

COMMISSION FOR TEACHER PREPARATION AND LICENSING

OFFICE OF THE EXECUTIVE SECRETARY
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NO. 78-7951

April 26, 1979

TO: All Individuals and Groups Interested in the Activities
of the Commission for Teacher Preparation and Licensing

FROM: Peter L. LoPresti, Executive Secretary *[Signature]*

SUBJECT: Title 5 Regulations, Section 80072, Appeal Upon Failure
to Pass Subject Matter Examination.

The Commission for Teacher Preparation and Licensing has approved and adopted the attached Title 5 Regulations, California Administrative Code, Section 80072 through 80073 for Appeal Upon Failure to Pass Subject Matter Examination.

These regulations became effective February 12, 1979 and constitute the appeal process applicable to all subject-matter examinations beginning with the February 1979 NTE examinations.

(1) Amend Section 80072 to read:

80072. Appeal Upon Failure to Pass Subject Matter Examination.

The Commission will consider appeals presented in writing by applicants who have failed to attain the passing score standard established by the Commission when the appellant can verify evidence of meeting the following appeal standards:

(a) Within 30 days after a score report for a written examination has been received for any certificate or credential issued by the Commission, an unsuccessful applicant may file a petition of appeal with the Executive Secretary on the grounds of fraud, discrimination, clerical error in scoring, or other improper acts or circumstances related to the administration of the examination which deprived the applicant of a fair opportunity to pass the examination; except that mere failure to pass an examination which has been successfully passed by other applicants shall not be grounds for appeal.

(b) The petition shall be in writing and shall state the facts, information or circumstances upon which the appeal is based and in sufficient detail to identify the examination and persons involved. The petition shall be signed and dated by the applicant, and shall include the following statement: "I certify under

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penalty of perjury that the facts stated herein are true and correct. "

(c) The petition may include other relevant information including the petitioner's academic record, letters of recommendation and other facts upon which the Commission might reasonably conclude that, but for the grounds for appeal alleged, the petitioner would have demonstrated all qualifications required by law for such credential or certificate.

(d) The petition, with the Executive Secretary's recommendation with respect thereto, shall be granted or denied by the Commission on the basis of the verified facts presented in the petition. The Commission may order reexamination of the petitioner upon all or any portion of the examination appealed from with or without further examination fee.

(e) Applicants who fail a subject matter examination and do not meet the standards may appeal by requesting to be examined by a board of examiners. Such an appeal shall be in writing and shall include all of the following:

- (1) Verification that appellant has failed the examination and does not meet the standards; and
- (2) Agreement by the appellant to pay the costs of impaneling and operating the board of examiners.

NOTE: Authority cited: Section 44225, Education Code.

Reference: Section 44281, Education Code.

(2) Amend Section 80073 to read:

80073. Board of Examiners.

In response to appeals filed in accordance with Section 80072(e), the Commission shall appoint boards of examiners as appropriate, each consisting of not more than six persons drawn equally from practicing public school teachers and full-time higher education faculty in the subjects or field(s) in which the candidate wishes to be examined. All examinations held by such boards shall be executive and closed sessions with only board members, Commission members, and staff, and the applicant permitted to attend. The recommendations of each board of examiners shall be in writing. A copy of such recommendations shall be transmitted to the Commission, and the Commission will notify applicants of its decision by registered mail within 30 days after the Commission considers the recommendations of the board.