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Information

Professional Practices Committee

Report on the Stakeholder Meetings Addressing the Discretionary Review Process

Executive Summary: This agenda item provides an update to the Commission on the two stakeholder meetings that were held to discuss the Commission's Educator Discipline process.

Recommended Action: For information only

Presenters: Nanette Rufo, Director, Division of Professional Practices 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
- January 2012

Report on the Stakeholder Meetings Addressing the Discretionary Review Process

Introduction

This agenda item provides an update to the Commission on the two stakeholder meetings that were held to discuss the Commission's Educator Discipline process. On April 7, 2011, the Bureau of State Audits (BSA) released the report entitled *Commission on Teacher Credentialing: Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Process that Will Safeguard against Future Backlogs* (<http://www.ctc.ca.gov/audit/2010-119-BSAreport.pdf>). In the August 2011, Commission agenda item (<http://www.ctc.ca.gov/commission/agendas/2011-08/2011-08-2A.pdf>) presented information on California's Educator Discipline process and a plan to work with stakeholders to identify potential procedural and statutory solutions to increase the number of cases that could be reviewed by the Committee of Credentials (COC). The Commission directed staff to move forward with the stakeholder meetings and to report to the Commission at its January 2012 meeting.

Background

Recommendation Five in the BSA report states:

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.

The Commission is required to respond to each recommendation in the BSA report at 60 days, 6 months and 1 year. The 60 day response, submitted in June 2011, stated:

The Commission concurs with this recommendation. Upon receipt of the opinion, the Commission will determine the necessary action to take. (Receipt of the opinion is expected in approximately 6-7 months.)

Until the opinion is received, the Commission staff will work with policy makers, stakeholders, and other interested parties, to discuss potential procedural and statutory solutions to increase the number of cases reviewed by the COC.

A plan to work with stakeholders to identify possible procedural and statutory options to increase the number of cases reviewed by the COC was presented at the August 2011 Commission meeting. The Commission directed staff to move forward with the plan. Staff scheduled two meetings for stakeholders to provide information regarding California's educator discipline process.

A stakeholder planning group (Appendix A) was formed with five groups to assist in the planning process, the California Teachers Association (CTA), California Federation of Teachers (CFT), the California School Boards Association (CSBA), the California Association of School Administrators (ACSA) and the California County Superintendents Educational Services Association (CCSESA). A webpage (<http://www.ctc.ca.gov/educator-discipline/stakeholder-meetings.html>) for the Educator Discipline Stakeholder Meetings was developed. All materials prepared for the two meetings, notes from the meetings, and the product from the meetings are available on this web page. The meetings were held on October 28, 2011 and November 18, 2011 (see Appendix A for the list of attendees). It was decided to have an individual facilitate both of the stakeholder meetings. Cindy Gappa, a BTSA Cluster Region Director employed by Tehama County Office of Education, agreed to serve as the facilitator for both meetings. Both meetings were broadcast live and an archive of each meeting is posted on the webpage identified above.

In preparation for the stakeholder meetings and working with the planning group, a survey about the Commission's educator discipline process was developed to allow a wide range of individuals to provide information. The survey was available from September 20, 2011 through October 10, 2011. Over 180 responses to the survey were submitted. The survey requested that all individuals responding have a basic understanding of the discretionary review process for educators in California and provided a link to the Educator Discipline Workflow Graphic and the accompanying description.

The survey provided five opportunities for individuals to provide suggestions or other comments regarding the educator discipline process. The prompts for the opened responses are provided here along with the number of open ended responses collected in parentheses.

- Capacity of the COC: Suggestions about how the Committee's time could be more efficiently used (42 responses)
- Reducing the number of cases that go to the COC (39 responses)
- Priorities (1st, 2nd, and 3rd) for addressing the discretionary review process
- Final Thoughts (32 responses)
- Possible additions to the list of misconduct that result in mandatory suspension or revocation of a credential (40 responses)

All comments collected through the survey were provided at the first stakeholder meeting and are posted on the webpage developed for the Educator Discipline Stakeholder Meetings.

October 28, 2011

The first stakeholder meeting began with a discussion of the goal for the stakeholder meetings. The majority of the stakeholders were present in the Commission room although a few individuals attempted to participate through the web broadcast. Staff presented a short context piece that provided information on the backlog of reports of arrest and prosecution (RAPs) and the work of the COC. The group then discussed and refined the goal for the stakeholder meetings. The group reached consensus that the suggestions generated in the stakeholder meetings should support the goal presented below:

Goal: Protect the safety of students and the rights of applicants and licensees by the effective, efficient, and fair handling of cases in a timely manner.

Stakeholders reviewed and discussed the feedback from the survey described above. Then the stakeholders began a discussion to generate suggestions to streamline the educator discipline process. Thirteen suggestions were identified at the first meeting. In addition to identifying the thirteen suggestions, the stakeholders identified some strengths and concerns for most of the suggestions. The notes from the October 28 meeting (see Appendix B) have the suggestions and the identified strengths and concerns.

The meeting concluded with a review of the agreements and the decision that three of the suggestions would be put on hold and not brought back for further discussion at the second meeting. Staff typed the meeting notes and shared the document with the Planning Group. Minor edits were made to more accurately reflect the conversations held during the stakeholder meeting. The Meeting Notes were then posted on the Educator Discipline web page.

November 18, 2011

The second stakeholder meeting began with a short presentation on the data that had been requested during the first meeting. Staff presented the December 2010 DPP Workload report, the four monthly workload reports for June 2011-September 2011, and a document about adverse actions organized by the type of credential(s) the individual held. Staff also provided Section 44216 of the California Education Code that states, “Whenever an employee of any public school district, state college, or other public agency is appointed to membership on the commission, his employer shall grant him sufficient time away from his regular duties, without loss of income or other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to attend to the duties imposed upon him by reason of his membership on the commission.” General Counsel Nanette Rufo clarified that this section of the Education Code applies to members of the COC.

The next activity was a presentation by Michael Rothschild, invited by the California Teachers Association, of four additional suggestions to meet the goal of the stakeholder meeting. Ken Burt provided a copy of a letter Mr. Rothschild wrote to him on November 15, 2011, which provided additional information on the four suggestions. The letter is provided in Appendix D of this agenda item and also is available on the Educator Discipline web page. The four suggestions were added to the wall charts of suggestions generated at the first stakeholder meeting.

