

COMMISSION FOR TEACHER PREPARATION AND LICENSING

1020 O STREET
SACRAMENTO, CALIFORNIA 95814

(916) 445-0184



OFFICE OF THE EXECUTIVE SECRETARY

November 5, 1981

81-8214

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: December 3, 1981 Public Hearing to Review
Title 5 Regulations

The fifth and final scheduled public hearing to review Title 5 Regulations will be held on December 3, 1981 at the Capitol Plaza Holiday Inn, 300 J Street, Sacramento, CA at 1:30 p.m.

This coded correspondence provides you with a review, conducted by Commission staff, of each regulation to be considered at the December public hearing. This information will enable you to address the staff recommendations, as well as to provide input independent of these recommendations.

This series of five public hearings is being held in accordance with recently enacted legislation (AB 1111) which requires all state agencies to review regulations added to the California Administrative Code prior to July 1, 1980 (Reference: CC 80-8129, dated June 10, 1981).

Each regulation is to be analyzed and assessed against five specific standards: Necessity, authority, clarity, consistency and reference (see page 3 for definitions of these standards).

As a result of the review, the Commission will ascertain which of its regulations do or do not meet the five standards. The Commission will then state its intent to retain those regulations that do meet standards, or its intent to amend or repeal those regulations that do not meet standards.

Action to actually amend or repeal any regulation would not be taken without holding a subsequent public hearing for that specific purpose.

The public is invited to participate in the review process and is encouraged to present information, pro or con, orally or in writing, relevant to the regulations under review at the public hearing.

If you wish to make an oral presentation regarding any of the regulations being reviewed, 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, (916) 446-0184, if you plan to make a presentation in order to schedule time on the agenda for people who wish to address the Commission.

Written statements should be submitted on the attached Review Response Form at least 15 days prior to the public hearing, when that particular regulation is scheduled for review.

Any questions regarding this review should be directed to Mr. Lee Huddy at (916) 445-6772.

Attachments

CRITERIA FOR REVIEW OF TITLE 5 REGULATIONS

Government Code Section 11349 defines the standards as follows:

- (a) "Necessity" means the need for a regulation as demonstrated in the record of the rulemaking proceeding. Section 11342.2 of the Administrative Code states that the purpose of adopting regulations is "...to implement, interpret, make specific or otherwise carry out the provisions of the statute..." and that "...no regulation adopted is valid or effective unless...reasonably necessary to effectuate the purpose of the statute."
- (b) "Authority" means the provision of law which permits or obligates the agency to adopt, amend or repeal a regulation.

- (c) "Clarity" means written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them.
- (d) "Consistency" means being in harmony with, and not in conflict with or contradictory to, existing laws.
- (e) "Reference" means the statute, court decision or other provisions of law which the agency implements, interprets, or makes specific by adopting, amending or repealing a regulation.

Commission for Teacher Preparation and Licensing
1020 O Street, Room 222, Sacramento, California

REVIEW RESPONSE FORM - REGULATIONS TO BE REVIEWED
AT THE PUBLIC HEARING ON DECEMBER 3, 1981

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 scheduled for review, please return this form to the Commission Office at the above address by November 23, 1981.

- The following Title 5 Regulations should be amended:
(Include the following information: Section number of the regulation; brief description of the recommended amendment; statement of facts to support your recommendation; and the specific standards (necessity, authority, clarity, consistency and reference) that the regulation does not meet.)

- The following Title 5 Regulations should be repealed:
(Include the following information: Section number of the regulation; statement of facts to support your recommendation; and the specific standards (necessity, authority, clarity, consistency and reference) that the regulation does not meet.)

2. (continued)

3. Personal Opinion of the undersigned only.
- Organization 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.

Name (Print or Type) Date

Title _____

Representing _____

STAFF REVIEW

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

Title 5
Regulation

Action Indicated By Review
Staff Recommendation
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80487. Fees.

