
5B

Action

Professional Practices Committee

Proposed Policy on Division of Professional Practices Cases

Executive Summary: This agenda item provides a proposed policy recommendation for the Commission's consideration to authorize staff to close specified mental health suspension cases.

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

Presenter: Gil Gonzalez, Staff Services Manager, Division of Professional Practices

Strategic Plan Goal

I. Educator Quality

- ◆ Effectively, efficiently, and fairly monitor the fitness of all applicants and credential holders to work with California students.

Proposed Policy on Division of Professional Practices Cases

Introduction

This agenda item presents a proposed policy giving staff authority to close cases where credentials are indefinitely suspended pursuant to Title 5, California Code of Regulations §80309 (Regulation 80309).

Background

Regulation 80309 states:

“(a) The Committee shall not initiate an administrative hearing solely on the grounds that an applicant or licensee is suffering from a contagious and communicable disease or other disease or defect of mind or body unless probable cause appears from the evidence that:

(1) The condition of the applicant or licensee constitutes a health hazard to students or persons with whom he or she must associate in carrying out the duties authorized by the credential applied for or held; or

(2) Because of the said disease or defect the applicant or licensee is unable to perform the duties authorized by the credential applied for or held.

(b) Any denial, suspension, or revocation of a credential pursuant to this section shall be limited in duration to the period of actual disability; and the credential shall be granted or reissued upon presentation of satisfactory evidence that such disability no longer exists.”

Typically these cases involve a serious mental illness that limits the ability of a credential holder to perform the duties authorized by the credential. In such instances, the Committee may recommend and the Commission may order a suspension of all credentials until the person provides proof that he or she is no longer disabled.

Currently, DPP has sixteen cases where the Commission has imposed a mental health suspension. These are reported on page one of the Monthly Summary Report – Open Cases by Status and Type as “Mental Health Suspensions.” As of April 2013, the age of the Regulation 80309 cases range from 900 days old to more than 5,600 days old.

Staff proposes that current and future 80309 cases be closed once the applicant/licensee is notified of the Commission’s decision because no additional staff action is necessary once a person’s credentials are suspended under Regulation 80309. A Regulation 80309 case would be closed and “flagged.” A flag in the database would notify DOJ that the Commission is no longer interested in receiving criminal information. If a request to terminate the suspension is received, a new application and new fingerprints would be required and all arrest records and court documents (not already received) would be gathered for submission to the Commission. The applicant is also required to submit proof “of satisfactory evidence that such disability no longer exists,” as required by Regulation 80309.

If the person requests termination of the suspension, DPP staff would then open a new case file based on the application and attach the closed 80309 case file, which would remain on site. Staff would then submit the request to terminate the suspension and the file to the Commission for decision.

Proposed Policy

Staff is authorized to close a file where the Commission issues a suspension pursuant to Regulation 80309. The file shall be reopened when the individual requests termination of a suspension.

Recommendation

Staff recommends that the Commission adopt the 80309 policy.