
6B

Action

Legislative Committee

Analyses of Bills

Executive Summary: Staff will present analyses of educator preparation or licensing bills introduced by Legislators. The analyses will summarize current law, describe bill provisions, estimate costs and recommend amendments, if applicable. The analyses will include but not be limited to AB 449 (Muratsuchi).

Policy Questions: Should the current requirement that district superintendents report specified educator misconduct be broadened to include county superintendents and the administrator of a charter school?

Should the current statutes allowing criminal sanctions against a principal, teacher, employee, or school officer for failure to submit required reports be repealed?

Recommended Action: That the Commission consider and possibly adopt a position on AB 449.

Presenter: Anne L. Padilla, Consultant, Office of Governmental Relations

Strategic Plan Goal

III Communication and Engagement

- ◆ Advise the Governor, Legislature, and other policy makers as appropriate regarding issues affecting the quality, preparation, certification, and discipline of the education workforce.

Bill Analysis

Bill Number:	AB 449
Author:	Assembly Member Al Muratsuchi
Sponsor(s):	California Teachers Association
Subject of Bill:	Educator Misconduct: Reports to Commission on Teacher Credentialing
Date Introduced:	February 19, 2013
Date Last Amended:	April 25, 2013
Status in Leg. Process:	Senate Desk
Date of Analysis:	May 20, 2013
Analyst:	Anne L. Padilla

Summary of Bill Provisions

AB 449 repeals existing criminal sanctions for a principal, teacher, employee or school officer of any elementary or secondary school who fails to make any reports required by law to the Commission and instead puts into place a more narrow criminal sanction for superintendents of school districts or county offices of education, or the administrator of a charter school who fail to report a certificated employee's change in employment status to the Commission, as specified, while an allegation of misconduct is pending.

The bill specifies that the failure to make the required report (noted above) constitutes unprofessional conduct and may subject the superintendent or administrator of a charter school to adverse action by the Commission.

Further, the bill proposes that misdemeanor monetary sanctions may be applied by the criminal justice system in the amount of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000) for the refusal or willful neglect of a superintendent or charter administrator to make the specified report of educator misconduct to the Commission.

Lastly, the bill makes clear that a change in employment status due solely to unsatisfactory performance or reduction in force, as specified, is not an allegation of misconduct prompting initial review by the Committee of Credentials (COC).

Summary of Current Law

California Education Code §44030 provides that any principal, teacher, employee, or school officer of any elementary or secondary school who refuses or willfully neglects to make any report required by law is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100).

California Education Code §44242.5(a) provides that each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials.

California Education Code §44242.5(b)(3) provides that the Committee of Credentials has jurisdiction to begin an initial review of a credential holder upon receipt of:

- A statement from an employer notifying the Commission that, as a result of, or while an allegation of misconduct is pending, a credential holder has been dismissed, nonreelected, suspended for more than 10 days, or placed pursuant to a final adverse employment action on unpaid administrative leave for more than 10 days, or has resigned or otherwise left employment.
- Notice to the commission by the employer not later than 30 days after the dismissal, nonreelection, suspension, placement on unpaid administrative leave, resignation, or departure from employment of the employee.

The California Code of Regulations (CCR), Title 5, §80303 requires the superintendent of an employing school district to notify the Commission when a credential holder, working in a position requiring a credential is dismissed, resigns, is suspended for more than 10 days, retires or is terminated as the result of an allegation of misconduct or while an allegation of misconduct is pending. The regulation further requires that the superintendent of the employing school district report the change in employment status to the Commission not later than 30 days after the employment action(s).

Comments

According to the author, “existing law does not grant the CTC clear authority to investigate or hold a superintendent accountable for failure to make a report when a school district takes employment action against a credential holder as a result of an allegation of misconduct” creating reporting delays that jeopardize the safety of students. Further, the existing language in §80303 often results in districts over-reporting, to include unsatisfactory performance or final employment actions such as lay-offs.”

Commission Activity

Prior to the introduction of AB 449, the Commission began to consider language to clarify the regulatory requirement for a superintendent to report when a school district takes an adverse action against a credential holder. At the August 2012 Commission meeting, Commissioners were provided an agenda item outlining the history and providing an analysis of California Code of Regulation (CCR), Title 5, §80303.¹ The analysis includes an overview of both the regulation and the statutory requirement that must be met for the COC to commence an investigation of a superintendent who fails to report as required by the regulation.

¹ <http://www.ctc.ca.gov/commission/agendas/2012-08/2012-08-6C.pdf>

At its February 2013 meeting the Commission authorized staff to initiate the regulation process to modify CCR, Title 5, §80303 to include all the elements for superintendent reporting as detailed in this bill except expanding the reporting requirement to county superintendents and administrators of charter schools. At its April 2013 meeting, the Commission held the public hearing for this regulation and made changes based on public comments received. The draft regulation was submitted to the Office of Administrative Law on May 20, 2013 and has been posted for 15 day notice.² By extending the reporting requirement to county superintendents and administrators of charter schools, AB 449 could increase the number of change in employment status reports the Commission receives, potentially improving the safety of pupils enrolled in charter schools or served through county offices of education.