The group reviewed all the suggestions and the identified strengths and concerns and edits were made on the wall charts by the facilitator. After discussing the suggestions, the facilitator took the group through each of the suggestions to identify those for which the group had consensus support and those where the group was not in agreement. The support was identified as for the general idea of the suggestion, not for each specific detail since those had not been identified. The meeting notes from the November 18 meeting (Appendix C) identify the suggestions for which the group reached a positive consensus with yellow highlights.

Staff shared the meeting notes with the Planning Group and minor edits were made to more accurately reflect the conversations held during the stakeholder meeting. The meeting notes were then posted on the Educator Discipline web page.

Suggestions: Possible Impacts

The two stakeholder meetings generated many suggestions related to California's educator discipline process. Once the Planning Group agreed that the meeting notes (Appendix C) accurately reflected the content of the meetings, staff began working to gather information on each suggestion for the Commission. The information staff provides below includes the possible impact on California's educator discipline process, impact on the work of the COC, and the predicted fiscal impact of the suggestion.

Staff Analysis of Consensus Suggestions

Staff reviewed the consensus suggestions and categorized the suggestions for ease of presentation to the Commission. The consensus suggestions seem to fall within three major topics (Appendix E):

- Work to reduce the number of cases that are opened: educate employers, educate the public, specify criteria for district reporting, clarify the personal fitness questions;
- Committee of Credentials: Reduce the barriers to getting members, use an alternative process for drunk driving, investigate having more than 1 COC, investigate the COC working 5 days instead of 3 each month; and
- Clarify when staff has the ability to close a case (wait for the Attorney General's opinion on delegating authority to staff).

The BSA Report pointed out that the Commission was receiving a number of reports of arrest and prosecution (RAPs) for individuals who no longer hold valid credentials. Efforts have been taken to notify the Department of Justice about the individuals for which the Commission is "no longer interested" in receiving subsequent reports of arrest and prosecution. In addition to RAPs, a number of reports of misconduct are received at the Commission and for a percentage of these reports, no misconduct that is under the Commission's jurisdiction has taken place. Reducing the submission of these types of reports would reduce the number of cases that are opened. Fewer cases opened would mean a decreased workload for staff and probably a lower caseload for the COC.

Within this category of suggestions--reducing the number of cases that are opened--there were five specific suggestions developed during the stakeholder meetings.

- a. Better education about what should be coming to the Commission
- b. Educate the Community about what is supposed to be submitted to CTC
- c. Have different criteria for district reporting actions
- d. Investigate only appropriate instances related to teacher dismissals, Employers agree that dismissals for 'unsatisfactory performance' should not be sent to CTC
- e. Staff should look at the questions on the application—see if all Q's are necessary

The first two suggestions are quite similar and involve educating employers, educators, and the public about what types of information should be provided to the Commission. Ensuring that all stakeholders have a clear understanding of what types of conduct should be reported to the

Commission is a sound plan. The education efforts could be conducted through the Commission's webcast system and archived for future reference. This would have a minor, absorbable fiscal impact.

The suggestion of "having different criteria for district reporting actions" needs further clarification with stakeholders but part of this suggestion is linked to the fourth suggestion of *investigating only appropriate instances related to teacher dismissals and not investigating dismissals for 'unsatisfactory performance'*.

All groups present at the stakeholders meeting, teachers, administrators, and Commission staff agreed that the current regulation requiring district reports of adverse actions is casting too wide a net and unnecessarily increasing DPP workload. This is a relatively small part of DPP's workload, since during the 2010-11 fiscal year, the Commission opened only 210 district cases. The Commission may want to discuss whether a possible regulatory revision should be added to the DPP Strategic Plan. If the Commission would like this added to the DPP Strategic Plan, staff recommends such work begin in late 2012.

The last suggestion within this category is to review the professional fitness questions that are currently on the credential application. If there are questions that are not necessary, the question could be removed. If there are questions that confuse applicants, staff can reword the question or provide additional clarifying text. This suggestion requires limited staff time to complete the review and has a minor, absorbable fiscal impact.

Reviewing the questions asked of applicants is simple and may lead to a reduction in the number of applications being referred to the DPP. The timing of the review should be considered in tandem with another project. Staff is currently implementing a major information technology project, Credential Web Interface Implementation Project (CWIP), the Commission's new online application program. Since any changes in the application would result in changes in programming CWIP, staff proposes that the review of questions be done as part of the CWIP review process.

A second category of suggestions from the stakeholder meetings focuses on the ability of the COC to process an appropriate number of cases to reduce the current volume of cases and ensure that in the future cases move through the committee process efficiently and in a timely manner. The suggestions from the stakeholder meetings related to the COC range from ensuring that there are sufficient, qualified individuals available to serve on the committee, possibly having more than one seven member committee, allowing the committee to work more days each month, and a diversion process for preliminary alcohol convictions so that the case does not need to go to the committee. The five suggestions which had general consensus among the stakeholders are presented below:

- a. Reduce barriers to serving on COC
- b. Have more than One COC
- c. If more than One COC, be sure experienced COC members are on each
- d. Reconfigure the time COC members meet—maybe up to 5 days
- e. Alternative process for alcohol convictions

The current seven member COC meets for three days each month with a fourth day that can be used to prepare for the three meeting days. Most committee members who are currently working in the schools express that this is the maximum amount of time it is possible to be out of the school each month. The stakeholders discussed having more members of the COC appointed and therefore only some of the members would need to attend each month's meeting. Among the barriers to serving on the Committee, stakeholders identified the Commission's practice that an employing district must consent to an employee serving on the Committee. Under the Education Code, a public employer is required to "grant him sufficient time away from his regular duties, without loss of income..." (See Education Code sections 44241 and 44216.) The Commission may wish to consider whether to change this practice as new Committee members are selected.

The suggestion with the greatest potential to allow speedier resolution of cases was a proposal that two Committees be established. However, legislation is needed to establish a second Committee. In addition, it is very likely that additional staff would be needed to properly support an additional Committee. Since the workload impact of the changes being made within DPP and policy decisions being made by the Commission are just being implemented, it may be premature to seek legislation. Staff recommends that the issue be revisited later in 2012 once a workload study is completed.

