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# 4C

## Action

### *Professional Practices Committee*

#### **Proposed Policy on Expired Credentials**

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**Executive Summary:** This agenda item provides a proposed policy recommendation for the Commission's consideration pertaining to individuals with expired credentials and no pending applications.

**Recommended Action:** Staff recommends that the Commission adopt the proposed policy recommendation.

**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

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## Proposed Policy on Expired Credentials

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### Introduction

This agenda item provides a proposed policy recommendation for the Commission's consideration pertaining to individuals with expired credentials and no pending applications.

### Background

In November 2011, the Commission on Teacher Credentialing (Commission) reviewed an agenda item "Progress on Addressing the Recommendations from the April 7, 2011 Audit Report." Page 9 stated:

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.

As of October 31, 2011, 187 cases fell into the expired credential and no application pending category. (See chart 4b on page 11 of the BSA Workload Report.) Current practice is if the alleged misconduct occurred during the time the individual held a valid credential, the individual is subject to discretionary review even if the credential has since expired and no application is pending. If the allegation involves sexual misconduct, the individual is subject to discretionary review even if the individual did not hold a credential at the time of the alleged misconduct.

The Commission directly supervises the work of the Committee of Credentials (Committee). (Education Code section 44242.) Policy statements about the matters to be considered by the Committee are a method of exercising supervision. The Commission has discretionary authority under Education Code section 44440 to take adverse action against an *expired* credential. To date, the Commission has not adopted a policy about how this authority is to be exercised.

### Proposed Policy

The purpose of professional discipline is to protect the public and maintain appropriate standards of professional conduct. At its November 2011 meeting, the Committee of Credentials considered the issue of expired credentials.

Given the current workload of the Committee and the Division of Professional Practices (DPP), the Committee considered whether pursuing individuals with expired credentials and no application pending is the most productive use of limited resources. The Committee recommends the following policy for the Commission's consideration:

*If all credentials are expired and no applications are pending, staff should flag the name in the database and notify DOJ that the CTC is no longer interested in receiving criminal information. If a new application is received, new fingerprints would be required and all arrest and court documents would be gathered by the applicant for submission to CTC as required with the application.*

*There are three exceptions to this proposed policy: allegations of sexual misconduct, crimes against children, reports filed by school districts, and actions taken by other licensing agencies. For these matters, the case should be pursued for possible action against the expired credential.*

### **Analysis**

This policy would reduce the workload for both the Committee and DPP staff. However, it should not pose a risk to children, schools or the educational system since a person without a valid credential cannot be legally employed as an educator in a public school.

Currently, if the person held a credential at the time of a criminal offense, staff requests information from the arresting agency and from the courts. Each request takes 10-15 minutes to prepare and typically multiple requests must be made before documents are received in DPP. Once the documents are received, staff prepares the file for submission to the Committee. Such work includes notifying the person that his or her credential is under review (Letter of Inquiry) and preparing a Confidential Investigative Report. Each case involves many hours of staff time.

In addition, the Committee has a finite amount of time to consider cases every month. For each matter involving only expired credentials, would the Committee's time be better spent by reviewing persons who may pose a greater threat to school children or the standards of professional conduct?

The exceptions to the proposed policy are for areas where the behavior is especially high risk. Persons against whom there are allegations of sexual misconduct or persons charged with a crime against a child or allegations of misconduct involving children pose a serious risk to children. These types of allegations are not a large part of DPP's workload. Pursuing these cases helps to protect the public by ensuring that a person charged with such crimes cannot go to another state and obtain a credential, or obtain a document issued by a California county or district. Given the serious nature of the allegations and the risk of harm to children, these cases should be pursued.

If the Commission adopts the proposed policy, of the 187 cases listed in this category as of October 31, 2011, 164 would be closed and 23 would be pursued. In addition, in the future, the policy would reduce workload for both the Committee and DPP staff without increasing the risk to children in a school setting.

### **Staff Recommendation**

Staff recommends that the Commission adopt the proposed policy recommendation.