

COMMISSION FOR TEACHER PREPARATION AND LICENSING

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OFFICE OF THE EXECUTIVE SECRETARY

February 25, 1981

80-8118

TO: All Individuals And Groups Interested In
The Activities of the Commission For Teacher
Preparation And Licensing

FROM: *John F. Brown*
John F. Brown, Executive Secretary

SUBJECT: Title 5 Regulations - Section 80317.2,
Presence of Material Witnesses; Section 80319,
Notice of Committee Action, Form of Notice

The Commission for Teacher Preparation and Licensing has adopted the following Title 5 Regulations of the California Administrative Code, effective March 13, 1981:

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 1980-81 Supplemental Budget

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 80311; 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.

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(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

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

"The Commission for Teacher Preparation and Licensing shall adopt regulations modifying Committee of 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."