The third category of suggestion involves clarifying if and when Commission staff should close cases and if it is decided that staff should close selected cases, to clarify the criteria under which this would take place. It was agreed at the stakeholder meetings that this suggestion should be considered after the Attorney General's opinion has been provided to the Commission.

- Pursue the ability of staff to close cases and identify criteria for staff to close/settle cases.

Next Steps

The two stakeholder meetings provided valuable information and perspectives on issues facing the Commission related to educator discipline. Many of the ideas and comments were included within the proposed DPP Strategic Plan being considered by the Commission at this meeting. Other ideas, including the proposed change in policy regarding initial alcohol offenses, are being brought before the Commission for consideration and possible implementation. Once the Attorney General's opinion on the ability of the Commission to delegate authority to close cases to staff is received, the CWIP system is operational, and the impact of the Commission's initial modifications to the educator discipline procedures have been implemented and evaluated, additional agenda items may be developed for the Commission's consideration.

Appendix A

Planning Group and Stakeholder

Planning Group

Individual	Representing
Jane Robb	California Teachers Association (CTA)
Ken Burt	
Gary Ravani	California Federation of Teachers (CFT)
Janet Davis	
David Simmons	California County Superintendents Educational Services Association (CCSESA)
Kate Osborn	
Sharon Robison	Association of California School Administrators (ACSA)
Tanya Krause	
Brian Rivas	California School Boards Association (CSBA)
Cindy Gappa, Facilitator	Tehama County Department of Education
Teri Clark	Commission on Teacher Credentialing (CTC)
Nanette Rufo	

Stakeholder Meeting I

October 28, 2011

Name	Affiliation
Ken Burt	CTA
Janet Davis*	CFT
Barbara Kilponen*	Current COC member
Tanya Krause*	ACSA
Martin Ledesma	Former COC member
Jane Robb	CTA
Harold Accord	CTA
Danette Brown	CTA
David Simmons	CCSESA
Janet Thornhill*	Chaffey Teachers Association
Angelo Williams	CSBA
Cindy Gappa, Facilitator	Tehama COE
Nanette Rufo	CTC
Teri Clark	CTC
Marilyn Errett	CTC
Patty Wohl	CTC

**attended through the webinar*

Stakeholder Meeting II
November 18, 2011

Name	Affiliation
David Simmons	Ventura COE & CCSESA
Tanya Krause	HR Council President (ACSA)
Kate Osborn	CCSESA
Dan Stepenosky	Las Virgenes Unified School District (ACSA)
Norma Ortiz	CTA
Jane Robb	CTA
Alexandra Condon	CTA
Maggie Geddes	CTA/GLS
David Wright	Chancellor's Office, CSU
Michael Rothschild	CTA
Ken Burt	CTA
Theresa Montano	CTA
Janet Davis	CFT
Paul Thompson	Fagen Friedman (ACSA)
Rick Rogers	ACSA
Laura Preston	ACSA
Brian Rivas	CSBA
Cindy Gappa	Facilitator, Tehama COE
Nanette Rufo	CTC
Teri Clark	CTC

Appendix B

Agendas and Meeting Notes from the First Stakeholder Meeting

October 28, 2011



Educator Discipline Stakeholder Meeting

10:30-3:30

GOAL: *Protect the safety of students and the rights of applicants and licensees by increasing the speed of cases going through the discipline process and decreasing the time it takes to complete each case.*

Outcomes

1. Raise suggestions to streamline the Educator Disciplinary Review process
2. Discuss strengths and areas of concern for suggestions
3. Identify by consensus most viable options for further consideration

Agenda

- I. Welcome and Meeting Start Up
- II. Current State of Educator Disciplinary Review process
 - The short story of how we got to this point
- III. Framing the Future State
 - Share input from the field collected via online survey
 - Generate suggestions for streamlining the Educator Disciplinary Review process
 - Identify strengths/concerns for most viable suggestions
- IV. Clarify Next Steps/Closure
 - Next meeting, Friday, November 18, 10:30 am – 3:30 pm

Educator Discipline Stakeholder Meeting Notes
October 28, 2011

From the October 2011 stakeholder meeting

Goal: Protect the safety of students and the rights of applicants and licensees by the effective, efficient and fair handling of cases in a timely manner

Agreements

1. Define terms when talking about numbers per reports received and cases opened and use these terms consistently. (Staff will provide data at the November meeting)
2. Teri will develop a webpage and put the group's work on the website
3. Draft Nov. 18 agenda will be on website
4. Expect to hear from Attorney General in Feb. 2012
5. Transparency in development of agenda item.
6. CTC assessing how many COC's would be needed to meet goal

Important Upcoming Dates

- January 2012: Commission meeting, an information item will be presented with information from the stakeholder meetings
- April 7: one year report due to BSA

Small Group Brainstorming took place. Thirteen suggestions were generated—see next page—and then discussions continued about the strengths and concerns about each of the suggestions. Suggestions 3, 11, and 13 were moved to a later discussion.

Brainstormed Suggestions to Streamline the Disciplinary Review Process

Suggestion	Strengths	Concerns
1. More than 1 COC	<ul style="list-style-type: none"> • Would be able to process more cases • Making it easier to serve by having mandatory release by district • If more than one COC, The COCs could be specialized in duties • If had a large pool of COC members could flex “convened” group (like a jury pool) • Setup a varied schedule • Consistent service as a COC member develops expertise 	<ul style="list-style-type: none"> • About consistency of decisions • Unless we change the way we do business (statutes/procedures) why have more than <u>1</u> ? staffing • Concern about a COC member knowing consistency of service • Be sure there are clear selection criteria • “Serving” a burden on employer • What is potential impact on any employer to have 1+ COC members? • If more committees, need more CTC staff
2. Reduce barriers to serving on COC	<ul style="list-style-type: none"> • COC member issue – “I can’t choose my own sub.” • Consider regional COCs • Make service more attractive • What about using retired teachers? • Those serving have a broader perspective if an active member of profession • How may tech influence/facilitate participation? • How about opening up COC membership to reflect all “held” to COC? • Consider greater percentage of COC = teachers. 	<ul style="list-style-type: none"> • Concern about a retiree who is no longer “active” serving on COC • How to address long diversity to include all constituencies to serve on COC • COC should reflect majority of the majority of cases before it
3. Revise the list of mandatory offenses	On hold for future work. Might need additional meeting on this topic	
4. Pursue legislation that would require COC members to be released for COC work	<ul style="list-style-type: none"> • Making it easier to serve by having mandatory release by employing district 	<ul style="list-style-type: none"> • Need to work with legislature
5. If more than 1	<ul style="list-style-type: none"> • Assume balance of experienced and new COC in any COC 	<ul style="list-style-type: none"> • Avoid “9th Circuit” type of issue