Fiscal Impact

Unknown. Fiscal impact would be dependent on the number of complaints received from county superintendents and administrators of charters schools who previously did not report to the Commission.

The Assembly Appropriations Committee analysis notes that administrative costs could range between \$50,000 and \$150,000 for increased workload to process educator misconduct reports received from these new reporters.

Organizational Positions

Support

California Teachers Association (sponsor)
California Federation of Teachers
Torrance Unified School District
Redondo Beach Unified School District

Opposition

None noted on April 25, 2013 version of the bill.

Suggested Positions

The Commission may wish to consider the following policy questions to determine if it wants to take a position on AB 449:

1. *Should the current requirement that district superintendents report specified educator misconduct be broadened to include county superintendents and the administrator of a charter school?*
2. *Should the current statutes allowing criminal sanctions against a principal, teacher, employee, or school officer for failure to submit required reports be repealed?*

The Commission's existing legislative guidelines (page LEG 6B-5) include two policies that might guide the Commission as it considers what, if any position to take on this measure.

² <http://www.ctc.ca.gov/notices/rulemaking.html>

Policy 2: The Commission supports legislation that proposes to maintain or establish high standards of fitness and conduct for public school educators in California and opposes legislation that would lower standards of fitness or conduct for public school educators.

Policy 5: The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted and opposes legislation that would undermine initiatives or reforms that it previously has adopted.

The Commission may wish to consider taking one of the following positions on this bill:

1. **“Support”** The Commission may choose to support the bill if the content is acceptable in its current form.
2. **“Support if Amended”** The Commission expresses support for the overall concept of a bill, but objects to one or more sections. The Commission votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission’s recommendations, the Commission’s position automatically becomes “Support.”
3. **“No Position”** The Commission may choose to delay taking a position on a bill and may vote to direct staff to bring the bill forward at a subsequent meeting. The Commission may also choose to direct staff not to bring the bill forward for further consideration.

Additional positions that the Commission might consider are outlined on page LEG 6B-6.

LEGISLATIVE GUIDELINES OF THE CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Adopted February 3, 1995

1. The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California and opposes legislation that would lower standards for teachers and other educators.
2. The Commission supports legislation that proposes to maintain or establish high standards of fitness and conduct for public school educators in California and opposes legislation that would lower standards of fitness or conduct for public school educators.
3. The Commission supports legislation that reaffirms that teachers and other educators have appropriate qualifications and experience for their positions, as evidenced by holding appropriate credentials, and opposes legislation that would allow unprepared persons to serve in the public schools.
4. The Commission supports the maintenance of a thoughtful, cohesive approach to the preparation of credential candidates and opposes legislation that would tend to fragment or undermine the cohesiveness of the preparation of credential candidates.
5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted and opposes legislation that would undermine initiatives or reforms that it previously has adopted.
6. The Commission supports alternatives to existing credential requirements that maintain high standards for the preparation of educators and opposes alternatives that do not provide sufficient assurances of quality.
7. The Commission opposes legislation that would give it significant additional duties and responsibilities if the legislation does not include an appropriate source of funding to support those additional duties and responsibilities.
8. The Commission supports legislation that affirms its role as an autonomous teacher standards board and opposes legislation that would erode the independence or authority of the Commission.

Possible Bill Positions for Commission Consideration

The Commission may adopt a position on each bill considered for action. The following chart describes the bill positions. The Commission may choose to change a position on a bill at any subsequent meeting.

Sponsor: Legislative concepts are adopted by the Commission and staff is directed to find an author for the bill and to aid the author's staff by providing background information and seeking support for the bill.

Support: The Commission votes to support a bill and directs staff to write letters of support to Legislative Committee members and to testify in support of the bill at Legislative Committee hearings. The Commission's support position will be recorded in the Legislative Committee's bill analysis. If the bill is successful in the Legislature, staff writes letters of support to the Governor.

Support if Amended: The Commission expresses support for the overall concept of a bill, but objects to one or more sections. The Commission votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, the Commission's position automatically becomes "Support."

Seek Amendments: The Commission expresses concern over one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Watch: The Commission expresses interest in the content of the bill but votes to direct staff to "watch" the bill for future amendments or for further movement through the Legislative process. Early in the Legislative session, the Commission may wish to adopt a "watch" position on bills that are not yet fully formed.

Oppose Unless Amended: The Commission objects strenuously to one or more sections of the bill and votes to direct staff to contact the author with suggested amendments. If the bill is not amended to reflect the Commission's recommendations, the Commission may vote to adopt an "Oppose" position at a subsequent meeting. If the bill is amended to reflect the Commission's recommendations, staff will inform the Commission at a subsequent meeting and ask if the Commission would like to adopt a new position.

Oppose: The Commission expresses opposition to the overall concept of a bill and votes to direct staff to write letters of opposition to Legislative Committee members and to testify in opposition to the bill at Legislative Committee hearings. The Commission's "oppose" position will be recorded in the Legislative Committee bill analysis. If the bill is successful in the Legislature, staff writes letters of opposition to the Governor.

No Position: The Commission may choose to delay taking a position on a bill and may vote to direct staff to bring the bill forward at a subsequent meeting. The Commission may also choose to direct staff not to bring the bill forward for further consideration.