

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET

ACRAMENTO 95814

(916) 445-0184



#80-8111

October 14, 1980

TO: All Individuals and Groups Interested in the Activities of the
Commission for Teacher Preparation and Licensing

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Amendments to California Administrative Code (Title 5)
Regulations:
Section 80317.2, Presence of Material Witness
Section 80319, Notice of Committee Action, Form of Notice

In accordance with Commission policy, the subject Title 5 regulations are being circulated prior to the public hearing, which has been set for:

Friday, December 5, 1980
10:00 a.m.
Woodlake Quality Inn
Highway 160 and Canterbury Road
Sacramento, California

Please feel free to duplicate and distribute these proposed Title 5 Regulations to anyone you believe might be interested in responding.

If you wish to make a presentation regarding the above to the Commission, please bring 30 copies of your material for distribution to the Commissioners and staff. If you can provide your statement to the Commission office 15 days before the public hearing, sufficient copies of the material will be duplicated and distributed for Commission and staff use. We would also appreciate a call to the Commission office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission.

The reason for the proposed adoption is in Item 358 of the 1980-81 Supplemental Budget language, as follows:

"The Commission for Teacher Preparation and Licensing shall adopt regulations modifying Committee on Credentials procedure by 12/1/80. These regulations shall include the following; (a) any person determined by the Committee on Credentials to be a material witness in a particular case shall be permitted to be present while testimony is taken during the committee hearing to consider allegations of misconduct, and shall be examined for rebuttal evidence, if any; (b) after the Committee on Credentials reaches a decision on a case before it, all complainants and parties receiving 30 day notice of the committee hearing shall receive notice of the committee's decision in the case, including the reasons for that decision. Such notice shall also be made available to members of the public upon request."

Proposed New Section 80317.2:

The language suggested in subsection (1) of Item 358 is appropriate for the regulation:

"Section 80317.2 Presence of Material Witnesses. Any person determined by the Committee of Credentials to be a material witness in a particular case shall be permitted to be present while testimony is taken during the Committee hearing to consider allegations of misconduct, and shall be examined for rebuttal evidence, if any."

Authority: Education Code Section 44225

Reference: Item 358 of the 1980-81 Supplemental Budget

Proposed Amendment to Section 80319:

The Commission has already adopted a Title 5 regulation which requires that notice of Committee decisions be provided to the parties (i.e., the respondent), with a copy to any person who has filed a request to File Charges (i.e., a complainant), and to persons who filed a recommendation to review (i.e., a school employer where an employee has been dismissed or terminated under questionable circumstances).

That regulation would be improved by adopting the supplemental budget language, however; and by further amending the 30-day restriction in subsection (4). The Attorney General has indicated that the present language may constitute a statute of limitations upon filing of an accusation, and has requested the change shown below. The proposed amendments to the Section would read as follows:

80319. Notice of Committee Action; Form of Notice. (a) A written copy of the determination of the Committee together with a notice of appeal rights available shall be delivered to the respondent personally or sent by registered mail to his or her last known address within 30 days after the meeting or hearing at which the determination is made. A copy of the said determination shall be mailed to any person who has filed a Request to File charges pursuant to Section 80313 or a recommendation to review pursuant to Section 80314. all complainants and parties receiving 30-day notice of the Committee's decision in the case, including the reasons for that decision. Such notice shall also be made available to members of the public upon request.

(b) The notice of determination shall be substantially in one of the following forms:

(1) "No probable cause has been found to deny your application for issuance of a credential or its renewal; and the same shall be granted forthwith."

(2) "No probable cause has been found to cause your credential to be revoked or suspended; and the investigation is herewith closed."

(3) "Probable cause has been found to cause your application for a credential or its renewal to be denied and the same is herewith denied, and said decision will become final unless you contest this decision. You may do so within 30 days hereafter by addressing your request for an administrative hearing to:

Commission for Teacher Preparation and Licensing
1020 "O" Street - Room 222
Sacramento, CA. 95814

(4) "Probable cause has been found to cause your credential to be suspended or revoked. An administrative hearing to determine whether your credential shall be revoked or suspended shall be initiated by the filing of an accusation against you which shall be served upon you within ~~30-days-hereinafter~~, the time provided by law, and shall include notice of your rights to appear and be heard and the consequences of your failure to do so, all pursuant to Government Code Section 11505."

(c) "When actions to initiate proceedings to deny, suspend, or revoke a credential, the current or last employing school district shall be notified."

Authority: Education Code Section 44225

Reference: Item 358 of the 1980-81 Supplemental Budget

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1020 O STREET
SACRAMENTO, CALIFORNIA 95814

OFFICE OF THE EXECUTIVE SECRETARY

RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission for Teacher Preparation and Licensing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission's office at the above address by November 14, 1980 in order that the material can be presented at the December Commission meeting.

1. Yes, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
2. No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
3. Personal opinion of the undersigned only
- Organizational opinion. (Please specify.) _____
4. I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
- No, I will not make a presentation to the Commission at the Public Hearing.

Date _____

(Print or type name)

Title: _____

Representing: _____

(CIRCLE ONE: School District, College, University, Professional Organization, Private Citizen, Other)

CTPL 7/30/80