

**COMMISSION ON TEACHER CREDENTIALING**

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Sacramento, California 95814-7000  
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OFFICE OF THE EXECUTIVE DIRECTOR

94-9419

DATE: December 16, 1994

TO: School District and County Office Superintendents, Personnel Directors, SELPA Directors, Credential Analysts, Non-Public School Directors and Other Interested Persons

FROM: Philip A. Fitch, Ed.D., Executive Director

RE: **New Public Hearing Date**

Fee Increase -- Amendment to Title 5, California Code of Regulations §80487(a)(1)

The Commission on Teacher Credentialing (Commission) proposes to adopt the proposed amendment described below, after considering all comments, objections or recommendations regarding the proposed action.

The purpose of the proposed changes in §80487(a)(1) is to increase the credential application fee from \$65 to \$70, effective January 1, 1995. This change is requested to enable the Commission to carry out the new duties required under SB 1843 (Hart).

PUBLIC HEARING

Comments on the proposed action will be taken at a public hearing to be held:

Date: February 2, 1995  
 Time: 1:30 p.m., or as soon thereafter as Commission business will permit  
 Place: Clarion Hotel  
 16th and H Streets  
 Sacramento, CA

At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit relevant written comments on the proposed action. The written comment period closes at 5:00 p.m. on January 30, 1995.

# TITLE 5 CALIFORNIA CODE OF REGULATIONS

## NOTICE OF PROPOSED RULEMAKING

### PROPOSED AMENDMENT OF SECTION 80487 PERTAINING TO FEES

The Commission on Teacher Credentialing (Commission) proposes to adopt the proposed amendment described below, after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The purpose of the proposed changes in §80487(a)(1) is to increase the credential application fee from \$65 to \$70, effective January 1, 1995. This change is requested to enable the Commission to carry out the new duties required under SB 1843 (Hart).

#### PUBLIC HEARING

Comments on the proposed action will be taken at a public hearing to be held:

Date: January 5, 1995  
Time: 1:30 p.m., or as soon thereafter as Commission  
business will permit  
Place: Hyatt Hotel  
1209 L Street  
Sacramento, CA

At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit relevant written comments on the proposed action. The written comment period closes at 5:00 p.m., on December 27, 1994.

Comments must be received by that time at the Commission on Teacher Credentialing, 1812 9th Street, Sacramento, CA 95814-7000.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner 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 §44225(q) authorizes the Commission to adopt the proposed action which would implement, interpret or make specific §44235 of the Education Code and govern the procedures of the Commission.

#### MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the action 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.

#### INFORMATIVE DIGEST

The Commission is an independent agency of the State of California responsible for licensing educators for work in the public schools. Among other duties, the agency enforces standards of professional conduct, commonly known as professional discipline. (Education Code sections 44421 to 44440.)

The Committee of Credentials (Committee) is also a state body. (Education Code sections 44240 to 44248.) Its seven members are appointed by the Commission for terms of two years. In order to ensure a high level of public confidence in California teachers and other credentialed public school employees, the Commission and the Committee monitor the moral fitness and professional conduct of credential applicants and holders. By statute, the Committee is responsible for initiating all investigations into allegations of misconduct, reviewing and deliberating upon those allegations, and recommending, in appropriate cases, the imposition of adverse action against the credential held or denial of the credential sought. (Education Code sections 44242.5 to 44244.) The Committee meets for three days every month.

Commission staff supports both the Commission and the Committee in carrying out the statutory requirements of professional discipline.

Education Code §44235 requires the Commission on Teacher Credentialing to levee fees for the issuance and renewal of teaching and service credentials. In 1987 the Education Code set the fee at \$50 and allowed the Commission to raise the fee to \$65 without express legislative approval. By regulation, the Commission increased the fee to \$65, effective September 1, 1992.

On September 19, 1994, Governor Pete Wilson signed into law Senate Bill 1843 (Hart). This bill makes significant and far reaching changes to the discipline function of the Commission, and to the work of the Committee of Credentials (Committee). The bill also increased the maximum possible fee for a credential from \$65 to \$70. The effective date of the bill is January 1, 1995.