Suggestion	Strengths	Concerns
COC, be sure experienced COC members are on each	group. <ul style="list-style-type: none"> • Provide a “mentor” COC member for a novice member. • More COCs equal a broader range of perspectives used in review of cases • Put in place annual or regular calibration for COC members 	
6. Pursue the ability of staff to close cases	<ul style="list-style-type: none"> • 1yr, 6mo, 4yr, Statute of limitations already in place, Do we need more? 	<ul style="list-style-type: none"> • Need to wait for Attorney General ruling on this suggestion. • Teachers should have the right to know COC has looked at case (How does this help streamline?)
7. Pursue the ability of staff to enter into early settlements	<ul style="list-style-type: none"> • Assure appointed COC members hone their ... • Staff ought to be able to enter into the settlement negotiations subject to COC 	<ul style="list-style-type: none"> • Not appropriate for state to enter into early settlements
8. Examine the other inputs that bring cases to the COC, I.e. contract abandonment, alcohol...	Staff will provide data on this for the November 2011 meeting	
9. Identify criteria for staff to close/settle cases	<ul style="list-style-type: none"> • Public could feel confident that staff were following criteria • Staff would feel confident they would not be second guessed 	<ul style="list-style-type: none"> • Not a good idea, legal conundrum
10. Better education about what should be coming to the Commission	<ul style="list-style-type: none"> • Education about COC process is a good thing – General info on CTC website (reformat?) • Outreach would clarify what should come to COC • What should/shouldn't come to COC = less work. • Clarify standards of what needs to be sent to COC 	<ul style="list-style-type: none"> • Could increase work because of education about COC • Cost for greater outreach

Suggestion	Strengths	Concerns
	<ul style="list-style-type: none"> • Clarify for credential holders, employers, public what is subject for COC review 	
11. Review district mandatory reports		
12. Examine the process to get full evidence earlier	<ul style="list-style-type: none"> • More transparency at an earlier stage equals earlier resolution 	
13. Should all credentials be treated the same	<p>On hold at this time. Not a suggestion that would necessarily streamline the process...But it is possible that we should look at the number/percent of cases for individuals who hold a Child Development Permit and no teaching credential. Should these individuals go through the same COC process as other credential holders</p>	

Topics/Notes for the November 18 Meeting

- Discuss and Review the Morrison standards (provide T5 regulations).
- Review the suggestions from the October 2011 meeting, Entertain additional suggestions.
- Staff to provide data on the percent of DPP caseload by type of license the individual holds.
- Staff to provide data on the types of reports of misconduct: numbers in each: RAPs, school districts/employers (contract abandonment included), affidavits, self disclosure and the intake process for each.

Appendix C

Agendas and Meeting Notes from the Second Stakeholder Meeting

November 18, 2011



Educator Discipline Stakeholder Meeting II

Friday, November 18, 2011

10:30-3:30

GOAL: *Protect the safety of students and the rights of applicants and licensees by the effective, efficient and fair handling of cases in a timely manner.*

Outcomes:

1. Raise suggestions to streamline the Educator Disciplinary Review process
2. Discuss strengths and areas of concern for suggestions
3. Identify most viable options

Agenda

- I. Welcome and Meeting Start Up
- II. Review Data Requested at the October 28 Meeting
- III. Presentation by Michael Rothschild, Attorney at Law
 - Alternative Process for Alcohol or Drug Related Convictions
 - Eliminate Breach of Contract Provisions
 - Encourage Settlement at the Earliest Stage of Proceeding
 - Re-Investigate Only Appropriate Allegations Within Local Teacher Dismissal
- IV. Framing the Future State
 - Review suggestions for streamlining the Educator Disciplinary Review process
 - Raise additional suggestions
 - Identify strengths/concerns for suggestions
 - Identify the most viable options
- V. Clarify Next Steps/Closure

Educator Discipline Stakeholder Meeting II Notes
November 18, 2011

Goal: Protect the safety of students and the rights of applicants and licensees by the effective, efficient and fair handling of cases in a timely manner

Agreements

1. CTC will type up meeting notes and email to the group for review.
2. After review, will post meeting notes on the Educator Discipline Stakeholder Meetings web page (<http://www.ctc.ca.gov/educator-discipline/stakeholder-meetings.html>)
3. Information Item to be presented in January 2012 to the Commission
 - a. CTC staff will work to accurately reflect stakeholder input.
 - b. Will include Strengths and Concerns for each suggestion, organized by consensus first and then those on for which there is no consensus
 - c. Staff will add fiscal impact information for suggestions
4. Ken Burt will provide staff with an electronic file of the information shared by Michael Rothschild

Issues Bin

1. Why an increase in the personal fitness questions (PFQs)? Do the questions cover what needs to be known?
2. A concern about the clarity of the question(s) related to 'non re-elect' issue
3. How will any revision to the personal fitness questions (PFQs) be shared with stakeholders? Will there be public input?
4. Suggestion #12 needs additional conversation and clarity around the 'resignation under a cloud'

Important Upcoming Dates

- January 2012: Commission meeting, an information item will be presented with information from the stakeholder meetings
- February 2012: Expect opinion from Attorney General on legality of COC delegating authority to staff
- April 7, 2012: one year report due to BSA

