

COMMISSION FOR TEACHER PREPARATION AND LICENSING

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February 23, 1981

80-8119

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: Proposed Amendment to Title 5 Regulations,
Section 80309 - Psychiatric Examinations

In accordance with Commission policy and administrative regulations, the above-cited Title 5 Regulation is being distributed prior to public hearing. The public hearing to amend Section 80309 - Psychiatric Examinations, has been scheduled as follows:

Friday, May 8, 1981
10:00 a.m.
Holiday Inn, North
1900 Canterbury Road
Sacramento, California

The Commission is proposing regulatory authority to require applicants and licensees to submit to psychiatric examinations or evaluations in appropriate cases. Such cases arise where the evidence shows acts or omissions which may not constitute cause for disciplinary action; but where court records or other evidence strongly suggest the person is suffering from mental illness which unfits him or her from performance of the duties which the credential authorizes, and which would warrant action pursuant to Section 80309(a) of the Commission's regulations.

80309. Medical and Psychiatric Guidelines.

- (a) The Committee shall not initiate an administrative hearing solely on the grounds that an applicant or licensee is suffering from a contagious and communicable disease or other disease or defect of mind or body unless probable cause appears from the evidence that:
 - (1) The condition of the applicant or licensee constitutes a health hazard to students or persons with whom he or she must associate in carrying out the duties

(1) continued

authorized by the credential applied for or held; or

(2) Because of the said disease or defect the applicant or licensee is unable to perform the duties authorized by the credential applied for or held.

(b) Any denial, suspension, or revocation of a credential pursuant to this section shall be limited in duration to the period of actual disability; and the credential shall be granted or reissued upon presentation of satisfactory evidence that such disability no longer exists.

(c) Where it appears from the evidence that an applicant or licensee is, or has been within one year, under psychiatric treatment as a condition of probation imposed by a court as a result of the commission of acts or omissions which also constitute probable cause for private admonition, denial, suspension, or revocation of a credential; or where the evidence shows that an applicant or licensee has committed acts or omissions which, but for the reasonably probable existence of some mental defect or disability, would constitute cause for disciplinary action, the Committee of Credentials may require and the applicant or licensee shall submit to an examination by a designated board certified licensed psychiatrist who shall prepare his expert opinion with respect to whether the applicant or licensee is able to perform the duties authorized by the credential applied for or held; and if not so able, the probable duration and severity of the disability. Such examination shall be at the expense of the Commission.

Refusal or willful failure of an applicant or licensee to submit to such examination within 30 days after service of such request by registered mail shall constitute cause for denial of the application for issuance or renewal of a credential, and any revocation or suspension of a credential shall not be limited by the provisions of subsection 2 (b) above.

Authority and Reference: Section 44336 of the Education Code

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.