



COMMISSION ON
TEACHER CREDENTIALING
Ensuring Educator Excellence

Division of Professional Practices
Petition for Reinstatement Packet

September 2014

This reinstatement packet was developed by the Division of Professional Practices of the Commission on Teacher Credentialing. For more information about the content of this packet, contact brutledge@ctc.ca.gov.

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Commission on Teacher Credentialing
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This report is available at <http://www.ctc.ca.gov>

REINSTATEMENT OF CREDENTIALS AFTER REVOCATION FOR MISCONDUCT

Reinstatement of a credential following revocation for misconduct requires approval of the Commission on Teacher Credentialing, based on its evaluation of the rehabilitation of the person seeking reinstatement. ***You may request reinstatement after more than one (1) year has passed since the effective date of the revocation. Please note--you are not required to request reinstatement of a suspended credential. Suspended credentials are reinstated automatically at the end of the suspension period. If you are requesting reinstatement of a credential that you voluntarily revoked with no allegations of misconduct pending, you do not need to file a Petition for Reinstatement. You need only complete and submit a credential application form along with a letter requesting reinstatement.***

If you decide to apply for reinstatement, please be advised that the process may take some time. After complete documentation has been received by the Commission, the petition will be scheduled for consideration by the Commission at the earliest possible date. Information regarding a personal appearance before the Commission will be included with notice of the hearing date.

Please be advised that the Commission cannot reinstate a life credential; instead it would issue a "clear" credential, which is subject to the current rules and regulations regarding such credentials. Further, grades 13 and 14 cannot be included on a reinstated credential because the Commission no longer has the authority to issue new credentials for these grades.

You must submit a separate application and fee for each credential you wish to have granted or reinstated.

To petition the Commission for reinstatement, you must provide the following:

1. a completed Petition for Reinstatement;
2. a declaration (a statement signed under penalty of perjury) containing information you wish the Commission to consider regarding your rehabilitation;
3. a completed application Form 41-4, along with the required fee, for each credential sought to be reinstated;
4. two (2) legible Live Scan Fingerprint Form 41-LS executed by an approved government agency along with the required fingerprint fees; and
5. any other information as may be required by the Commission.

You may also submit information to the Commission which you consider relevant to your petition and your rehabilitation. The types of information you may wish to submit might include:

1. a personal statement addressing your rehabilitation and the misconduct that led to the revocation of your credentials, including your explanation of the facts and surrounding circumstances leading to the revocation;

2. evidence of rehabilitation such as progress reports if enrolled in a program, verification of completion of a rehabilitation program, probation reports, and similar materials;
3. recent letters, reference and character, of recommendation addressed to the Commission from responsible persons acknowledging the misconduct;
4. school evaluations or current work performance reports showing the nature and quality of your professional performance;
5. your work history since the revocation, including the names of employers and type of work;
6. any civic activities engaged in following the revocation; and
7. court documents indicating the reduction or dismissal of criminal convictions.

You will be afforded an opportunity to present any evidence which you feel may assist the Commission in evaluating your petition for reinstatement. Credential application fees are not refundable.

If you wish further information, you may inquire at:

**Commission on Teacher Credentialing
Division of Professional Practices
1900 Capitol Avenue
Sacramento, CA 95811-4213
(916) 324-5953**

**BEFORE THE
CALIFORNIA COMMISSION ON TEACHER CREDENTIALING
STATE OF CALIFORNIA**

In the Matter of:)
)
)
-----)
(Name of Petitioner in upper case))
)
_____)

PETITION FOR
REINSTATEMENT

-----, petitioner, declares
(Name of Petitioner in normal case)

I

Petitioner hereby petitions for reinstatement and in support sets forth the facts contained in petitioner's attached declaration.

II

Petitioner is fully aware of the responsibilities and duties required of a person holding a credential issued by the Commission on Teacher Credentialing, and petitioner believes that petitioner has been fully rehabilitated and is able to carry out those duties and responsibilities.

III

Petitioner attaches to this petition and incorporates by reference petitioner's declaration and other material in support of this petition.