(a) The Commission sets the following fees for issuance, renewal, duplicates or replacements of teaching and related credentials:

(1) Thirty dollars for the issuance or renewal of a teaching or related credential.

(2) Fifteen dollars for a duplicate or replacement credential.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) Thirty dollars for an examination processing fee as provided in Section 80077.

(b) The fee shall accompany the application for issuance or renewal, or the request for a duplicate or replacement credential; the fee shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential or subsequently finds a reportedly lost or destroyed document.

(c) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(d) Where an applicant has all the qualifications for a credential at the time the application therefor is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within one year.

(e) Where applicable, each application for a credential shall be accompanied by an examination processing fee pursuant to Section 80077 of these regulations.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44280, 44289 and 44352, Education Code.

HISTORY:

1. Amendment filed 1-17-80; effective thirtieth day thereafter (Register 80, No. 3).

80490. Renewal of Credentials.

(a) Valid renewable credentials may, prior to their date of expiration, be renewed.

(b) A credential may be renewed at any time before it is to expire, except as otherwise provided by the Education Code or by these regulations, and provided that all renewal requirements are completed and evidence of such completion is submitted to the Commission. The application for renewal must be filed with the Commission before midnight of the expiration date of the credential to be renewed.

(c) Valid renewable credentials may be renewed by submitting the following materials to the Commission:

(1) An application form provided by the Commission.

(2) A money order or check for the fees specified in Section 80487 for the issuance of each credential.

(3) Verification of completion of requirements, if any, listed in the credential, and verification of additional renewal requirements established by the Commission.

NOTE: Authority cited: Sections 44225 and 44348, Education Code.

Amend

Revise in accordance with newly enacted credential fee legislation.

Amend

Delete reference to method of payment (money order or check), leaving this open to any legal method of payment.

Delete

EC 44348 as authority cited. Add EC 44252 as reference.

STAFF REVIEW
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80493. Terms of Issuance and Renewal of Credentials.
 Unless otherwise provided by law and regulations, all credentials shall be issued for a period of five years.
 (a) All preliminary teaching and services credentials shall be issued for a period of not more than five years.
 (b) A teaching or services credential, one of which the requirements is another teaching or services credential, shall not be issued or renewed beyond the expiration date of the other previously obtained credential.
 (c) A teaching or services credential shall be dated to expire on the first day of the month following the month in which it is issued for its full authorized term except when it is based on another credential with a different expiration date.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44260, Education Code.
 HISTORY:
 1. Renumbering from Section 80032 to Section 80493 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

80496. Failure to Renew Because of Illness, Military Service, or Other Serious Reasons.
 In the event the holder of a Ryan Act teaching or services credential, granted in accordance with the Teacher Preparation Law of 1970, fails to meet renewal or reissuance requirements specified by the Commission because of illness of the applicant or immediate family, military service, or other serious reasons, the holder may petition the Commission for a new preliminary, postponement, emergency, or clear credential. The issuance shall be within the discretion of the Commission after it has given due consideration to the circumstances set forth in the petition.

NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44344, Education Code.
 HISTORY:
 1. Renumbering from Section 80058.1 to Section 80496 and amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

Amend
 Revise to clarify. Current language does not clearly state terms of issuance and renewal.
 Delete
 EC 44260 as reference. Add
 EC 44251, 44252 and 44348 as references.

Retain
 Needed to specify conditions and procedures for appeal for persons who fail to renew credentials.
 Delete
 EC 44344 as reference. Add
 EC 44252 as reference.

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POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

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80505. Definitions.

For the purposes of this article the following definitions apply:

(a) "Application for a credential" includes an application for a credential, an application for a renewal of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.

(b) "Committee" means the Licensing Committee of the Commission.

(c) "Denial" includes the denial of any portion of an application for a credential, even though the requested credential is issued or renewed.

NOTE: Authority cited: Section 44225, Education Code.

Retain

Needed to clarify the terms used in Article 6.

Add EC 44225 as authority cited. Add EC 44252 as reference.