Suggestions to Streamline the Disciplinary Review Process

Items highlighted in yellow represent areas of consensus

Suggestion	Strengths	Concerns
1. Have more than 1 COC	<ul style="list-style-type: none"> • Would be able to process more cases • Making it easier to serve by having mandatory release by district • If more than one COC, The COCs could be specialized in duties • If have a large pool of COC members, could flex “convened” group(s) (like a jury pool) • Setup a varied schedule • Consistent service as a COC member develops expertise • Could allow southern Californians easier access to serve on COC 	<ul style="list-style-type: none"> • About consistency of decisions • Unless we change the way we do business (statutes/procedures) why have more than <u>1 ?</u> staffing • Concern about a COC member knowing consistency of service • Be sure there are clear selection criteria • “Serving” a burden on employer • What is potential impact on any employer to have 1+ COC members? • If more committees, need more CTC staff to prepare the cases for the Committees • Impact on CTC budget?
2. Reduce barriers to serving on COC	<ul style="list-style-type: none"> • Consider regional COCs • Make service more attractive • What about using retired teachers? • Those serving have a broader perspective if an active member of profession • How may tech influence/facilitate participation? • How about opening up COC membership to reflect all “held” to COC? • Consider greater percentage of COC = teachers. • Focus on recruitment 	<ul style="list-style-type: none"> • Concern about a retiree who is no longer “active” serving on COC • How to address more diversity and include all constituencies to serve on COC • COC should reflect majority of the majority of cases before it • COC member issue – “I can’t choose my own sub.”
3. Pursue legislation that would require COC members to be released for COC work	<ul style="list-style-type: none"> • Making it easier to serve by having mandatory release by employing district <p style="text-align: center;">Already in Education Code</p>	<ul style="list-style-type: none"> • Need to work with legislature
4. If more than 1 COC, be sure experienced COC members are on each	<ul style="list-style-type: none"> • Assume balance of experienced and new COC in any COC group. • Provide a “mentor” COC member for a novice member. • More COCs equal a broader range of perspectives used in review of cases • Put in place annual or regular calibration for COC members 	<ul style="list-style-type: none"> • How to avoid inconsistent decisions across the committees

Suggestion	Strengths	Concerns
<p>5. Pursue the ability of staff to close cases</p> <p>-Pursue the ability of staff to enter into early settlements</p> <p>-Identify criteria for staff to close/settle cases</p>	<ul style="list-style-type: none"> • 1 yr, 6 mo. 4 yr Statute of limitations already in place, do we need more? • Assure appointed COC members hone their ... • Staff ought to be able to enter into the settlement negotiations subject to COC • Public could feel confident that staff were following criteria • Staff would feel confident they would not be second guessed 	<ul style="list-style-type: none"> • Need to wait for Attorney General ruling on this suggestion. • Teachers should have the right to know COC has looked at case (How does this help streamline?) • Not appropriate for state to enter into early settlements • Not a good idea, legal conundrum
<p>6. Better education about what should be coming to the Commission</p>	<ul style="list-style-type: none"> • Education about COC process is a good thing – General info on CTC website (reformat?) • Outreach would clarify what should come to COC • What should/shouldn't come to COC = less work. • Clarify standards of what needs to be sent to COC • Clarify for credential holders, employers, public what is subject for COC review 	<ul style="list-style-type: none"> • Could increase work because of education about COC • Cost for greater outreach
<p>7. Review district mandatory reports</p>		
<p>8. Examine the process to get full evidence earlier</p>	<ul style="list-style-type: none"> • More transparency at an earlier stage equals earlier resolution 	
<p>9. Alternative process for alcohol convictions</p>	<p>Suggestion, for conviction of drunk driving only</p> <ul style="list-style-type: none"> • 1/2nd conviction -no adverse action • 3rd + conviction - Diversion 	<p>Could cause an increase in CTC staff workload due to tracking/monitoring</p> <p>Is there a cap to the alternative process?</p>
<p>10. Remove Contract</p>	<ul style="list-style-type: none"> • Could streamline the number of reports coming to CTC • If do not specifically require notification, a district could always 	<p>Might or might not be a significant number of cases</p> <p>Contract issues are not the CTC's job</p>

Suggestion	Strengths	Concerns
abandonment as a required notification to CTC	use the affidavit option.	
11. Encourage broader discovery (settle at earliest stage)	<ul style="list-style-type: none"> • With full discovery, earlier settlements would be possible according to defense attorneys • Discovery goes ‘both ways’ (this may be problematic) 	Current process supports more cases going through the full process.
12. Investigate only appropriate allegations—related to teacher dismissals	<ul style="list-style-type: none"> • Employers agree that dismissals for ‘unsatisfactory performance’ should not be sent to CTC • Discover weaknesses on the front end/difficulties of proof become clear early on—signed affidavit at the beginning. 	<ul style="list-style-type: none"> • Would not significantly streamline because this is not a large volume of cases. • Concerns asking employees to sign an affidavit about another employee
13. Educate the Community about what is supposed to be submitted to CTC	<ul style="list-style-type: none"> • Clear, accurate information on the web would be helpful 	
14. Staff should look at the questions on the application—see if all Q’s are necessary		
15. Reconfigure the time COC members	<ul style="list-style-type: none"> • Suggested to meet on weekends and pay the members • Support the COC to work for 5 days a month instead of 3 	Concerns about getting applicants if asking individuals to work on weekends.

Suggestion	Strengths	Concerns
meet—maybe up to 5 days		
16. Administrative law type hearing for less severe cases	<ul style="list-style-type: none"> • Help sort out major/minor offenses 	Cumbersome, expensive
17. Separate COCs—divided by topic of misconduct	<ul style="list-style-type: none"> • 	Dividing by type of misconduct does not streamline the process. Could create a potential bottleneck for specific type of misconduct Division by topic does not help with geography
18. Have different criteria for district reporting actions Connect to #13 and 6	<ul style="list-style-type: none"> • Need language about the district responsibility to report • Clear criteria would help. More clarity would help with over-reporting. • Could ‘untie’ the district’s hands • Would need a change in regulations related to district reporting 	Need clarity on levels of responsibility

Appendix D

Letter from Mr. Michael Rothschild to Mr. Ken Burt

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November 15, 2011

VIA E-MAIL & U.S. MAIL

Ken Burt
CTA Governmental Relations
1118 10th Street
Sacramento, CA 95814

Re: November Stakeholders meeting

Dear Ken:

You have asked that I draft the enclosed memo proposing modification of the California Education Code and Title 5, section 8, of the California Code of Regulations with reference to the Committee of Credentials/Commission on Teacher Credentialing. It is provided to you in preparation for the November 18, 2011 "stakeholders" conference conducted by the Commission on Teacher Credentialing.

Basic to the concept presented is that the Committee of Credentials has, over the past several years, come to view itself as an entity to **penalize** teachers who have run afoul of law or regulations. Examples are set formulations of license suspension periods depending upon facts of an underlying criminal offense. Misguided proposals by Commission staff to impose "fines" are consistent with that. In contrast, the initial and true purpose for creation of the Committee of Credentials was to protect students within the classroom and, if possible, guide involved credential holders into rehabilitation or educational programs wherein they may continue quality service within the education community. Proposals made by the enclosed/attached memo are based upon the premise that the Committee of Credentials should move from its current self-image of "imposer of penalty" to one of "protecting students and encouraging quality educators." That philosophical shift will likely save the Commission millions of dollars while, at the same time, protecting students while recognizing due process rights of credential holders.