WHEREFORE petitioner prays that petitioner's credential(s) be reinstated.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signature: _____

DECLARATION OF PETITIONER

I am petitioning for reinstatement. In support of my Petition I am submitting the following:

- a personal statement addressing my rehabilitation and the misconduct that led to the revocation of my credential(s), including an explanation of the facts and surrounding circumstances leading to the revocation;
- evidence of rehabilitation such as progress reports if enrolled in a program, verification of completion of a rehabilitation program, probation reports, and similar materials;
- recent letters of recommendation, reference and character from responsible persons addressed to the Commission's attention;
- school evaluations or current work performance reports showing the nature and quality of my professional performance;
- my work history since the revocation, including the names of employers and type of work;
- civic activities engaged in following the revocation;
- other:

I declare under penalty of perjury that all statements I make in support of my Petition for Reinstatement are true and correct.

Dated: _____

Signature: _____



GOVERNMENT CODE SECTION 11522

REINSTATEMENT OF LICENSE OR REDUCTION OF PENALTY

A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefore, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

44010 SEX OFFENSE

"Sex offense", as used in Sections 44020, 44237, 44346, 44425, 44436, 44836 and 45123, means any one or more of the offenses listed below:

(a) Any offense defined in Section 220, 261, 261.5, 262, 264.1, 266, 266j, 267, 285, 286, 288, 288a, 288.5, 289, 311.1, 311.2, 311.3, 311.4, 311.10, 311.11, 313.1, 647b, 647.6, or former Section 647a, subdivision (a), (b), (c), or (d) of Section 243.4, subdivisions (a) or (d) Section 647 of the Penal Code.

(b) Any offense defined in former subdivision (5) of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision (2) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, If the offense defined in those sections was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision (1) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Education Code Chapter 1616 of the Statutes of 1961, if that offense was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975-76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the offenses specified in this section.

(i) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this section.

(j) Any conviction for an offense resulting in the requirement to register as a sex offender pursuant to Section 290 of the Penal Code.

(k) Commitment as a mentally disordered sex offender under former Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of the Welfare and Institutions Code, as repealed by Chapter 928 of the Statutes of 1981.

44011 CONTROLLED SUBSTANCE OFFENSE

"Controlled substance offense" as used in Sections 44346, 44425, 44436, 44836, and 45123 means any one or more of the following offenses:

- (a) Any offense in Sections 11350 to 11355, inclusive, 11361, 11366, 11368, 11377 to 11382, inclusive, and 11550 of the Health and Safety Code.
- (b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.
- (c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.
- (d) Any attempt to commit any of the above-mentioned offenses.

**44346 FURTHER GROUNDS FOR DENIAL; CLASSES OF APPLICANTS;
REHABILITATION**

(a) The commission shall deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who comes within any of the following classes:

(1) Has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.

(2) Has been convicted of any sex offense, as defined in Section 44010.

(3) Has been convicted of a controlled substance offense, as defined in Section 44011.

(4) Has been found to be insane through a criminal proceeding by a federal court or a court in this or any other state.

(b) (1) Notwithstanding paragraphs (2) and (3) of subdivision (a), no person shall be denied a credential solely on the basis that he or she has been convicted of a crime specified in paragraphs (2) and (3) of subdivision (a) if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, and if his or her probation has been terminated and the information or accusation has been dismissed pursuant to Section 1203.4 of the Penal Code.

(2) Notwithstanding any other law, the commission shall deny the application of any applicant who is required to register as a sex offender pursuant to either of the following:

(A) Section 290 of the Penal Code.

(B) A law of any other state or of the United States when the underlying offense, if committed or attempted in this state, would require registration as a sex offender under Section 290 of the Penal Code.

(c) Notwithstanding paragraph (3) of subdivision (a) or subdivision (b), the commission may issue a credential to a person convicted of a controlled substance offense as defined in Section 44011 if the commission determines from the evidence presented that the person has been rehabilitated for at least five years, or has received a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or if the accusation or information against the person has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense pursuant to Section 1203.4 of the Penal Code.

(d) Notwithstanding paragraph (4) of subdivision (a), the commission may issue a credential to a person found to be insane through a criminal proceeding by a federal court or a court in this or any other state if the commission determines from the evidence presented that the person has been rehabilitated for at least five years.

