

COMMISSION ON TEACHER CREDENTIALING

1020 O STREET
SACRAMENTO, CA 95814

(916) 445-0184



September 21, 1984

84-8505

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

FROM:  John F. Brown, Executive Secretary

SUBJECT: Proposed Amendments to Title 5 Regulations Standards for
Investigation or Pursuance of Offenses, Section 80301.5
and Reports of Dismissal, Resignation and Other Terminations
for Cause of Certificated Employees, Section 80311.

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:

December 6, 1984
1:00 p.m.
Clarion Hotel
16th and H Streets
Sacramento, California

Specifically, these proposed amendments to sections 80301.5 and 80311 of the regulations are intended to make specific the nature of the offenses to be investigated and the circumstances under which a preliminary investigation will be made to determine whether alleged misconduct is sufficiently related to fitness to teach or competence to perform under the credential applied for or held.

Education Code 44339(a) requires the Commission to determine the true identity and good moral character of all applicants for issuance and renewal of credentials authorizing service in the public schools. Section 44339(b) prohibits the Commission from inquiring into or considering of acts or omissions not related to the applicant's fitness to teach or to perform other duties for which he or she is certificated, or his or her competence to perform the duties authorized by his or her credential.

Please feel free to duplicate and distribute the attached regulations 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 November 13, 1984, 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 these proposed regulations, you can reply on the response form found on the last page.

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 or by a credential holder shall be investigated or pursued:

(1) The Commission does not investigate or pursue offenses in the absence of evidence showing which do not have a clear relationship to an applicant or credential holder's fitness or competence to teach or to perform other certificated services. If an offense comes to the Commission's attention, but the information available to the Commission does not permit a finding as to whether the offense bears a clear relationship to fitness or competence, as required, the Commission may conduct a preliminary investigation to determine whether such a relationship exists. Such an investigation will take place prior to any inquiry commenced pursuant to section 80317.

(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 inquired into or pursued include only:

~~(1)--Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of a sex offense defined in Education Code section 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 section 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 section 44424 or of any reasonably related lesser included offense in California or in any other state or place;~~

(1) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of any of the following offenses, or of any reasonably related or lesser included offense, in California or in any other state or place:

(i) Any sex offense listed in Education Code section 44010;

(ii) Any narcotics offense listed in Education Code section 44011. Including but not limited to any offense involving any of the controlled substances listed in Health and Safety Code sections 11054, 11055, 11056 and 11057;

(iii) Any offense listed in Education Code section 44424.

(2) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of an offense in California or any other state or place, which the Commission determines has a clear relationship to an applicant's or credential holder's fitness or competence to teach or to perform other certificated services, either because of the inherent nature of the offense or because of the specific facts giving rise to the conviction.

(3) Acts or omissions resulting in a requirement that an applicant or credential holder register as a sex offender under Penal Code section 290 or any similar statute in any other state or place.

(4) Acts or omissions resulting in resignation, suspension of employment for at least 90 days, dismissal for cause, or other termination of employment for in connection with any cause defined in Education Code section 44932 from any employment requiring certification qualification whether in California or any other state or place.

(5) Acts or omissions resulting in suspension of employment and/or credentials under Education Code section 44940.

(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.

(7) Acts or omissions substantially related to the qualifications, functions or duties of an applicant or credential holder. Such acts or omissions include:

(i) Acts of dishonesty, fraud or deceit with intent to substantially benefit himself/herself or another, or substantially injure another;

(ii) Acts or omissions evidencing a pattern of misconduct and/or poor judgment over a period of time, the most recent act or omission occurring within the last three years;

(iii) Misconduct involving minors, schools, school employment, education personnel or property, or any combination thereof.

(c) When an applicant or credential holder is convicted of any of the crimes described in subsections (b)(1), (b)(2) or (b)(3), above, any other convictions may also be inquired into or pursued.

Authority: Education Code 44225(b)
Reference: Education Code 44339

80311.

REPORTS OF DISMISSAL, RESIGNATION AND OTHER
TERMINATIONS FOR CAUSE OF CERTIFICATED EMPLOYEES

Whenever any person holding a position for which certification qualifications are required by law is dismissed, resigns, suspended for at least 90 days, or is otherwise terminated from such position as a result of allegations of his or her commission of alleged acts or omissions which appear to constitute probable cause for the revocation or suspension of any credential issued by or held under the jurisdiction of the Commission for on Teacher Preparation and Licensing Credentialing, the employer of such certificated person shall within 30 days notify the Commission of such suspension, dismissal, resignation, or other termination and shall include its recommendation with respect to whether the provide to the Committee of Credentials should review the matter, together with the facts which justify the review, if recommended, constitute the cause or causes for the disciplinary action against the certificated employee by the reporting employer. Such report shall be made to the Committee of Credentials irrespective of any agreement or stipulation providing for withdrawal of allegations previously served upon the certified employee in consideration of his or her resignation as a result of the filing of such allegations or other failure to contest the truth of the allegations.

Authority: Education Code 44225(b)
Reference: Education Code 44339

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SACRAMENTO, CALIFORNIA 95814



OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80301.5 and 80311

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 November 13, 1984 in order that the material can be presented at the December 6, 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)