Very truly yours,



MICHAEL ROTHSCHILD

MR/bh

Enclosure

PROPOSALS FOR NOVEMBER 18, 2011 "STAKEHOLDERS" MEETING --
COMMISSION ON TEACHER CREDENTIALING

**ISSUE ADDRESSED: ALTERNATIVE PROCESS FOR ALCOHOL OR
DRUG RELATED CONVICTIONS**

1. Perceived problem: CTC staff has indicated as follows:

"If a process could be established in statute to provide for voluntary non-disciplinary process coupled with mandatory probation monitoring for misdemeanor DUI/alcohol related convictions, the major area of the COC caseload could be reduced."

2. Proposed solution:

Create a simple, easily administered and low cost program within which first and second misdemeanor driving under the influence offenders where no bodily injury was involved may be diverted from the review process prior to consideration by the Committee of Credentials. Vehicle Code sections 23538(b) for first offenders and section 23542(b) for second offenders provide for court ordered drinking driver education/therapy programs as a condition of probation. Mandatory jail sentences and monetary fines are also contemplated by the Vehicle Code scheme. Duplicative review and penalty by the Commission on Teacher Credentialing is unwarranted. As such, upon a credential holder's enrollment in and participation in a court ordered drinking driver program as mandated by Vehicle Code section 23538(b) or 23542(b), investigation of the matter by the Committee of Credentials should be held in abeyance.

Similar considerations apply when the court orders participation in an alcohol or drug education program pursuant to Vehicle Code section 23103.5(3). The latter would apply where, for example, there is an exceptionally low blood alcohol level and a plea to reckless driving pursuant to Vehicle Code section 23103 results.

Upon satisfactory proof being received that the program has been completed, the Commission investigation may then be closed. Should the credential holder fail to enroll in and/or satisfactorily complete the court program, the matter may then be subject to discretionary review commencing with a Letter of Inquiry from the Committee of Credentials. The foregoing diversion program should not apply if underlying facts confirm that the credential holder's actions occurred upon or immediately adjacent to their place of employment or in any manner directly involved a student then enrolled at a facility where they were

employed. Misdemeanor reckless driving offenses would be included only if they were alcohol related, as recognized by Vehicle Code section 23103.5.

A more formal probationary program may be implemented with reference to credential holders who suffer a third or more driving under the influence conviction within a period of five years. They may be offered "diversionary probation" **prior** to review by the Committee of Credentials pursuant to a program upon terms and conditions similar to those currently utilized by the Commission **after** full review by the Committee of Credentials but with no suspension stayed. During the period of "diversionary probation" investigation by the Committee of Credentials could be held in abeyance. Upon successful completion of the "diversionary probation," the investigation would then be closed. Upon rejection or failure of the "diversionary probation", investigatory procedures before the Committee of Credentials commencing with a Letter of Inquiry may then be implemented.

Current review by the Committee of Credentials with reference to first and second driving under the influence offenders and alcohol related reckless driving offenses merely duplicates court procedures as mandated by the Vehicle Code. By allowing a choice for "diversionary probation" to third offender driving under the influence credential holders, successful participation in the formal, mandated probation would be encouraged as it would not impose either stayed license suspension or actual credential suspension thereby allowing the affected credential holder to maintain a "clean" record for purposes of future employability. That, of course, would not be the situation should they elect to decline the "diversionary probation", proceed through the Committee of Credentials review process and then likely receive a full suspension or stayed suspension of their credential. By "frontloading" the probation supervision currently offered by the Commission on Teacher Credentialing, unnecessary review by the Committee of Credentials would be avoided while, at the same time, the credential holder would be encouraged to accept the terms and conditions of that probation as license suspension or a stayed suspension could be avoided.

3. Proposed Specific Implementation:

Title 5, California Code of Regulations section 80309.1 pertains to "initial review" by the Committee of Credentials. That regulation may be renumbered as section 80309.2. A new section 80309.1 could then be crafted to implement the contemplated alternative process for alcohol related convictions. Suggested language may be as follows:

Upon a conviction becoming final of having violated Vehicle Code section 23103 which results in punishment pursuant to Vehicle Code section

23103.5, an initial violation of Vehicle Code section 23152 or a second such conviction becoming final within five years thereof, and except as provided in subdivision (c) below:

- (a) Upon a credential holders enrollment in and participation in a court ordered drinking driver program as mandated by Vehicle Code section 23538(b) or 23542(b), or court ordered alcohol and drug education program pursuant to Vehicle Code section 23103.5(e), investigation of the matter shall be held in abeyance. Upon satisfactory proof received which confirms completion of the program the investigation shall be closed.**
- (b) Should the credential holder fail to enroll in and/or satisfactorily complete said program, the matter shall be subject to discretionary review by the Committee of Credentials.**
- (c) (a) and (b) shall not apply and investigation by the Committee of Credentials shall proceed whenever any conviction becomes final for having violated Vehicle Code section 23152 or Vehicle Code section 23103 if punishment is imposed pursuant to Vehicle Code section 231013.5 and the underlying facts confirm that the credential holders' actions occurred upon or immediately adjacent to their place of employment or in any manner directly involve a student then enrolled in a facility where the credential holder was employed.**

Upon conviction becoming final of a credential holder's third or more conviction within a period of five years for having violated Vehicle Code section 23152, they shall be offered "diversionary probation" pursuant to a program upon terms and conditions as adopted by the Commission on Teacher Credentialing. During the period of "diversionary probation" investigation by the Committee of Credentials shall be held in abeyance. Upon successful completion of the "diversionary probation," the investigation shall be closed. Upon rejection of or failure of the "diversionary probation," investigatory procedures before the Committee of Credentials shall commence by Letter of Inquiry.

ISSUE ADDRESSED: ELIMINATE BREACH OF CONTRACT PROVISIONS.

