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Information

Professional Practices Committee

Division of Professional Practices Discipline Workload Report FY 2010-2011

Executive Summary: This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2010-2011.

Recommended Action: For information only

Presenter: Nanette Rufo, 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 2010-2011

Introduction

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for Fiscal Year (FY) 2010-2011.

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 one elementary teacher, one secondary teacher, one school 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 appeal by the credential applicant or holder and final approval by the 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 2010-2011

New Cases Opened

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.

Many of these initial reports do not lead to the opening of a case, for a variety of reasons. For example a rap sheet may indicate an infraction, the record could be a duplicate or a document may be about a person who has not held a credential in a decade. A determination is made whether the alleged misconduct comes within the Commission's statutory authority. If yes, then a case is opened.

When a case is opened and jurisdiction is established, the reports of misconduct are reviewed by staff. The comparison of FY 2010-11 caseload with prior years is as follows:

New Cases Opened by Status¹

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Applicants (previously held a credential)	423	348	409	360	421
Applicants/holders	737	672	561	558	446
First time applicants	2665	2364	2404	2074	2094
Holders	1357	1283	820	2624	2423
Waivers	74	84	94	46	16
Total	5256	4751	4288	5662	5400

Cases Opened Per Fiscal Year by Type

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Application- self disclosure	2010	1537	1748	1221	1003
Application & RAP	1676	1549	1728	1913	1921
Rap Sheet	672	303	256	2115	2081
School District/County Office of Education	238	211	221	241	210
Other	115	153	49	126	103
Arresting Agency	5	26	17	9	9
Affidavit/Complaint	47	21	15	27	43
Breach of Contract	4	3	8	21	12
State Test Misconduct	8	3	2	10	4
Waiver	1	11	95	46	14
Total	4776	3817	4139	5729	5400

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.

¹ All data for FY 2006-07 through FY 2009-10 is taken from the Workload Report presented to the Commission in December 2010.

Cases Completed

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Staff Action	4224	3133	3087	4630	3767
COC Grant/Close	585	574	538	150*	565*
Commission	685	695	595	712	560
Total	5494	4402	4220	5492	4892

*Reflects a change starting in July 2009 which shifted a portion of COC workload to staff action category. This practice ended in May of 2011.

Final Actions

Final actions fall into two categories. Mandatory actions are required 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 may be appealed to an administrative hearing before a final action is taken.

Commission Final Actions FY 06/07 through 10/11

Mandatory Actions

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Revocations	114	103	90	202	192
Denials	36	42	29	64	75
Total	150	145	119	266	267

Discretionary Actions

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Revocation	197	166	131	104	174
Denials	82	65	44	49	40
Suspension	267	279	194	207	243
Public Repeval	78	82	66	55	72
Private Admonition	16	24	20	19	8
Total Discretionary Actions	640	616	455	434	537

Administrative Adjudication

After its Formal 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 06/07 through 10/11

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Appeals Requested	N/A	103	161	159	104
Settlements (Commission)	N/A	68	62	46	44
Settlements (Attorney General)	N/A	15	10	24	26
Proposed Decisions Adopted by CTC	N/A	7	10	12	5
Decisions Issued by CTC	N/A	8	5	3	7
Judicial Actions (Writs)	N/A	2	2	6	4

Commission Hearings on Reinstatement

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 06/07 through 10/11

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Granted	7	5	9	9	13
Denied	8	10	15	15	17
Total Petitions	15	15	24	24	30

Other DPP Workload 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 implemented in 2009 to forward discipline related calls from the Commission's toll-free number to DPP. The number of telephone calls below not only reflect the calls made thru the Commissions toll-free number but also those made directly to and from DPP personnel.

