

COMMISSION ON TEACHER CREDENTIALING

1020 O STREET
SACRAMENTO 95814

(916) 445-0184

May 5, 1983

82-8323

TO: All Individuals and Groups Interested in the Activities
of the Commission on Teacher Credentialing

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Changes in Title 5 Regulations for Notice to
Applicants for Issuance or Renewal of Credentials Section 80301;
Application for Character and Identification Clearance;
and Standards for Investigation and Pursuance of Offenses,
Section 80301.5.

In accordance with Commission policy and administrative regulations in the California Government Code, the above cited Title 5 Regulations are being distributed prior to public hearing. The public hearing to amend these regulations is scheduled as follows:

August 4, 1983
2:30 p.m.
Mansion Inn
16th and H Streets
Sacramento, California

Specifically, these new regulations provide notice of the grounds upon which the Commission on Teacher Credentialing determines identification and good moral character of applicants for credentials; and sets forth the basis upon which the Commission and the Committee of Credentials inquires into and pursues offenses committed by applicants.

These regulations are authorized by Education Code Section 44339 as amended by Chapter 996 of the Statutes of 1982.

Please feel free to duplicate and distribute the attached regulation as proposed for amendment to anyone you believe might be interested in responding. If you wish to make a presentation regarding the above to the Commission, please bring thirty copies of your material for distribution to the Commissioners and staff. If you provide this statement to the Commission office by July 7, 1983, sufficient copies of the material will be duplicated and distributed for Commission and staff use. We would also appreciate a call to the Commission office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission. If you do not want to make a presentation or submit a statement regarding this proposed regulation, you can reply on the response form found on the last page.

PROPOSED NEW SECTIONS 80301 and 80301.5

TITLE 5, CALIFORNIA ADMINISTRATIVE CODE

80301. Notice to applicants for issuance or renewal of credentials; application for Character and Identification Clearance.

- (a) An applicant for issuance or renewal of a credential shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to his or her fitness or competence to perform the duties authorized by his or her credential.
- (b) Each applicant for initial issuance of a credential shall submit a completed Application for Character and Identification Clearance on a form adopted by the Commission on which he or she will set forth evidence of identification and good moral character which shall be used for the sole purpose of determining the applicant's eligibility for a credential or certificate of clearance.
- (c) The Application for Character and Identification Clearance shall include, but not be limited to, the following information for applicants:
 - (1) That the Commission is prohibited from issuing to or renewing the credential of any person convicted of any sex offense (listed) under Education Code 44010; or any narcotics offense listed under Education Code 44011; or who has been determined to be a mentally disordered sex offender; or that if a person holds a credential and has been convicted of any offense listed in Education Code 44424, such credential must be revoked;
 - (2) That notwithstanding his or her conviction by plea or verdict of guilty as provided in (1), such person may be issued a credential if he or she has obtained a Certificate of Rehabilitation under Section 4852.01 and following of the Penal Code, or if his or her probation has been terminated and the accusatory pleading, including but not limited to criminal complaints and informations, has been dismissed pursuant to Penal Code 1203.4; or, in the case of a narcotics conviction defined under Section 44011 of the Education Code, such person has been rehabilitated for at least 5 years provided that upon a meeting or hearing of the Committee of Credentials the applicant is found to be fit to teach or fit to perform other duties for which such applicant is to be certificated, or competent to perform the duties which the credential would authorize the applicant to perform. At such hearing the Committee of Credentials shall consider all relevant evidence of rehabilitation, requalification, motivation or other evidence of judicial relief or rehabilitation.

Authority Education Code 44225(b); Reference Education Codes 44339, 44346, 44425.

80301.5. Standards for Investigation or Pursuance of Offenses

- (a) The Application for Character and Identification Clearance shall contain notice to each applicant of the following standards under which the Commission determines whether or not an offense committed by an applicant for issuance or renewal of a credential shall be investigated or pursued:

- (1) The Commission does not investigate or pursue offenses in the absence of evidence showing a clear relationship to an applicant or credential holder's fitness or competence to teach or to perform other certificated services.
- (2) The Commission, through the Committee of Credentials does actively inquire into the relationship between an applicant or credential holder's fitness or competence to perform certificated services and his/her acts or omissions resulting in any of the circumstances set forth in (b).

(b) Circumstances which will be investigated or pursued include:

- (1) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of a sex offense defined in Education Code 44010 or of any reasonably related lesser included offense;
- (2) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of a narcotics offense defined in Education Code 44011 or of any reasonably related lesser included offense;
- (3) Acts or omissions resulting in a requirement that an applicant or credential holder register as a sex offender under Penal Code 290;
- (4) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of an offense defined under Education Code 44424 or of any reasonably related lesser included offense in California or in any other state or place;
- (5) Acts or omissions resulting in dismissal for cause or other termination of employment for any cause defined in Education Code 44932 from any employment requiring certification qualification whether in California or any other state or place;
- (6) Acts or omissions resulting in the filing of a verified allegation of facts showing incompetence or immoral or unprofessional conduct or evident unfitness for service, or persistent defiance of, and refusal to obey the laws regulating the duties of certified employment, or for any cause which does or would have warranted denial of an application for or renewal of a credential, including but not limited to conduct involving disruption of, interference with, or having any substantial adverse impact upon classroom discipline or the educational process.

Authority Education Code 44225(b); Reference Education Codes 44345, 44339.

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SACRAMENTO, CALIFORNIA 95814



OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80301 and 80301.5

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission for Teacher Preparation and Licensing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by July 7, 1983 in order that the material can be presented at the August 4, 1983 Commission meeting.

- 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 side of this sheet.)
- 3. Personal opinion of the undersigned only.
 Organizational opinion. (Please specify) _____

- 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.

_____ Date _____
(Print or type name)

Title _____

Representing: _____
(Circle One: School District, College, University, Professional Organization, Private Citizen, Other)