1. Perceived problem:

Under current law, the Committee of Credentials may suspend a credential for up to one year if a certificated employee refuses, without good cause, to fulfill a valid contract or leaves without the consent of the employing superintendent. This issue is an employment contract matter. Reports of breach of contract are not made on a uniform basis by school districts to the Committee of Credentials and districts are not required to make that report. Such breach of contract matters – even when it is indisputably clear that students have not been affected – unnecessarily consume Committee of Credentials resources.

2. Proposed solution:

Current law provides for a report by declaration under penalty of perjury based upon firsthand knowledge of malfeasance by a credential holder. Upon receipt of such verified allegations, the Committee of Credentials has the jurisdiction to commence an investigation. If a teacher abandons a contract, for example, and leaves students literally “hanging” without substitute or replacement personnel, they may be reported by the local school district to the Commission on Teacher Credentialing by verified affidavit. The requirement of a statement under “penalty of perjury” will likely serve to eliminate reports of claimed “breach of contract” where students were, as a practical matter, not affected and the report to the CTC would be driven by vindictive or political considerations.

3. Proposed Specific Implementation:

Repeal Education Code section 44420 and amend Education Code section 44242.5(b)(5) by deleting cross-reference to section 44420.

ISSUE ADDRESSED: ENCOURAGE SETTLEMENT AT THE EARLIEST STAGE OF PROCEEDINGS

1. Perceived Problem:

Proceedings before the Committee of Credentials have increasingly shifted to later stages of the investigatory process. Increasing numbers of review matters have required personal appearance before the Committee of Credentials rather than settlement at the initial “Letter of Inquiry” stage. Consistent with that, increasing numbers of review matters have proceeded to administrative proceedings pursuant to the California Procedure Act. Impact both in caseload

and fees paid to the Department of Justice to defend administrative hearings have increased. This has occurred in large part due to mistrust of Division of Professional Practices staff. One significant concern is the failure to provide exonerating evidence in “disclosure” to a credential holder or their attorney or even, it is suspected, to the Committee of Credentials itself. Some matters proceed to an administrative hearing with concomitant increased expense to the Commission based upon the suspicion – often later confirmed as accurate – that significant evidence may be contained within the Commission file which has previously not been revealed. That would be later revealed by Department of Justice attorneys as required by law at that late stage of proceedings.

2. Proposed Solution:

Prior to the 2003 appellate decision in *California Teacher’s Association v. California Commission on Teacher Credentialing* published at 111 Cal.App.4th 1001, then-California Code of Regulations section 80307 provided for broad discovery to credential holders and their attorneys of a Committee of Credential file to include:

All writings as defined by California Evidence Code section 250 which are included in the applicant’s or holder’s file including writings which include the basis for the allegations, with the exception of privileged information, shall be subject to discovery by the applicant or holder following commencement of an investigation.

At the Commission’s request, the Appellate Court in 2003 declared regulation 80307 to be void as it exceeded the narrow limitation of Education Code section 44244(a) that only “portions of the investigation of the original or supplemental allegations that constitute the basis for the allegations shall be opened to inspection of copying.” At page 1012 of its opinion the Court of Appeal recognized arguments presented to it by the California Teacher’s Association and commented with respect thereto as follows:

Part of this argument is that full discovery is necessary to permit a full investigation that will result in avoiding unnecessary administrative hearings. Only after conducting a full investigation will the teacher know whether to accept or challenge the recommendation of the Committee. This policy argument is best directed to the legislature, which sets the policy in this area.

Stated simply, the Court of Appeal's offer should be accepted and appropriate provisions of the Education Code modified to conform to the regulatory procedure as it existed before 2003. Early settlement will thereby be encouraged and otherwise unnecessary requests for an administrative hearing – which would result in the same full discovery of an entire file being provided at that late date – thereby avoided.

3. Proposed Specific Implementation:

Subdivision (a) of Education Code section 44244 should be amended to delete language which indicates that “the portions of the investigation of the original or supplemental allegations that constitute the basis for the allegations shall be open to inspection or copying by the holder or applicant and his or her attorney.” Instead, the following language should be substituted:

All writings as defined by California Evidence Code section 250 which are included in the applicant's or holder's file including, but not limited to, writings which form the basis for the allegations, with the exception of privileged information, shall be subject to discovery by the applicant or holder following commencement of an investigation. The Commission shall provide to the Committee of Credentials as well as any applicant or holder any and all available exonerating evidence.

**ISSUE ADDRESSED: RE-INVESTIGATE ONLY APPROPRIATE
ALLEGATIONS WITHIN LOCAL TEACHER DISMISSAL
PROCEEDINGS**

1. Perceived Problem:

The Committee of Credentials regularly reviews cases in which a credential holder left employment as a result of or while allegations of misconduct were pending. The Committee thereby reviews and relies on a Statement of Charges crafted by local counsel for school districts in their local dismissal actions. Experience has confirmed that multiple allegations of misconduct, many of which were never substantiated by any evidence whatever, let alone reliable evidence, are thereby presented to the Committee of Credentials. Rather than challenge spurious and unfounded charges, many teachers simply resign or “accept a golden handshake” in the face of tactically inflated allegations of misconduct. It is known that training sessions for local school district attorneys regularly encourage

throwing “the kitchen sink” at such a teacher in an effort to force resignation rather than litigation. All charges, no matter how spurious or factually unsupported, must under current law then be presented to the Committee of Credentials. Considerable resources are thereby expended both in prosecution and defense of matters never intended to be truly litigated at the school district level and, in many cases, allegations which ultimately had been abandoned or dismissed by a local school district.

2. Proposed Solution:

Eliminate local school district dismissal proceedings as a jurisdictional basis for a Committee of Credentials review. In truly egregious situations, a local school district would still be able to report by declaration under penalty of perjury based upon firsthand knowledge any untoward activities by a credential holder to the Committee of Credentials. Jurisdiction would, by that alternative means, be achieved.

3. Proposed Specific Implementation:

Amend Education Code section 44242.5 to delete subdivision (b)(3) and subdivision (d)(5).