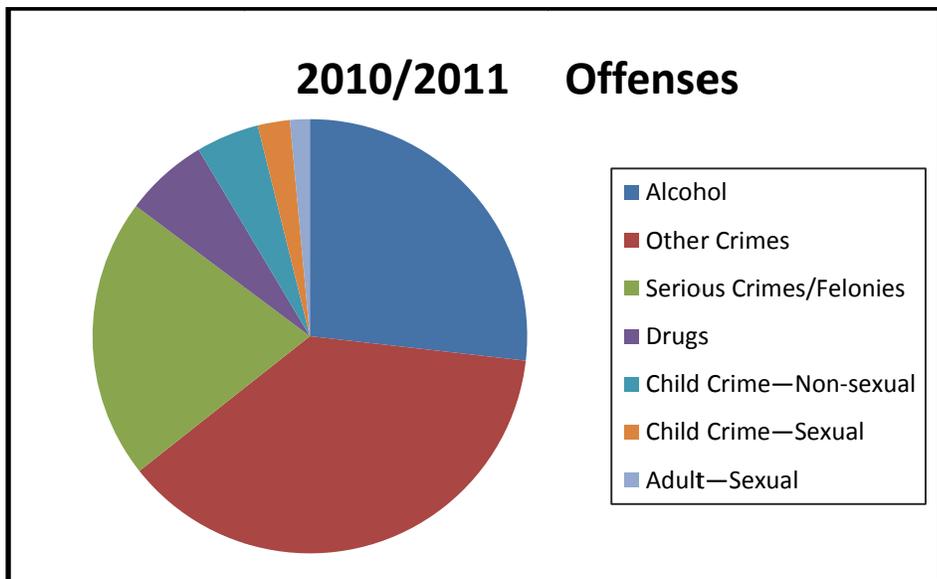
	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
E-mails Sent to DPP Info	N/A	592	4,588	5,630	4495
Phone Calls to CTC toll free number	N/A	37,448	9,801	8,088	5613
Phone calls In/Out direct lines	N/A	N/A	N/A	N/A	12852

Analysis of Types of Criminal Misconduct

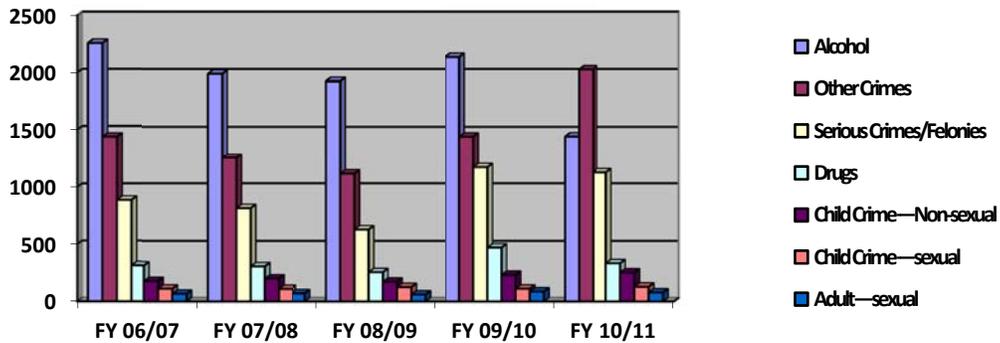
In prior years the total number of allegations of criminal misconduct reviewed showed the majority of offenses were alcohol related. For FY 10/11 there is a decided downward trend in the number of alcohol related misconduct cases reviewed.

Cases Opened by Offense Code FY 06/07 through 10/11

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11
Alcohol	2258	1990	1927	2136	1447
Other Crimes	1438	1258	1118	1446	2028
Serious Crimes/Felonies	887	813	626	1174	1128
Drugs	315	308	257	473	335
Child Crime–Non-sexual	179	201	173	234	254
Child Crime–Sexual	112	110	126	112	129
Adult–Sexual	67	71	61	87	79
Total	5256	4751	4288	5662	5400



Criminal Misconduct Cases by Type FY 06/07 through 10/11



Improvements Initiated During FY 2010-2011

This was a challenging year for DPP. In April 2011 the Bureau of State Audits issued a report that was sharply critical of the DPP. Responding to the recommendations from the audit consumed significant resources from both DPP and throughout the CTC. This process will continue through FY 2011-2012. These system improvements are documented in monthly reports to the Commission.

Next Steps

In FY 2011-2012, 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, and in response to the State Auditors' concerns, to achieve increased automation of its records, improve electronic monitoring of workload, improve DPP's business processes, and make more effective use of technology to achieve greater efficiency.