



Commission on Teacher Credentialing

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Office of the Executive Director

MEMORANDUM

DATE: April 27, 2011

TO: Commission Stakeholders

FROM: Dale Janssen, Executive Director

RE: Bureau of State Audits Report 2010-119

As you are aware, on April 7, 2011 the Bureau of State Audits issued a report regarding the Commission on Teacher Credentialing. Media coverage of the audit omitted important information concerning issues the Commission took action to remedy over two years ago. I'd like to take the opportunity to correct the record.

The purpose of any audit is to first identify problems within the system and then to make recommendations for improvements. We agree that the recommendations outlined in the auditor's report will further improve the processing of allegations of educator misconduct within the Division of Professional Practices (Division) and are moving forward to implement them.

Chair Sun and I addressed the BSA report at the [April 14, 2011 Commission meeting](#). As Chair Sun stated, "We have a public trust to ensure a fair process that protects the safety of children as well as the rights of teachers. We serve neither well if we do not take a proactive approach to resolving increased workload issues."

The Commission takes the audit recommendations very seriously. Schedules and assignments have already been adjusted to implement all of the recommendations as quickly as possible.

In July 2009, a backlog of lower level reports of arrest and prosecution (RAP) was identified by Commission staff. All of these reports had been reviewed and sorted. Any RAPs containing serious criminal arrests had been processed and were not part of the RAP backlog. When the backlog was brought to my attention I immediately authorized additional resources to eliminate it and this was accomplished by June 2010.

While the paper-based RAP backlog was being eliminated the Division implemented an electronic procedure to directly upload RAP sheets received from the Department of Justice into the agency's credential database on a daily basis. This new procedure has enabled staff to ensure that all RAP sheet information is current.

While it is understandable that some individuals confused the backlog of lower level arrest reports with the processing of cases, be assured that the RAPs in the backlog did not have any relationship to the cases cited in the letter from the Auditor. As I stated earlier, all of the more serious RAPs had been sorted out and moved forward. When charges were filed against individuals as a result of the triaged RAPs, the Division opened cases.

In February 2010, the Division also implemented a system to track cases as they progressed through the review process to avoid delays. The cases cited in the audit report were delayed prior to the implementation of the new system. While the auditors recommended enhancements to this tracking system, the initial system was in place six months prior to the arrival of the auditors. The initial system provides managers a tool to oversee, track, and locate each case. The suggested enhancements will help identify if and why a delay has occurred.

Delays that were a result of staff inefficiency and failure to act promptly are not acceptable and have been addressed by implementation of the case tracking system discussed above. Other delays were clearly the result of external factors such as lengthy police agency investigations, judicial processes and lack of timely notification from some school districts. As you are aware, school districts have the authority to place teachers and other educators on administrative leave while investigations are being conducted.

Additionally, a person who is arrested for a crime but not charged cannot be reviewed by the Commission. Even if a person is charged with a crime, there is a constitutional presumption of innocence until a person is convicted and sentenced. The law currently allows a credential to be immediately suspended when charges are filed and revoked upon conviction of certain crimes that are specified in the Education Code. However, as outlined in the Education Code, a conviction for most crimes requires an administrative process before action is taken against a credential with all due process rights accorded to the person under review.

The audit report concluded with several recommendations. The Commission and I have agreed to implement all of the recommendations. I have already met with staff to develop a work plan addressing each of the recommendations. To provide readers of this memorandum a sense of how the Commission is responding, I am providing a sample of the actions the Commission has either already taken or plans to implement in the near future.

The Commission has:

- Begun a process to notify the Department of Justice when there is no further need to receive RAP sheets on specified individuals. This action will lower the number of RAP sheets received by the Division.

- Enhanced the case tracking system so that all reports of educator misconduct are promptly and properly processed. The new system also allows for more timely and accurate report tracking and review by management.

Next steps for action include:

- Develop an automated workload report to monitor the progress of all cases for reports to the Commission.
- Seek a legal opinion from the Attorney General to determine whether the Committee of Credentials may delegate to the Division the authority to close investigations. Until this opinion is received, the Committee of Credentials will review a consent calendar of cases recommended to be closed prepared by the Division's legal staff.
- Develop comprehensive written procedures to ensure consistency and conformity by staff in processing and analyzing reported misconduct.
- Strengthen training and oversight to ensure accurate data input.
- Develop a comprehensive hiring manual and revised Equal Employment Opportunity policy.
- Report progress on these improvements to the full Commission at each meeting.

As the Commission, the staff and I move forward with our plans to improve very important aspects of the Commission's core functions, I will keep you informed. We appreciate your concerns and appreciate your support as we move forward.