

REGULAR

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

ENDORSED FILED
IN THE OFFICE OF

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-0215-01	REGULATORY ACTION NUMBER 2014-0214-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2014 APR - 1 PM 2:11

2014 FEB 14 PM 4:49

OFFICE OF
ADMINISTRATIVE LAW

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Commission on Teacher Credentialing	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Superintendent's Reporting Requirement	TITLE(S) 5	FIRST SECTION AFFECTED 80303	2. REQUESTED PUBLICATION DATE March 1, 2013
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Vanessa C. Whitnell, Attorney	TELEPHONE NUMBER (916) 322-4666	FAX NUMBER (Optional) (916) 323-6735
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013, 92	PUBLICATION DATE 3/1/2013

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Superintendent's Reporting Req. of Holder's Change in Emp. Status	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
<table border="1"> <tr> <td rowspan="3">SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT</td> </tr> <tr> <td>AMEND 80303</td> </tr> <tr> <td>REPEAL</td> </tr> </table>	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	AMEND 80303	REPEAL
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT		
		AMEND 80303		
	REPEAL			
TITLE(S) 5				

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
March 1, 2013 to April 15, 2013 and May 20, 2013 to June 3, 2013

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Vanessa C. Whitnell	TELEPHONE NUMBER (916) 322-4666	FAX NUMBER (Optional) (916) 323-6735	E-MAIL ADDRESS (Optional) vwhitnell@ctc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Mary Vixie Sandy</i>	DATE 2/14/14
TYPED NAME AND TITLE OF SIGNATORY Mary Vixie Sandy, Executive Director	

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ENDORSED APPROVED

APR 01 2014

Office of Administrative Law

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 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-re-elected, 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 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) 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) 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, detailing reporting responsibilities, and requesting a response.

Note: Authority Cited: Section 44225(q), Education Code. Reference: Section 44242.5(a) and (b)(3), Education Code; 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.)