
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

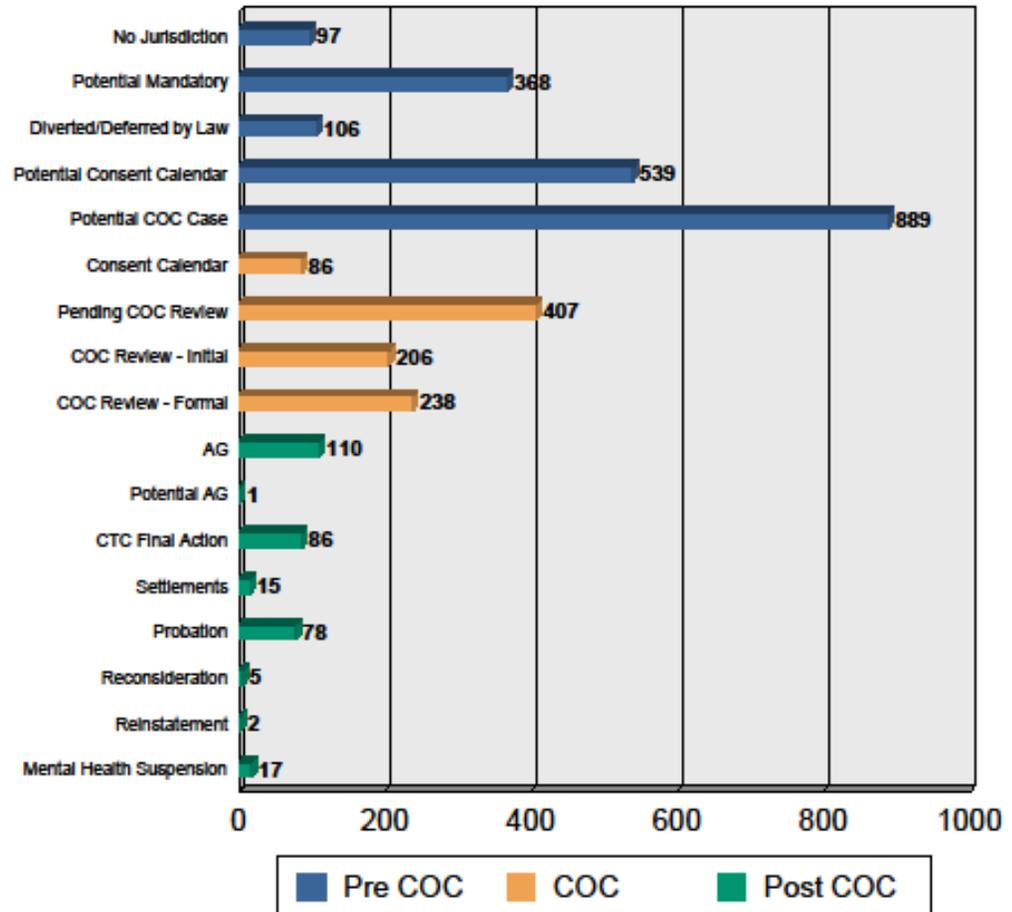
Mandatory Actions

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



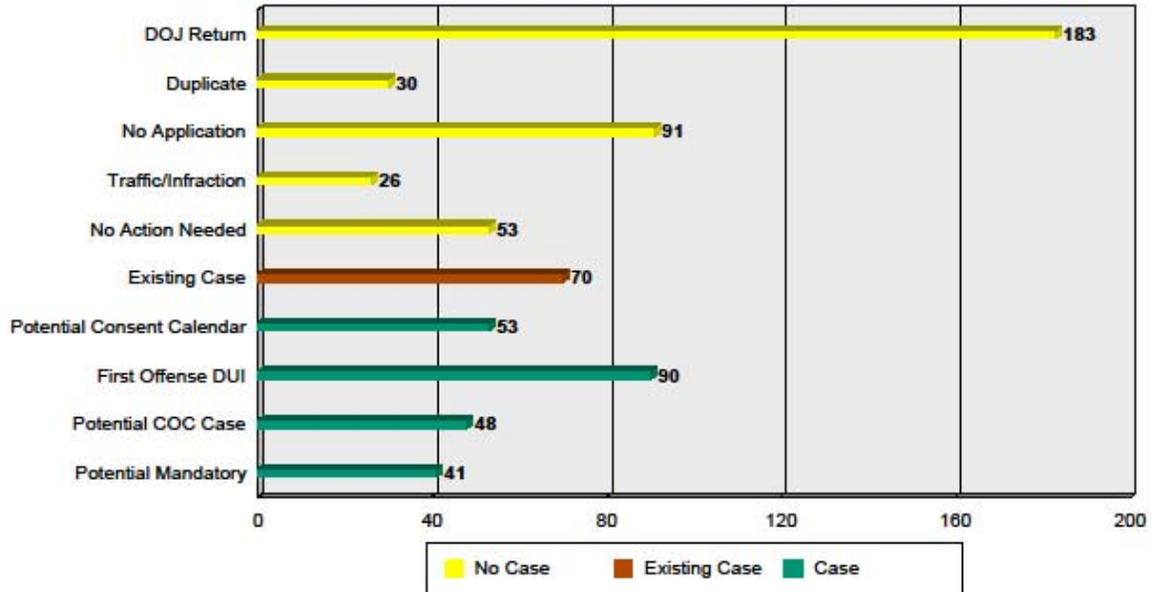
Pre COC	1,999
COC	937
Post COC	314
Total Open Cases	3,250

