings if the credential holder has requested an administrative appeal of the Committee's recommendation.

SB 1110 (Scott)

(Chap. 578, Stats. 2008) Suspends a credential when the Commission receives notice that another state has taken final action to revoke the credential and verifies that the underlying acts of misconduct could result in a revocation in California; and revokes a credential when a credential holder's ability to associate with minors has been limited or prohibited by a court as a condition of probation following a criminal conviction.

Next Steps

In FY 2008-09, DPP will continue to use technology to improve its efficiency and effectiveness to protect California's public school children and provide credential holders and applicants with due process rights. As a result of the Commission's plan to upgrade the existing computer system, DPP plans to achieve greater automation in its records, utilize electronic monitoring and improve the notification to school districts and the public regarding disciplinary actions.