

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

DATE: October 9, 2001 01-0014

TO: School District Superintendents and County Offices of Education
Superintendents

FROM: Sam W. Swofford, Ed.D.
Executive Director

SUBJECT: **California Code of Regulations, Title 5, section 80303: Mandated reporting of credential holder when there is a change in employment status as a result of allegations of misconduct.**

In an effort to provide direction and clarification to all school district and county office of education superintendents, the Division of Professional Practices is providing this alert regarding section 80303, Title 5 of the California Code of Regulations. There has been some confusion among stakeholders as to what must be reported to the Commission and when it must be reported.

When there is a change in employment status of a certificated employee *as a result* of an allegation of misconduct, it must be reported to the Commission/Division of Professional Practices. A change in employment status includes dismissal, resignation, retirement, non-reelection, a decision to not employ, or a suspension for more than 10 days of any certificated employee. The report to the Commission must occur within 30 days of the change of employment status. Additionally, as provided in section 80303(b), the report shall contain all known information about each alleged act of misconduct. The full text of Regulation 80303 is set out below:

Section 80303 provides:

(a) Whenever a credential holder, working in a position requiring a credential:

- (1) is dismissed;
- (2) resigns;
- (3) is suspended for more than 10 days;
- (4) retires; or
- (5) is otherwise terminated by a decision not to employ or re-employ;

as a result of an allegation of misconduct, the holder and the superintendent of the employing school district shall each report such change in employment status to the Commission within 30 days.

(b) The report shall contain all known information about each alleged act of misconduct.

(c) The report shall be made to the Commission regardless of any proposed or actual agreement, settlement, or stipulation not to make such a report. Such report shall also be made if allegations served on the holder are withdrawn in consideration of the holder's resignation, retirement, or other failure to contest the truth of the allegations.

(d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee shall investigate any superintendent who holds a credential who fails to file reports required by this section.

(e) The superintendent of any employing school district shall, in writing, inform a credential holder of the content of this regulation whenever that credential holder, working in a position requiring a credential, is dismissed, resigns, is suspended for more than ten days, retires or is otherwise terminated by a decision not to employ or re-employ as a result of an allegation of misconduct. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.

Regulation 80303 has been in effect since October 1997 with no changes in the superintendent reporting requirements. Pursuant to a court order, the holder of a credential is no longer mandated to report a change of employment status, as a result of an allegation of misconduct, to the Commission. This amendment, relieving the credential holder of reporting responsibility, does not affect the superintendent's mandated reporting responsibilities.

Please send all reports pursuant to section 80303 and all known information to:

California Commission on Teacher Credentialing
Division of Professional Practices
1900 Capitol Ave
Sacramento, CA 95814

Should you have any questions regarding this matter, please call (916) 445-0243 or write the Division of Professional Practices.