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Information

Professional Practices Committee

Division of Professional Practices Discipline Workload Report FY 2009-2010

Executive Summary: This agenda item is a status report on the discipline workload of the Division of Professional Practices for FY 2009-2010.

Recommended Action: For information only

Presenter: Mary Armstrong, 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

December 2010

Division of Professional Practices Discipline Workload Report FY 2009-2010

Introduction

This agenda item is a status report on the discipline workload of the Division of Professional Practices (DPP) for FY 2009-2010.

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 three credential holders employed in public schools (one elementary teacher, one secondary teacher, and one 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 challenge and appeal by the credential applicant or holder and final approval by the full 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 2009-2010

Reports of Misconduct

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. During FY 2009-10, the following reports of misconduct, by type were reviewed:

Reports of Misconduct

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
School District Reports	139	238	211	231	241
Complaints under penalty of perjury	139	47	223	135	130
All others (includes DOJ reports and self Disclosures)	4846	4490	3376	3777	5352
Total	5124	4775	3810	4143	5723

Caseload

Once jurisdiction is established, the reports of misconduct are reviewed by staff. A determination is made whether this alleged misconduct comes within the Commission's statutory authority. If yes, then a case is opened. The FY 2009-10 caseload is as follows:

New Cases Opened

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Applicants	851	423	348	409	360
Applicants/holders	453	737	672	561	558
First time applicants	2069	2665	2364	2404	2074
holders	1271	1357	1283	820	2624
Waivers	81	74	84	94	46
Total	4725	5256	4751	4288	5662

Cases Opened Per Fiscal Year by Type

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Application	1677	2010	1537	1748	1221
Application & RAP	1654	1676	1549	1728	1913
Rap Sheet	1408	672	303	256	2115
School District/County Office of Education	139	238	211	221	241
Other	69	115	153	49	126
Arresting Agency	4	5	26	17	9
Affidavit/Complaint	139	47	21	15	27
Breach of Contract	8	4	3	8	21
State Test Misconduct	0	8	3	2	10
Waiver	18	1	11	95	46
Total	5116	4776	3817	4139	5729

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.

Cases Completed

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Staff Action	5171	4224	3133	3087	4630
COC Grant/Close	562	585	574	538	150*
Commission	553	685	695	595	712
Total	6286	5494	4402	4220	5492

*Reflects change in procedure initiated in July 2009 which shifted portion of COC workload to staff action category resulting in increased number of staff actions.

Final Actions

Final actions fall into two categories. Mandatory actions are imposed 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 can alternatively be appealed before a final action is taken and result in administrative adjudication (see next page).

Commission Final Actions FY 05/06 through 09/10

Mandatory Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocations	114	114	103	90	202
Denials	38	36	42	29	64

Discretionary Actions

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Revocation	245	197	166	131	104
Denials	107	82	65	44	49
Suspension	172	267	279	194	207
Public Repeval	56	78	82	66	55
Private Admonition	16	16	24	20	19
Total Mandatory and Discretionary Actions	748	790	761	574	700

Administrative Adjudication

After its administrative 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 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Appeals Requested	N/A	N/A	103	161	159
Settlements (Commission)	N/A	N/A	68	62	46
Settlements (Attorney General)	N/A	N/A	15	10	24
Proposed Decisions Adopted by CTC	N/A	N/A	7	10	12
Decisions Issued by CTC	N/A	N/A	8	5	3
Judicial Actions (Writs)	N/A	N/A	2	2	6

Commission Disciplinary Workload

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 05/06 through 09/10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Granted	3	7	5	9	9
Denied	7	8	10	15	15
Total Petitions	10	15	15	24	24

Other DPP Discipline 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 also fully implemented in 2009 to forward discipline related calls from the Commission's toll-free number to DPP. The number of telephone calls for does not reflect calls made directly to DPP.

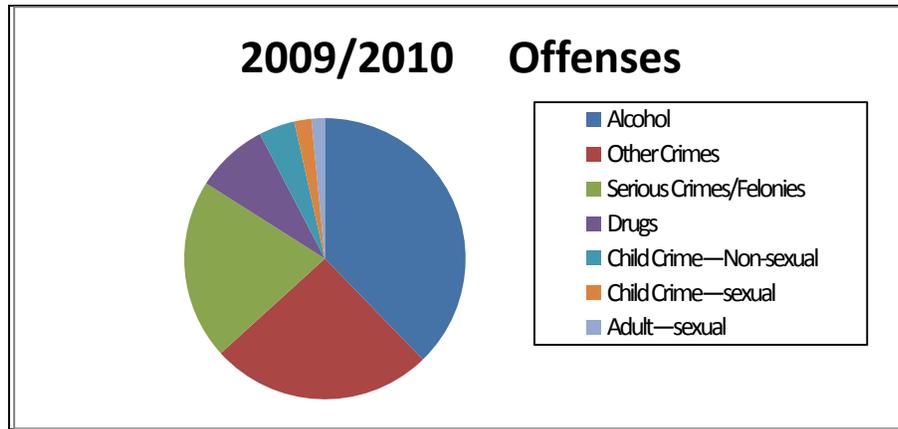
	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
E-mails Sent to DPP Info	N/A	N/A	592	4,588	5,630
Phone Calls	N/A	N/A	37,448	9,801	8,088

