



# 15-DAY NOTICE

**DATE:**  
May 20, 2013

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

**FROM:**  
Mary Vixie Sandy  
Executive Director  
Commission on Teacher Credentialing

**SUBJECT:** 15-Day Notice for Modification of Text of Proposed Amendments to Title 5,  
California Code of Regulations Section 80303 Clarifying a Superintendent's  
Reporting Requirement as to a Credential Holder's Change in Employment Status

The Commission on Teacher Credentialing (Commission) conducted a public hearing on April 19, 2013 clarifying a superintendent's reporting requirement as to a credential holder's change in employment status. **Notice is Hereby Given**, pursuant to the requirements of Government Code §11346.8(c), that the Commission has proposed the following modifications to the text of the regulations. Any person who wishes to comment on the proposed modifications may do so by submitting written comments postmarked beginning May 20, 2013 to June 3, 2013 to the person indicated on the response form attached to this 15-Day Notice.

*Note: Any written comments are to be restricted to the recent modifications to the enclosed language. The Commission is not required to respond to comments received in response to this notice on other aspects of the proposed regulations. All written comments received or postmarked by June 3, 2013 **which pertain to the modified language** listed in this notice will be reviewed and responded to by Commission staff as part of the compilation of the rulemaking file.*

The entire rulemaking file, including this notice, is available for public inspection at the Commission's office located at 1900 Capitol Avenue, Sacramento, California, 95811 from May 20, 2013 to June 3, 2013 between 8:00 am and 5:00 pm. Please ask for Vanessa Whitnell or Chastine Gaspar.

Attached is a copy of the entire text, clearly showing the deleted text in ~~double-strike through~~. Single underline and strikeout is text already noticed for the 45-day comment period and the public comment period closed on April 15, 2013.

*Newly Modified Proposed Text; Illustrates Changes to the Originally Proposed Text*

**CALIFORNIA CODE OF REGULATIONS  
TITLE 5. EDUCATION  
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING  
CHAPTER 3, COMMITTEE OF CREDENTIALS  
ARTICLE 1, GENERAL PROVISIONS**

**§ 80303 Reports of Change in Employment Status**

(a) The superintendent of an employing school district shall report a change in employment status to the Commission not later than 30 days after the final employment action ~~Whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending:~~

(1) is dismissed or non-reelected;

(2) resigns;

(3) is suspended or placed on unpaid administrative leave as a final adverse employment action 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 or while an allegation of misconduct is pending, the superintendent of the employing school district shall report the change in employment status to the Commission not later than 30 days after the final employment action.~~

(6) “Otherwise terminated” by a decision not to employ or re-employ as used in section (a)(5) above shall not include or be interpreted to include a change of status that is solely for unsatisfactory performance as listed in Education Code section 44932 subdivision (a)(4) or layoff or reduction in force as described in Education Code sections 44955 through 44958.

(b) The report shall contain all known information about each alleged act of misconduct organized as follows:

(1) Name of credential holder;

(2) Current address of credential holder;

(3) Name of reporting district;

(4) Name of last school or district assignment;

- (5) An explanation of the allegation of misconduct or pending allegation of misconduct;
- (6) Current contact information for all persons who may have information relating to the alleged misconduct;
- (7) Any and all documentation related to the case.
- (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. The 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. The Commission shall acknowledge receipt of such report within thirty (30) days of receipt by the Commission.
- (d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee ~~may~~ shall investigate any superintendent who holds a credential who fails to file reports required by this section.
- (e) The superintendent of an 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, non-reelected, resigns, is suspended or placed on unpaid administrative leave as a final adverse employment action 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 or while an allegation of misconduct is pending. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.
- ~~(f) Official records of the Commission on Teacher Credentialing shall include any documents released under the Public Records Act (PRA) (Government Code sections 6250-6270).~~
- ~~(g) Official records released in accordance with the PRA by the Commission on Teacher Credentialing are not hearsay, and as such, shall be deemed to constitute personal knowledge of any person or persons who file an affidavit or declaration with the Commission.~~
- (f) Official records released in accordance with the Public Records Act (Government Code sections 6250-6270) by the Commission on Teacher Credentialing are sufficient bases for personal knowledge of any person or persons who file an affidavit or declaration with the Commission.
- (g) ~~(h)~~ Jurisdiction to investigate failure to submit a report required under this section may be based upon an affidavit or declaration of facts, submitted to the Commission on Teacher Credentialing under penalty of perjury, sufficient to establish that required reporting is not being done or not being done in a timely manner.

(h) ~~(i)~~ Where the Commission has information or belief that a report has not been made under this regulation, a letter shall be sent to the responsible superintendent providing facts, ~~and~~ detailing reporting responsibilities, and requesting a response.

Note: Authority Cited: Ed. Code, ~~§~~ Section 44225, subd. (q). Reference: Ed. Code, ~~§~~ Section 44242.5, subds. (a) & (b)(3); and California Teachers Association v. California Commission on Teacher Credentialing, (Sacramento Superior Court Case No. 98AS03278, Judgment Granting In Part Request For Declaratory Relief, filed April 26, 1999.)



**Commission on Teacher Credentialing**

1900 Capitol Avenue Sacramento, CA 95811 Fax (916) 323-6735 [www.ctc.ca.gov](http://www.ctc.ca.gov)

**Attn:** **Vanessa C. Whitnell**  
Division of Professional Practices

**Title:** Notice of Modifications to Proposed Amendments to California Code of Regulations, Title 5, Section 80303.

**Response Form**

**No**, I do not agree with the new proposed changes to the Title 5 Regulations for the following reasons:

Personal opinion of the undersigned

Organizational opinion representing: (Circle One)

School District, County Schools, College/University, Professional Organization,  
Other \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_