

**CALIFORNIA
COMMISSION ON TEACHER CREDENTIALING**

**JANUARY 9, 2003
LEG-2 In-Folder**

AGENDA ITEM NUMBER: LEG-2

COMMITTEE: LEGISLATIVE COMMITTEE

**TITLE: LEGISLATIVE CONCEPT (S) FOR THE COMMISSION'S
CONSIDERATION**

XX **Action**

_____ **Information**

Strategic Plan Goal(s):

Continue effective and appropriate involvement of the Commission with police makers on key education issues.

Presenter: _____ **Date: January 6, 2003**
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Legislative Proposal #2

Automatic Suspension of Credential Due to Transfer or Suspension by School Board Because of Mental Disability

Purpose of Legislation: This legislation would allow the Commission to suspend the credential of a person found by a governing school board to be suffering from mental illness after the credential holder has either exhausted local administrative remedies (e.g. a panel of psychiatrists has confirmed the person's mental illness) or the person has failed to request such an evaluation.

Background: Current law provides for the suspension or transfer to other duties of a certificated employee when a governing school board has cause to believe that the employee is suffering from mental illness and provides four levels of local due process to the employee.

After the school board finds a teacher to be mentally ill, current law has been interpreted to require the Commission on Teacher Credentialing to have the credential holder undergo a separate psychiatric examination before suspending the credential for the duration of the mental illness.

This legislation would allow the Commission to suspend the credential of a person found by a governing school board to be suffering from mental illness after the credential holder has either exhausted local administrative remedies (e.g. a panel of psychiatrists has confirmed the person's mental illness) or the person had failed to request such an evaluation. This clarification would eliminate the need for the Commission to duplicate the psychiatric evaluation and due process offered by the governing school board.

The suspension would continue in effect until the person is able to demonstrate to the Commission that he or she is no longer suffering from mental illness. The credential suspension imposed under this section is not considered an adverse action.

Staff Recommendation: Staff recommends that the Commission sponsor legislation that would allow the Commission to suspend the credential of a person found by a governing school board to be suffering from mental illness after the credential holder has either exhausted local administrative remedies (e.g. a panel of psychiatrists has confirmed the person's mental illness) or the person has failed to request such an evaluation.

