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## Information

### *Professional Practices Committee*

#### **Division of Professional Practices Discipline Workload Report FY 2008-2009**

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**Executive Summary:** This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2008-2009.

**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 2009

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## **Division of Professional Practices Discipline Workload Report FY 2008-2009**

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### **Introduction**

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for FY 2008-2009.

### **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 2008-2009**

### **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 2008-09, the following reports of misconduct, by type were reviewed:

### Reports of Misconduct

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
School District Reports	210	231	10.00%
Complaints under penalty of perjury	223	135	-39.46%
All others (includes DOJ reports and self Disclosures)	4578	3897	-14.88%
<b>Total</b>	<b>5011</b>	<b>4263</b>	<b>-14.93%</b>

### 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 2008-09 caseload is as follows:

### New Cases Opened

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Applicants	349	422	20.92%
Applicants/holders	621	544	-12.40%
First time applicants	2378	2420	1.77%
Holdes	1355	828	-38.89%
Waivers	85	95	11.76%
<b>Total</b>	<b>4788</b>	<b>4309</b>	<b>-10.00%</b>

### Cases Opened Per Fiscal Year By Type

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Application	1540	1773	15.13%
Application & Rap	1551	1738	12.06%
Rap Sheet	303	256	-15.51%
School District/County Office of Education	211	231	9.48%
Waiver/Application/Rap Sheet	4	54	1250.00%
Other	1119	174	-84.45%
Waiver/Application	7	32	357.14%
Arresting Agency	26	17	-34.62%
Affidavit/Complaint	21	15	-28.57%
Breach of Contract	3	8	166.67%
Waiver/Rap Sheet	0	7	700.00%
State Test Misconduct	3	2	-33.33%
Waiver	0	2	200.00%
Subsequent Rap Sheet	0	0	0.00%
<b>Total</b>	<b>4788</b>	<b>4309</b>	<b>-10.00%</b>

### 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

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Staff action	3132	3076	-1.79%
Committee of Credentials	574	538	-6.27%
Commission	695	595	-14.39%
<b>Total</b>	<b>4401</b>	<b>4209</b>	<b>-4.36%</b>

### 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 2008-2009

#### Mandatory Actions

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Revocations	78	88	12.82%
Denials	42	29	-30.95%

#### Discretionary Actions

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Revocation	160	125	-21.88%
Denials	64	43	-32.81%
Suspension	276	191	-30.80%
Public Repeval	81	66	-18.52%
Private Admonition	24	20	-16.67%
<b>Total mandatory and discretionary actions</b>	<b>605</b>	<b>445</b>	<b>-26.45%</b>

### 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 2008-2009**

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Appeals requested	103	161	56.31%
Settlements (Commission)	68	62	-8.82%
Settlements (Attorney General)	15	10	-33.33%
Proposed Decisions Adopted by CTC	7	11	57.14%
Decisions Issued by CTC	8	5	-37.50%
Judicial Actions (Writs)	2	2	0.00%

### **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 2008-2009**

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
Granted	2	9	350.00%
Denied	14	15	7.14%
<b>Total Petitions</b>	16	24	50.00%

### **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 2008-2009 does not reflect calls made directly to DPP.

	<b>FY 07/08</b>	<b>FY 08/09</b>	<b>Percent Increase</b>
E-mails sent to DPP info	592	4588	675.00%
Phone calls	37,448	9801	-73.83%

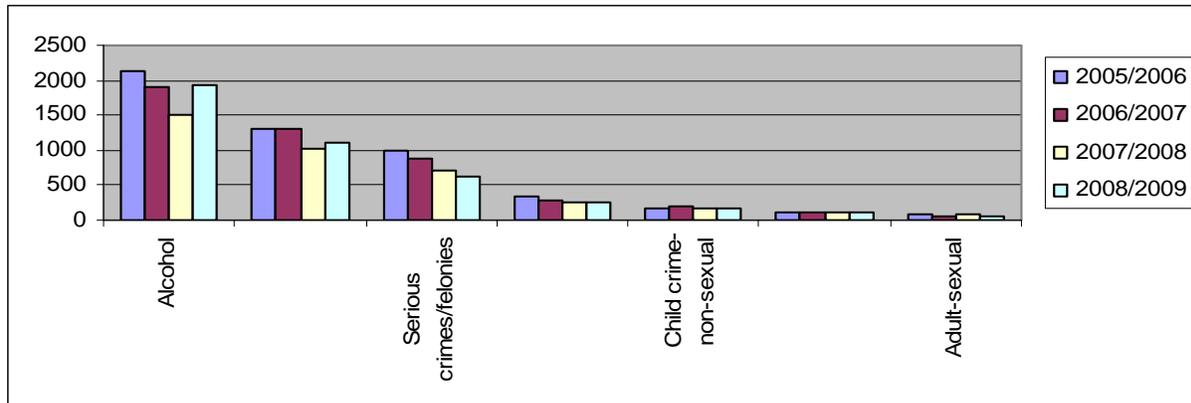
### **Analysis of Types of Criminal Misconduct**

Of the total number of allegations of criminal misconduct reviewed during FY 2008-2009, one-third of the offenses were alcohol related. This trend is consistent with the criminal misconduct over the previous two years.

### Cases Opened by Offense Code Per Fiscal Year

Offenses	FY 05/06	FY 06/07	FY 07/08	FY 08/09	Percent Increase FY 07/08-08/09
Alcohol	2137	1912	1505	1928	28.11%
Other Crimes	1317	1297	1019	1120	9.91%
Serious Crimes/Felonies	989	892	699	624	-10.73%
Drugs	341	288	261	259	-0.77%
Child Crime–Non-sexual	170	196	165	173	4.85%
Child Crime–Sexual	100	123	106	124	16.98%
Adult–Sexual	75	69	75	60	-20.00%
<b>Total</b>	<b>5129</b>	<b>4777</b>	<b>3830</b>	<b>4288</b>	<b>11.96%</b>

### Criminal Misconduct Cases by Type FY 2008-2009



#### Improvements Initiated During FY 2008-2009

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. In the last half of FY 2008-2009, 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 has initiated the following:

#### 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 implemented new 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.

#### Internet-Based Telephone System

DPP and CAW 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 to the Attorney General. Settlement negotiations are initiated as appropriate. Utilization of settlements has resulted in a faster resolution of low level discipline cases. Two existing employees have started training and development assignments as legal analysts to assist in the preparation and tracking of the settlement program.

### **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.

### **Next Steps**

In FY 2009-2010, 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.