

COMMISSION FOR TEACHER PREPARATION AND LICENSING

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September 4, 1981

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

FROM: John F. Brown, Executive Secretary

SUBJECT: Amendment to Title 5 Regulations, Section 80309,
Psychiatric Examinations

As of September 20, 1981, Title 5 Regulation, Section 80309
entitled Medical and Psychiatric Guidelines, will become
effective.

The amendment is distinguished by underlining.

Section 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 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

(c) continued

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 Cited: Section 44225, Education Code
Reference Cited: Section 44336, Education Code