Appendix E

Suggestions to Streamline the Disciplinary Review Process Organized by Staff into Three Categories

Attorney General's Opinion on the legality of the COC delegating authority to CTC Staff expected in 2012

Suggestions to Streamline the Disciplinary Review Process Organized by Category

1) Work to <u>reduce the number of cases</u> that are opened: educate employers, educate the public, specify criteria for district reporting, clarify the personal fitness questions		
Suggestion	Strengths	Concerns
a. Better education about what should be coming to the Commission	<ul style="list-style-type: none"> • Education about COC process is a good thing – General info on CTC website (reformat?) • Outreach would clarify what should come to COC • What should/shouldn't come to COC = less work. • Clarify standards of what needs to be sent to COC 	<ul style="list-style-type: none"> • Could increase CTC staff work because of education about COC • Possible cost for greater outreach
b. Educate the Community about what is supposed to be submitted to CTC	<ul style="list-style-type: none"> • Clarify for credential holders, employers, public what is subject for COC review • Clear, accurate information on the web would be helpful 	
c. Have different criteria for district reporting actions.	<ul style="list-style-type: none"> • Need language about the district responsibility to report • Clear criteria would help. More clarity would help with over-reporting. • Could 'untie' the district's hands • Would need a change in regulations related to district reporting 	<ul style="list-style-type: none"> • Need clarity on levels of responsibility • Employers identified possible concerns
d. Investigate only appropriate instances related to teacher dismissals. Employers agree that dismissals for 'unsatisfactory performance' should not be sent to CTC	<ul style="list-style-type: none"> • Could decrease reports being submitted to the Commission • Employers agree that dismissals for 'unsatisfactory performance' should not be sent to CTC 	
e. Staff should look at the questions on the application—see if all Q's are necessary	<ul style="list-style-type: none"> • If clarify questions, could lead to reduced applications identified for disciplinary review 	

2) Committee of Credentials: Reduce the barriers to getting members, use an alternative process for drunk driving, investigate having more than 1 COC, investigate the COC working 5 days instead of 3 each month		
Suggestion	Strengths	Concerns
a. Reduce barriers to serving on COC	<ul style="list-style-type: none"> • Consider regional COCs • Make service more attractive • What about using retired teachers? • Those serving have a broader perspective if an active member of profession • How may tech influence/facilitate participation? • How about opening up COC membership to reflect all “held” to COC? • Consider greater percentage of COC = teachers. • Focus on recruitment 	<ul style="list-style-type: none"> • CTA and CFT expressed concerns about a retiree who is no longer “active” serving on COC-- • How to address more diversity and include all constituencies to serve on COC • COC should reflect majority of the majority of cases before it • COC member issue – “I can’t choose my own sub.”
b. Have more than 1 COC	<ul style="list-style-type: none"> • Would be able to process more cases • Making it easier to serve by having mandatory release by district • If more than one COC, the COCs could be specialized in duties • If have a large pool of COC members, could flex “convened” group(s) (like a jury pool) • Setup a varied schedule • Consistent service as a COC member develops expertise • Could allow southern Californians easier access to serve on COC 	<ul style="list-style-type: none"> • About consistency of decisions • Unless we change the way we do business (statutes/procedures) why have more than 1 COC • Concern about a COC member knowing consistency of service • Be sure there are clear selection criteria • “Serving” a burden on employer • What is potential impact on any employer to have 1+ COC members? • If more committees, need more CTC staff to prepare the cases for the Committees, Impact on CTC budget?
c. If more than 1 COC, be sure experienced COC members are on each	<ul style="list-style-type: none"> • Assume balance of experienced and new COC in any COC group. • Provide a “mentor” COC member for a novice member. • More COCs equal a broader range of perspectives used in review of cases • Put in place annual or regular calibration for COC members 	<ul style="list-style-type: none"> • How to avoid inconsistent decisions across the committees
d. Reconfigure the time COC members meet— maybe up to 5 days	<ul style="list-style-type: none"> • Suggested to meet on weekends and pay the members –this was amended to working for more days each month • Support the COC to work for 5 days a month instead of 3 	Concerns about getting applicants if asking individuals to work on weekends.
e. Alternative process for alcohol convictions	<p>Suggestion, for conviction of drunk driving only</p> <ul style="list-style-type: none"> • 1st and 2nd conviction -no adverse action • 3rd + conviction - Diversion 	<p>Could cause an increase in workload for CTC staff due to tracking/monitoring</p> <p>Is there a limit to the diversion option?</p>

3) Clarify when staff has the ability to close a case (Need to wait for the Attorney General's opinion on delegating of authority to Commission staff)

Suggestion	Strengths	Concerns
<p>a. Pursue the ability of staff to close cases and Identify criteria for staff to close/settle cases</p>	<ul style="list-style-type: none"> • 1 yr, 6 mo. 4 yr Statute of limitations already in place, do we need more? • Public could feel confident that staff were following criteria • Staff would feel confident they would not be second guessed 	<ul style="list-style-type: none"> • Need to wait for Attorney General ruling on this suggestion. • Teachers should have the right to know COC has looked at case (How does this help streamline?) • Not a good idea, legal conundrum

Suggestions for which there was NOT consensus among the Stakeholders

Suggestion	Strengths	Concerns
i) Examine the process to get full evidence earlier	<ul style="list-style-type: none"> • More transparency at an earlier stage equals earlier resolution 	
ii) Encourage broader discovery (settle at earliest stage)	<ul style="list-style-type: none"> • With full discovery, earlier settlements would be possible according to defense attorneys • Discovery goes 'both ways' (this may be problematic) 	Current process supports more cases going through the full process.
iii) Pursue the ability of staff to enter into early settlements	<ul style="list-style-type: none"> • Assure appointed COC members hone their ... • Staff ought to be able to enter into the settlement negotiations subject to COC 	Not appropriate for state to enter into early settlements
iv) Remove Contract abandonment as a required notification to CTC	<ul style="list-style-type: none"> • Could streamline the number of reports coming to CTC • If do not specifically require notification, a district could always use the affidavit option. 	Might or might not be a significant number of cases Contract issues are not the CTC's job
v) Investigate only appropriate allegations—related to teacher dismissals	<ul style="list-style-type: none"> • Discover weaknesses on the front end/difficulties of proof become clear early on—signed affidavit at the beginning. 	<ul style="list-style-type: none"> • Would not significantly streamline because this is not a large volume of cases. • Concerns asking employees to sign an affidavit about another employee
vi) Administrative law type hearing for less severe cases	<ul style="list-style-type: none"> • Help sort out major/minor offenses 	Cumbersome, expensive
vii) Separate COCs—divided by topic of misconduct		Dividing by type of misconduct does not streamline the process. Could create a potential bottleneck for specific type of misconduct Division by topic does not help with geography