At the November 3-4, 1994 meeting of the Commission, it will be asked to find that an emergency exists, and enact an emergency regulation increasing the fee to \$70, effective January 1, 1995.

The Commission is a special fund agency. Its work is supported through fees charged pursuant to Education Code sections 44235 and 44235.3. Through the budget process, these funds are authorized for expenditure. In the 1994-95 Budget, Chapter 139, item 6360-001-407, provision 2, provided that the Commission could expend "an amount, not to exceed \$550,000, of the revenues resulting from the increase in credential fees authorized by S.B. 1843, for the purposes of implementing S.B. 1843."

The effect of the proposed regulation is to increase the credential application fee from \$65 to \$70 for the purpose of carrying out the requirements of SB 1843.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Cost or savings to any state agency:	Fiscal year 1994-95	\$240,000
	Fiscal year 1995-96	\$618,000

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

Other non-discretionary cost or savings imposed upon local agencies: none

Cost or savings in federal funding to the state: none

Significant adverse economic impact on business including ability of California business to compete with business in other states: none

Significant effect on housing costs: none

Effect on private persons and businesses other than small business: insignificant.

Impact on jobs: none

#### EFFECT ON SMALL BUSINESS

There is no impact on small business because no small business: 1) is required to comply with the regulation; 2) will enforce the regulation; 3) derives a benefit from the enforcement of the regulation, or 4) incurs a detriment from the enforcement of the regulation.

#### ALTERNATIVES CONSIDERED

The Commission must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON/FURTHER INFORMATION

Inquires concerning the proposed action may be directed to Nanette F. Rufo at (916) 445-0243. 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. In addition, all the information upon which this proposal is based is available for inspection and copying.

AT: COMMISSION ON TEACHER CREDENTIALING  
1812 9TH STREET  
SACRAMENTO, CALIFORNIA 95814-7000

**Title 5, California Code of Regulations, section 80487**

**80487 Fees**

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue.

(1) The fee for the issuance, reissuance, or renewal of credential shall be sixty dollars unless otherwise established by law. Effective ~~September 1, 1992~~, *January 1, 1995*, this fee shall be ~~sixty-five~~ *seventy* dollars.

(2) The fee for a duplicate credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) Thirty dollars for an examination processing fee as provided in Section 80077.

(5) The fee for the state basic skills assessment examination pursuant to Education Code Section 44252.5 shall be forty dollars.

(6) Fourteen dollars, or the actual fee if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information applicable to all credentials.

(7) Sixteen dollars and fifty cents, or the actual fee if it is different from this amount, to reimburse the Commission for the fee charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(8) Thirty-eight dollars for each unit of the Bilingual-Crosscultural Competency Certificate examination if taken separately or a fee of one hundred dollars for the entire examination, (all three units of the examination) if taken at the same time. For persons who take only one section of the Language portion of the examination, a fee of thirty-five dollars will be charged.

(9) A fee of one hundred dollars for the full language Development Specialist examination; thirty-five dollars for Part I, and seventy-five dollars for Part II, if taken separately.

(10) A fee of one hundred dollars for the full Bilingual Certificate of Assessment Competence examination: a fee of thirty-seven dollars for either the oral production or case study section, and twenty-nine dollars for either the multiple choice or audio transcription section if taken separately.

(11) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(5), (a)(8), (a)(9), and (a)(10), the fees shall accompany the application for issuance, reissuance or renewal, or the request for a duplicate credential; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential or subsequently finds a reportedly lost or destroyed document.

(c) The fee for examination administered by a contractor on behalf of the Commission, specifically (a)(5), (a)(8), (a)(9), and (a)(10), shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has all the qualifications for a credential at the time the application therefor is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within one year.

(f) Where applicable, each application for a credential shall be accompanied by an examination processing fee pursuant to Section 80077 of these regulations.

Note: Authority cited: Sections 44225, and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, 44280, 44289, 44298, 44332.5(b), 44339, 44340, 44341, 44352, 52134 and 52178, Education Code; and Section 11105(e), Penal Code.