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

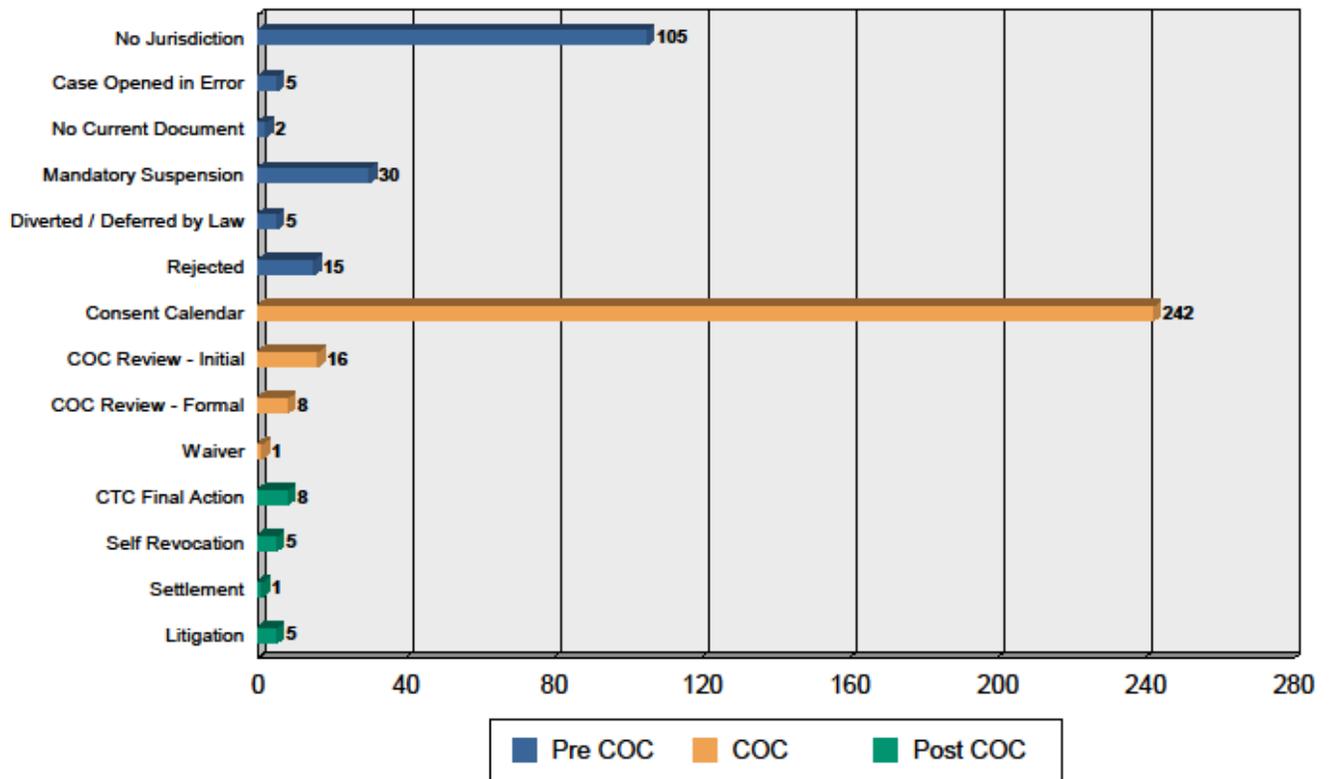


No Case	383
Existing Case	70
Case	232
Total RAPs	685

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	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
Post COC	All Case Types	All Offense Types	1	5	2	4	18	283	313
		Total	1	5	2	4	18	283	313
Total	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} <ul 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

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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