Analysis of Types of Criminal Misconduct

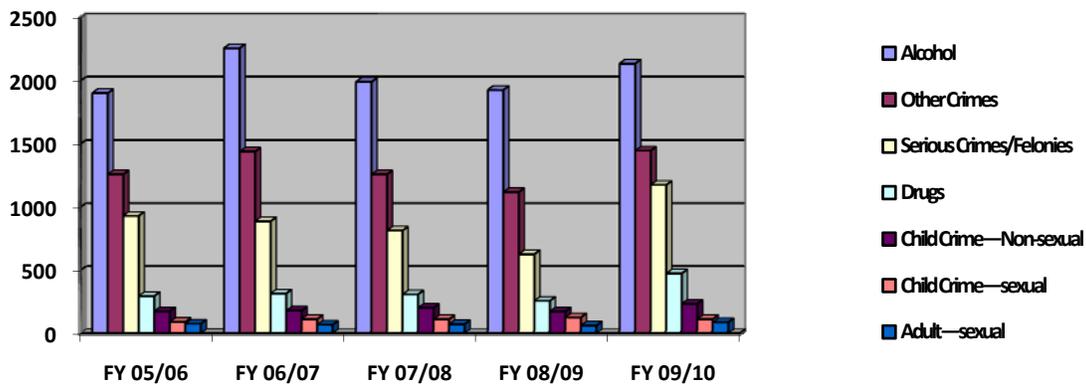
Of the total number of allegations of criminal misconduct reviewed during FY 2009-10, one-third of the offenses were alcohol related. This trend is consistent with the criminal misconduct over the previous four years.

Cases Opened by Offense Code FY 06 through 09-10

	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Alcohol	1901	2258	1990	1927	2136
Other Crimes	1259	1438	1258	1118	1446
Serious Crimes/Felonies	930	887	813	626	1174
Drugs	295	315	308	257	473
Child Crime—Non-sexual	175	179	201	173	234
Child Crime—Sexual	89	112	110	126	112
Adult—Sexual	76	67	71	61	87
Total	4725	5256	4751	4288	5662



Criminal Misconduct Cases by Type FY 05/06 through 09/10



Improvements Initiated During FY 2009-2010

DPP continues to review its processes and procedures to determine both efficiencies and streamlining of its work. The goal is to balance its mission of protection of California's public school children with the due process rights of credential holders and applicants. In the last half of FY 2008-2009 and throughout 2009-2010, DPP and the Attorney General's Office faced additional challenges with the imposition of furloughs for DPP and budget cuts at the Attorney General's Office. To that end DPP initiated the following improvements and changes during FY 2009-10.

- **Case Tracking System**

Final implementation of a computer based tracking system to identify and track documents, applications and cases as they are processed through DPP. This system provides weekly reports to staff members and management to ensure that cases are processed in a timely manner. In addition the system also identifies high priority cases and notifies management when activities are not completed and establishes a weekly report to track applications as soon as the application is assigned to DPP.

- **Improvements in Management of Criminal History Information Reports**

As a result of staff turnover, training issues and furloughs DPP faced a backlog in processing lower level criminal history information reports (raps) sent from the Department of Justice to the Commission. Unlike applicant information which is for the most part processed electronically, these reports were in a paper format sent to CAW and then to DPP. Many of the raps received in this manner do not result in a case being opened or considered by the COC. It was, however, necessary to sort and process the reports, enter relevant information as necessary into the system, track arrests to determine if the arrest led to a conviction, and, in some cases, obtain necessary police reports and court documents. In order to streamline the procedure, in early 2010 DPP moved to a paperless receipt and sort of raps. Raps are now sent electronically to DPP, entered in the system, sorted by priority and tracked, all on a same day basis. While this does not eliminate the workload that results if a case is opened, it does eliminate the number of raps waiting to be processed.

- **Streamline Processing of Pending COC Cases**

In early July 2009, as a result of both the limited amount of time the volunteer COC members have each month to meet and consider cases and the imposition of furloughs cancelling several meeting dates, staff and the Chair of the COC met with the Executive Director to discuss strategies to streamline the processing of pending COC cases. It was decided that matters which were unlikely to rise to the level of an Education Code §44242.5(b) informal review by the COC which previously had been presented to the COC on a consent agenda would be delegated to staff to grant or close. (These matters consist of a review of misconduct that was not the type which results in a COC recommendation for discipline because of various factors such as the length of time since the misconduct occurred, lack of recurring misconduct or evidence of rehabilitation provided with an application.) The new procedure has resulted in processing these matters one to seven weeks faster than the previous practice. The biggest benefit is to applicants who are awaiting a review and school districts that are not forced to remove an applicant from the classroom unnecessarily.

- **Consultation with Attorney General's Staff**

Periodic meetings are held with the staff at the Attorney General's Office to discuss the administrative workload process. Staff from both offices are developing and refining a case priority system to resolve cases at the administrative level in a timely manner. In June 2010, DPP and the Attorney General's office put in place a new process to handle high priority cases which involves direct assignment to a Deputy Attorney General who drafts the accusation rather than assignment to legal analysts. It is anticipated that this process will result in reducing the time it takes to bring a case to administrative hearing by a minimum of 12 months.

Next Steps

In FY 2010-2011, 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 to achieve increased automation of its records, improve electronic monitoring of workload, improve DPP's continued use of technology to achieve greater efficiency and improve

and provide real time notification to school districts and the public regarding disciplinary actions. This will allow increased effectiveness in protecting California's public school children while at the same time providing credential holders and applicants with both due process and a faster processing time.