

## COMMISSION ON TEACHER CREDENTIALING

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July 16, 1984

84-8501

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

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Title 5 Regulations To Implement The Provisions  
of The Permit Reform Act of 1981

In accordance with Commission policy and state administrative regulations, proposed Title 5 Regulation Section 80443 is being distributed prior to public hearing. The public hearing is scheduled as follows:

October 4, 1984  
3:00 p.m.  
Hotel California  
Taylor and O'Farrell  
San Francisco, California

The Permit Reform Act of 1981, Chapter 1087 of the statutes of 1981, is intended "to expedite the process of obtaining permits and other forms of authorization and thereby ensure the timely and efficient handling of permit applications" by creating "a system of specific deadlines and procedures" to be complied with by state agencies.

Section 15376 of the Permit Reform Act requires all state agencies that issue permits to adopt Title 5 Regulations regarding their procedures for considering and issuing permits by March 1, 1984. The required regulations are to specify the following criteria:

- A period dating from the receipt of a permit application within which the agency must either inform the applicant in writing that the application is complete and accepted for filing, or that the application is deficient and what specific information is required;
- A period dating from the filing of a completed application within which the agency must reach a permit decision;
- The agency's median, minimum, and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation.

Section 15376 establishes criteria for determining "good cause" for exceeding the maximum time period:

- The number of permits to be processed exceeds by 15 percent the number processed in the same calendar quarter the preceding year;
- The permit-issuing agency must rely on another public or private entity for all or part of the processing and the delay is caused by that other entity. [This criteria is especially crucial to the CTC because of its reliance on the Department of Justice and the FBI.]

Section 15378 of the Permit Reform Act mandates that the regulations include an appeal process through which an applicant can appeal directly to the secretary or agency head for a timely resolution of any dispute arising from a violation of the time periods specified in the regulations. The regulations are to provide for full reimbursement of any and all filing fees when the appeal is decided in the applicant's favor. The appeal shall be decided in the applicant's favor if the state agency exceeds the time limit and fails to establish "good cause."

Information regarding the appeal process shall be included in the permit application forms issued by the agency.

The purpose of proposed regulation Section 80443(a) is to establish the maximum, median, and minimum processing time in which the Commission must make an issuance decision of an application for a credential or permit, providing that the application is complete and ready for processing. This section defines a complete application.

The purpose of proposed regulation Section 80443(b) is to establish an appeal process when the Commission exceeds the maximum processing times established in Section 80443(a). The appeal must be made in writing. If the appeal is decided in the applicant's favor, all filing fees are refundable. This section explains that individuals who have been found to be academically eligible but require fingerprint clearance or under review of the Professional Standards Section of the Commission are not able to appeal under this provision.

The purpose of proposed regulation Section 80443(c) is to establish that "good cause" for exceeding the maximum allowable time to reach a credentialing decision is when the number of applications for credentials or permits exceeds by 15 percent the number processed the preceding year or fingerprint card clearance is delayed or other statutory mandates that may cause an unforeseeable delay in the credentialing process.

The purpose of proposed regulation Section 80443(d) is to explain that new or additional credentials or permits required or established by the Commission after the effective dates of these regulations shall also be subject to these regulations.

Please feel free to duplicate and distribute these proposed Title 5 Regulations to anyone you believe might be interested in responding. If you wish to make a presentation regarding the above to the Commission, please bring 30 copies of your material for distribution to the Commissioners and staff. If you can provide your statement to the Commission office 15 days before the public hearing, 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 the proposed Title 5 Regulations, you can reply on the Response Form found on the last page. This response must be received at the Commission office by September 15, 1984 in order to allow staff time to prepare for Commission review.

PROPOSED TITLE 5 REGULATIONS

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 75 days of the receipt of the application. Incomplete applications will be returned to the applicant or recommending institutions within 45 days of the receipt of the application. The processing time of 75 days in these cases will commence upon receipt of the resubmitted complete application;

(2) The Commission hereby establishes a maximum processing time of 75 days, a minimum of 15 days, and a median of 45 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 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 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 academically eligible for a credential or permit but require fingerprint card clearance from the Department of Justice and/or the Federal Bureau of Investigation for credential issuance are not eligible to appeal under this section.

(3) 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 15 percent the number processed in the same calendar quarter the preceding year;

(2) Fingerprint card clearance from the Department of Justice and/or the Federal Bureau of Investigation required for the issuance of a credential or permit is delayed;

(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.

Authority Cited: Government Code 15376.

Reference: Sections 15374, 15375, 15376, and 15378 of the Government Code

COMMISSION ON TEACHER CREDENTIALING

1020 O STREET  
SACRAMENTO, CALIFORNIA 95814



OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80443

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission on Teacher Credentialing 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 September 15, 1984 in order that the material can be presented at the October 4, 1984 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.

\_\_\_\_\_  
(Print or type name) Date \_\_\_\_\_

Title \_\_\_\_\_

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