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Information/Action

Certification Committee

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Fees

Executive Summary: This agenda item provides proposed amendments to Title 5 section 80487 of the California Code of Regulations to align application processing fees with the statutory limit for credential application fees in Education Code section 44235.

Recommended Action: Staff recommends that the Commission approve the proposed amendments pertaining to fees for the purpose of beginning the rulemaking process for submission to the Office of Administrative Law.

Presenters: Vanessa Ragudo, Program Analyst, and David Crable, Programs Manager, Certification Division

Strategic Plan Goal

I. Educator Quality

- c) Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Fees

Introduction

The proposed amendments to Title 5 Section 80487 of the California Code of Regulations (CCR) will align the credential application processing fee with the current statutory limit for application fees enacted by the 2015-16 Budget Act (AB 104, Chap. 13, Stats. 2015). In addition, the proposed amendments update the fee required for processing fingerprints through the Federal Bureau of Investigation (FBI), delete all references to fees for duplicate documents and name changes, and include a general cleanup of this section of regulations.

Background

The Commission on Teacher Credentialing (Commission) is referred to as a “special fund” agency because the daily operations of the agency are supported by two special funds: (1) Teacher Credentials Fund; and (2) Test Development and Administration Account. The Commission does not receive a General Fund allocation to support its daily operations. The support comes from the fees collected as the result of issuing credentials and administering the various educator preparation examinations for candidates.

At the August 2012 Commission Meeting, Commissioners approved aligning the credential application fee established annually in the Budget Act with the statutory limit allowed at that time, which was \$70. Commissioners took this action in recognition of the need to address the Commission’s operating budget deficit of \$5 million for the 2012-13 fiscal year. However, as noted at that meeting, this action would only partially address the budget deficit issue and additional measures required at the time to address the deficit would provide only a temporary solution to the issue of maintaining a stream of revenue sufficient to support the operating budget of the Commission.

The 2015-16 Budget Act amended Education Code (EC) section 44235 and raised the statutory limit for credential application fees to \$100. Aligning the credential application fee in regulations with the limit now permitted by law continues to ensure the added revenue that will allow the Commission to maintain the essential functions of the agency.

Proposed Amendments to Regulations §80487

(a)(1): Proposed amendments to this subsection raise the application processing fee to the statutory limit of \$100.00 to align with Education Code (EC) §44235. Add “a” before “credential” to correct a former typographical error.

(a)(2): Proposed amendments delete all references to requests for duplicate documents as well as the language pertaining to lost or destroyed documents. The Commission discontinued

printing documents on September 1, 2008 as a means to reduce costs and paper use. The official record of credentials, permits, authorizations, and certificates is the Commission's website per §80001(e). The proposed amendments also delete the processing fee for name change requests, which can be completed at no cost with the submission of a signed physical application accompanied by the pertinent legal documentation. Individuals may now update other personal contact information (address, telephone number, and email address) free of charge via the CTC Online system implemented on May 29, 2012.

Proposes adding the phrase "upgrading a Certificate of Eligibility to a preliminary" to make specific the process of how to change such a certificate into a valid credential eligible for employment use.

(a)(5): Proposed amendments to this subsection align the fee with the current charges assessed by the Federal Bureau of Investigation.

(b): Proposed amendments delete all references to requests for duplicate documents as well as the language pertaining to lost or destroyed documents since the Commission discontinued printing documents on September 1, 2008. The proposed amendments also delete the processing fee for name change requests, which can be completed at no cost, as noted in the rationale for the changes to subsection (a)(2).

(e): Proposed addition of the word "met" for clarity.

Note: Proposing deletion of EC §44352 as a Reference as that statute pertains to duplicate documents and the Commission discontinued the printing of documents on September 1, 2008. In addition, proposing the deletion of EC §§ 44253.10 and 52178 as References, which should have been deleted when this section of regulations was last amended in 2007 (§44253.10 pertains to issuance of the Certificate of Completion of Staff Development and §52178 pertains to bilingual education—topics no longer addressed in this section). Also proposing the deletion of EC §52134 as a Reference as this section of EC was repealed with the passage of Assembly Bill 2587 (Chap. 922, Stats. 1994).

Staff Recommendation

Staff recommends approval of the proposed amendments to Title 5 CCR §80487 to allow submission of the rulemaking notice file to the Office of Administrative Law. A public hearing will be scheduled for this item only if any interested party or his or her duly authorized representative submits in writing, no later than 15 days prior to the close of the 45-day written comment period, a request to hold a public hearing [Government Code §11346.5(a)(17)].

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80487. Fees.

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, extension, or renewal of a credential shall be ~~fifty-five~~ one hundred dollars unless otherwise established by law.

(2) The fee for upgrading a Certificate of Eligibility to a preliminary ~~a duplicate credential or to change a name on a~~ credential shall be one-half the fee specified in (a)(1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) The fee for the state basic skills proficiency test shall be forty-one dollars.

(5) ~~Twenty-four~~ Seventeen dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.

(6) Thirty-two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(7) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.

(b) Except for the fee specified in (a)(4), the fees shall accompany the application for issuance, reissuance or renewal, ~~or the request for a duplicate credential or name change~~; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential ~~or subsequently finds a reportedly lost or destroyed document~~.

(c) The fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has met all the qualifications for a credential at the time the application is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within sixty days.

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, ~~44253.10~~, 44280, 44289, 44298, 44332.5(b), 44339, 44340, and 44341, ~~44352, 52134 and 52178~~, Education Code; and Section 11105(e), Penal Code.