



## **CODED CORRESPONDENCE**

<b>DATE:</b> December 12, 2007	<b>NUMBER:</b> 07-21
<b>TO:</b> All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	<b>FROM:</b> Dale A. Janssen Executive Director Commission on Teacher Credentialing
<b>SUBJECT: Proposed Amendments to Title 5 California Code of Regulations §80440 Pertaining to Date of Issuance of Credentials and §80443 Pertaining to Processing Time for Credentials and Permits</b>	

### **Notice of Public Hearing is Hereby Given**

In accordance with Commission policy, the following regulations (5 CCR §§80440 and 80443) are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined and the deleted text lined out.

A public hearing on the proposed actions will be held:

**February 1, 2008  
8:30 a.m.  
Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95814**

### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on January 28, 2008. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at [tduggan@ctc.ca.gov](mailto:tduggan@ctc.ca.gov).

Any written comments received 18 days prior to the public hearing will be reproduced by Commission staff for each member of the Commission as a courtesy to the person

submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

### **Authority and Reference**

Education Code section 44225 authorizes the Commission to promulgate rules and regulations, which will implement, interpret or make specific section 44350 of the Education Code and govern the procedures of the Commission.

### **Informative Digest/Policy Statement Overview**

#### Summary of Existing Laws and Regulations

Assembly Bill (AB) 469 (Chap.133, Stats.2007) amended Education Code §44350 to require the Commission to process an application within 50 business days of receipt. This is a reduction of the previous regulatory mandate of 75 working days. The new timeline pertains to all applications, whether submitted online or by paper through the U.S. mail. The only exceptions to the 50-day processing timeline are applications submitted by individuals who must undergo a Commission fitness review.

Another provision of AB 469 requires school districts, county offices of education, nonpublic schools, charter schools, colleges and universities to submit application packets to the Commission no more than three months after the requested issuance date for the document. This is a reduction of the previous four-month timeline. This provision pertains to all applications, submitted online or through the U.S. mail, regardless of whether the application is accompanied by fingerprint cards. A document for an application received more than three months after the requested issuance date will be issued effective the date the application is received at the Commission provided all requirements for the document have been met.

### ***Proposed Amendments to Title 5 Regulations***

#### **Section 80440**

§80440(a)(2) Education Code §44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(b) Education Code §44350 requires the submission of an application to the Commission not more than three months after the requested issuance date of the document. Staff is proposing that the language pertaining to the submission of applications be changed from four months to three months. Staff is also proposing the deletion of the language pertaining to the submission of applications in forty-five working days for individuals who do not have fingerprint clearance on file at the Commission.

§80440(c)(2) Staff proposes that the submission timeline for renewal applications be changed from four months to three months.

**Section 80443**

§80443(a)(1) Staff proposes that 75 working days for the processing of applications be changed to 50 business days to align with Education Code §44350. Staff also proposes deletion of the language pertaining to the return of incomplete applications, as all applications will be processed in 50 business days.

§80443(a)(2) Staff proposes that the language concerning maximum processing times be deleted, as it provides outdated information.

§80443(b)-(d) Staff proposes deletion of these subsections due to the repeal of the Permit Reform Act of 1981 (Government Codes §§15374–15378, which was the statutory authority for these provisions). (Chap. 229, Stats 2003, section 1.8.)

**Documents Incorporated by Reference:** None.

**Documents Relied Upon in Preparing Regulations:** None.

**Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]:* The Commission has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within

California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

*Effect on small businesses:* The Commission has determined that the proposed amendments to the regulations do not affect small businesses.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons or small businesses than the proposed action. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **Contact Person/Further Information**

General or substantive inquires concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95814. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### **Availability of Statement of Reasons and Text of Proposed Regulations**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

### **Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

### **Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Tammy A. Duggan at (916) 323-5354.

### **Availability of Documents on the Internet**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikethrough can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

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

### **§80440. Date of Issuance of Credentials.**

(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non-public school, non-sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing provided the following conditions are satisfied:

(1) all the requirements for the credential were met prior to the issuance date of the credential, and

(2) the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential ~~if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(b) The issuance date for a credential recommended by a California institution of higher education with a program accredited by the Committee on Accreditation shall be the date of completion of all requirements for the credential or later as established by the institution provided the application is submitted to the Commission not more than three months ~~forty-five working days~~ after the issuance date of the credential ~~if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(c) The issuance date of the renewal of a credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied:

(1) the renewal application is submitted to one of the agencies listed in (a) above within one year prior to the expiration date;

(2) the renewal application is submitted to the Commission not more than three ~~4~~ months after the issuance date of the credential; and

(3) all the requirements for the credential were met prior to the issuance date of the credential.