**44346.1 CREDENTIALS; APPLICANTS CONVICTED OF VIOLENT OR
SERIOUS FELONY; CERTIFICATE OF REHABILITATION AND
PARDON**

- (a) The Commission shall deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony or a crime set forth in subdivision (a) of Section 44424 or whose employment has been denied or terminated pursuant to Section 44830.1.
- (b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.
- (c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.
- (d) Notwithstanding subdivision (a), a person shall not be denied a credential solely on the basis that the applicant or holder has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

44424 CONVICTION OF CRIME; PLEA OF NOLO CONTENDERE; DENIAL OR TERMINATION OF EMPLOYMENT

(a) Upon the conviction of the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing of a violation, or attempted violation, of a violent or serious felony as described in Section 44346.1, or any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194 to 217.1, both inclusive, 220, 222, 244, 245, 261 to 267, both inclusive, 273a, 273ab, 273d, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as these sections relate to felony convictions, 503 and 504, or of any offense involving lewd and lascivious conduct under Section 272 of the Penal Code, or any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the offenses specified in this section, becoming final, the commission shall forthwith revoke the credential.

(b) Upon a plea of nolo contendere as a misdemeanor to one or more of the crimes set forth in subdivision (a), all credentials held by the respondent shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(c) The commission shall revoke a credential issued to a person whose employment has been denied or terminated pursuant to Section 44830.1.

(d) Notwithstanding subdivision (a), a credential shall not be revoked solely on the basis that the applicant or holder has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

44425 CONVICTION OF SEX OR NARCOTIC OFFENSE AS GROUNDS FOR REVOCATION BY COMMISSION; PLEA OF NOLO CONTENDERE TO SEX OFFENSE

(a) Whenever the holder of a credential issued by the state board or the Commission on Teacher Credentialing has been convicted of a sex offense, as defined in Section 44010, or controlled substance offense, as defined in Section 44011, the commission immediately shall suspend the credential. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him or her are dismissed, the commission immediately shall terminate the suspension of the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission immediately shall revoke the credential.

(b) (1) Notwithstanding subdivision (a) and Section 44009, if the holder of a credential enters a plea of nolo contendere for a violation of subdivision (d) of Section 647 of the Penal Code, the commission of a sex offense as defined in Section 44010, all credentials held by the individual shall be suspended until a final disposition regarding those credentials is made by the commission. Any action that the commission is permitted to take following a conviction may be taken after the time for appeal has elapsed, the judgment of conviction has been confirmed on appeal, or when an order granting probation is made suspending the imposition of sentence and the time of appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of a subsequent order pursuant to Section 1203.4 of the Penal Code.

(2) The Legislature shall convene a working group of interested parties including, but not limited to, the commission, civil rights organizations, and organizations that represent teachers, administrators, county offices of education, school districts, school boards, and parents to study Sections 44010, 44011, and 44424, and to provide a report on its findings on or before December 1, 2009.

(c) Notwithstanding any other law, revocation shall be final without possibility of reinstatement of the credential if the conviction is for a felony sex offense, as defined in Section 44010, or a felony controlled substance offense, as defined in Section 44011, in which an element of the controlled substance offense is either the distribution to, or use of a controlled substance by, a minor.

(d) (1) Notwithstanding any other provision of law, the commission immediately shall suspend the credential of any holder who is required to register as a sex offender pursuant to either of the following:

(A) Section 290 of the Penal Code.

(B) A law of any other state or of the United States when the underlying offense, if committed in this state, would require registration as a sex offender pursuant to Section 290 of the Penal Code.

(2) If the conviction requiring registration as a sex offender is reversed on appeal and the holder is acquitted at a new trial or if the charges against the holder are dismissed as a result of the reversal, upon notice, the commission shall immediately reinstate the credential.

(3) The commission immediately shall revoke a credential based on a conviction requiring registration as a sex offender when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence and the time for appeal has elapsed.

(e) A credential holder whose credential has not been revoked pursuant to subdivision (a) as a result of a misdemeanor sex offense, as defined in Section 44010, that does not require registration as a sex offender as set forth in subdivision (c), may apply for reinstatement of his or her credential pursuant to Section 11522 of the Government Code if the accusation or information against the holder has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense pursuant to Section 1203.4 of the Penal Code or the equivalent statute in another federal or state jurisdiction.