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# 5B

## Action

### *Credentialing and Certificated Assignments Committee*

### **Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Fees**

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**Executive Summary:** This agenda item provides proposed amendments to 5 California Code of Regulations §80487 to align application processing fees with the 2012-13 Budget Act.

**Recommended Action:** Staff recommends that the Commission approve the proposed amendments pertaining to fees for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law.

**Presenter:** Tammy A. Duggan, Consultant, Certification, Assignment and Waivers Division

#### **Strategic Plan Goal: 1**

**Promote educational excellence through the preparation and certification of professional educators**

- ◆ Grant credentials, certificates and permits as set out in regulation and statute

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# Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Fees

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## **Introduction**

The proposed amendments to Title 5 of the California Code of Regulations (CCR) will align the application processing fee with the 2012-13 Budget Act (AB 1464, Chap. 21, Stats. 2012). In addition, the proposed amendments update the fee required for processing fingerprints through the Federal Bureau of Investigation and delete all references to duplicate documents and name changes.

## **Background**

The Commission on Teacher Credentialing (Commission) is referred to as a “special fund” agency because the daily operations of the agency are supported by two special funds: (1) Teacher Credentials Fund; and (2) Test Development and Administration Account. The Commission does not receive a General Fund allocation to support its daily operations. The support comes from the fees collected as the result of issuing credentials and administering the various educator preparation examinations for candidates.

The credential fee, established annually in the Budget Act, had fallen below the statutory limit of \$70 at the direction of the Administration and the Legislature since 1998 and had been at \$55 since 2000. The processing fee restoration included in the 2012-2013 Budget Act will allow the Commission to maintain the essential functions of the agency.

## **Proposed Amendments to Regulations**

### **§80487**

**(a)(1):** Proposed amendments to this subsection restores the application processing fee to the statutory limit of \$70.00 to align with the 2012-13 Budget Act [reference Education Code (EC) §44235] and add “a” before “credential” to correct a former typographical error.

**(a)(2):** Proposed amendments delete the processing fee for duplicate documents and name change requests. The Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission’s website per 5 CCR §80001(e). In addition, individuals may now update their personal information (name, address, telephone number, and email address) free of charge via the CTC Online system that was implemented on May 29, 2012.

**(a)(3):** Renumbers subsection to (a)(2) due to the proposed deletion of the language in subsection (a)(2).

**(a)(4):** Renumbers subsection to (a)(3) due to the proposed deletion of the language in subsection (a)(2).

**(a)(5):** Proposed amendments to this subsection align the fee with the current charges assessed by the Federal Bureau of Investigation. Renumbers subsection to (a)(4) due to the proposed deletion of the language in subsection (a)(2).

**(a)(6):** Renumbers subsection to (a)(5) due to the proposed deletion of the language in subsection (a)(2).

**(a)(7):** Renumbers subsection to (a)(6) due to the proposed deletion of the language in subsection (a)(2).

**(b):** Proposed amendments delete all references to requests for duplicate documents or name changes, as well as the language pertaining to lost or destroyed documents. The Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission’s website per 5 CCR §80001(e). In addition, individuals may now update their personal information (name, address, telephone number, and email address) free of charge via the CTC Online system that was implemented on May 29, 2012.

**(e):** Proposed addition of the word “met” for clarity.

**Note:** Proposing deletion of EC §44352 as a Reference as that statute pertains to duplicate documents, but the Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission’s website per 5 CCR §80001(e). In addition, proposing the deletion of EC §§ 44253.10 and 52178 as References, which should have been deleted when §80487 was last amended in 2007 (§44253.10 pertains to issuance of the Certificate of Completion of Staff Development and §52178 pertains to bilingual education—topics no longer included in 5 CCR §80487). Also proposing the deletion of EC §52134 as a Reference as this section of EC was repealed with the passage of Assembly Bill 2587 (Chapter 922, Statutes 1994).

### **Recommendations**

Staff recommends approval of the proposed amendments to 5 CCR §80487 to allow submission of the rulemaking notice file to the Office of Administrative Law. A public hearing will be scheduled for this item only if any interested party or his or her duly authorized representative submits in writing, no later than 15 days prior to the close of the 45-day written comment period, a request to hold a public hearing [Government Code §11346.5(a)(17)].

## **CALIFORNIA CODE OF REGULATIONS TITLE 5. EDUCATION DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

### **§ 80487. Fees.**

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

- (1) The fee for the issuance, reissuance, extension, or renewal of a credential shall be ~~fifty-five~~ seventy dollars unless otherwise established by law.
  - (2) ~~The fee for a duplicate credential or to change a name on a credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.~~
  - (3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.
  - (43) The fee for the state basic skills proficiency test shall be forty-one dollars.
  - (54) ~~Twenty-four~~ Seventeen dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.
  - (65) Thirty-two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.
  - (76) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.
- (b) Except for the fee specified in (a)(43), the fees shall accompany the application for issuance, reissuance or renewal, ~~or the request for a duplicate credential or name change~~; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential ~~or subsequently finds a reportedly lost or destroyed document~~.
  - (c) The fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.
  - (d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.
  - (e) Where an applicant has met all the qualifications for a credential at the time the application is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within sixty days.

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, ~~44253.10~~, 44280, 44289, 44298, 44332.5(b), 44339, 44340, and 44341, ~~44352, 52134 and 52178~~, Education Code; and Section 11105(e), Penal Code.