(d) If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date

will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.

Note: Authority cited: Section 44225, Education Code. Reference: Section 44252 44350, Education Code.

**§80443. Processing Time for Credentials and Permits.**

(a) The processing time for all credentials and permits shall meet all of the following criteria:

(1) The Commission on Teacher Credentialing shall reach an issuance decision for a credential or permit and notify the applicant within fifty (50) 75 working business days of the receipt of the application. ~~Incomplete applications will be returned to the applicant or recommending institutions within 45 working days of the receipt of the application.~~ The processing time of fifty (50) 75 working business days in these cases will commence upon receipt of the resubmitted complete application;

(2) ~~For the past two years the Commission's maximum processing time has been 77 working days, a minimum of 7 working days, and a median of 35 working days;~~

(3) An application is determined complete when all materials needed for processing and all facts required by the law are included.

(b) ~~The appeal process for the implementation of this section shall be as follows:~~

(1) ~~An applicant who has submitted a complete application and has not received notification of his or her credential status within 75 working days may appeal directly in writing to the Executive Secretary of the Commission. If the appeal is decided in the applicant's favor because the agency exceeded the maximum time period, without good cause, all filing fees are refundable. The applicant must appeal in writing to the Executive Secretary. The applicant will be informed in writing of the decision of the Executive Secretary within 30 working days of the receipt of the appeal. The application form will include information indicating the right to appeal and provisions for making an appeal established by this section.~~

(2) ~~Applicants who are making a Commission appeal as to academic requirements or applicants under review by the Professional Standards Section of the Commission are not eligible to appeal under this section.~~

(c) ~~The Commission shall be considered to have good cause for exceeding the maximum time period established for processing a credential or permit, under the following conditions:~~

(1) ~~The number of permits and/or credentials to be processed exceeds by at least 15 percent the number processed in the same calendar quarter the preceding year;~~

(2) ~~Fingerprint card clearance is not received from the Department of Justice and/or the Federal Bureau of Investigation during the 75 working days, specified in subsection (a)(2). In such event the Commission shall issue the credential within 7~~

~~working days of receipt of the fingerprint clearance;~~

~~(3) Other statutory mandates cause an unforeseeable delay in the application process.~~

~~(d) Any new or additional credentials or permits required or established by the Commission after the effective date of, on or after March 1, 1984 shall be subject to these regulations.~~

Note: Authority cited: Section 44225, Education Code 15376, Government Code.  
Reference: Sections 44350, Education Code 15374, 15375, 15376 and 15378,  
Government Code.

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

Box 944270 (1900 Capitol Avenue)  
Sacramento, California 94244-2700



Attn: Tammy A. Duggan, CAW Division

**Title:** *Date of Issuance and Processing Time for Credentials and Permits*

**Section:** *Proposed Amendments of Sections 80440 and 80443*

**Response to the Attached Title 5 Regulations**

To allow the Commission on Teacher Credentialing to more clearly estimate the general field response to the attached Regulations (5 Cal Code of Regs §§80440 and 80443), please return this response form to the Commission office, attention Tammy A. Duggan, at the above address or fax to her attention at (916) 322-0048. The response must arrive at the Commission by 5:00 pm January 28, 2008, for the material to be presented at the February 1, 2008, public hearing.

- 1.  **Yes**, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
- 2.  **No**, I do not agree with the proposed Title 5 Regulations for the following reasons:  
(If additional space is needed, use the reverse of this sheet or additional page.)

- 3.  Personal opinion of the undersigned and/or
  - Organizational opinion representing: (Circle One)  
School District, County Schools, College/University, Professional Organization, Other \_\_\_\_\_

- 4.  I shall be at the public hearing. Place my name on the list for making a presentation to the Commission.
  - No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Route to tad*