80508. Failure to Meet Requirements.

An application for the issuance of a credential shall be denied if:

(a) The applicable provisions of this chapter have not been satisfied.

(b) The applicant's education, training, or experience does not satisfy the minimum requirements for the credential for which the applicant applied.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

The Education Code and Title 5 already specify requirements for issuance. It is not necessary to state in regulation that persons who do not meet those requirements will have their credential application denied.

80511. Duties of the Committee.

Upon appeal of denial of an application for a credential, the matter shall be referred to the Committee to conduct an informal hearing unless the Commission specifically has reserved the same for its own action. Upon such informal hearing by the Committee, the Committee shall recommend that such application be granted or denied.

NOTE: Authority cited: Section 44225, Education Code.

Amend

All appeal of denial sections need to be revised for clarity, including delineation of the sequence of events, time deadlines, notification procedures, etc.

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

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<p>80514. Notice of Denial.</p> <p>(a) If an application for a credential is denied pursuant to any provision of this chapter, the Executive Secretary to the Commission shall give written notice to the applicant of the grounds on which the denial was made.</p> <p>(b) Such notice of denial of the application shall be mailed or delivered in person to the applicant not later than ten days following the decision of the Commission staff to deny said application.</p> <p>(c) Written notice, pursuant to this section, shall include:</p> <ol style="list-style-type: none"> (1) A statement of action to be taken on the application; (2) An explanation of the facts upon which the application will be denied; and (3) An explanation of the informal hearing procedure and the rights of the applicant thereunder. <p>NOTE: Authority cited: Section 44225, Education Code.</p>	<p>Amend Same rationale as specified for Section 80511.</p>
<p>80517. Date of Denial of Application.</p> <p>Failure of the Commission staff to issue a credential within 60 days after all necessary application materials have been filed with the Commission may, at the election of the applicant, be treated as a denial of the application.</p> <p>NOTE: Authority cited: Section 44225, Education Code.</p>	<p>Amend Same rationale as specified for Section 80511.</p>
<p>80520. Initiation of Appeal Procedure.</p> <p>(a) The applicant shall initiate an appeal by filing a written notice stating that the applicant appeals a particular decision of the Commission staff on the application. The notice shall be filed with the Executive Secretary to the Commission at the office of the Commission in Sacramento, California.</p> <p>(b) Within 10 days of the filing of an appeal, the Executive Secretary shall notify the applicant of the date, time, and place of the informal hearing before the Committee. Upon a showing of good cause, such informal hearing may be postponed to a later date; the applicant shall be notified of such change.</p> <p>(c) Upon the filing of an appeal, the Executive Secretary shall cause a statement of issues to be prepared and filed with the Committee setting forth the causes upon which the disputed action is based.</p> <p>NOTE: Authority cited: Section 44225, Education Code.</p>	<p>Amend Same rationale as specified for Section 80511.</p>

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

STAFF REVIEW

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80523. Time of Filing Appeal.
 (a) An appeal to a denial of an application pursuant to this chapter shall be filed with the Executive Secretary within 30 days after the applicant has been served with notice of such denial.
 (b) Upon a showing of good cause, the Executive Secretary may allow such an appeal to be filed within 30 days after the end of the period in which the appeal should have been filed.

NOTE: Authority cited: Section 44225, Education Code.

80526. Rights of Applicant.
 An applicant whose application for a credential has been denied pursuant to this chapter shall have the following rights with regard to an appeal:
 (a) Said applicant may present such written evidence as he or she feels is necessary or appropriate to the issues involved at any time up to and including the day of hearing.
 (b) Said applicant may present written or oral arguments to the Committee.
 (c) Said applicant may cross-examine any witness testifying against him or her.

(d) Said applicant may be represented by the person of his or her choice.
 (e) Said applicant may choose not to appear before the Committee and such failure to appear shall not admit or deny the facts described in the written notice.

NOTE: Authority cited: Section 44225, Education Code.

80529. Closed Hearing.
 The informal hearing shall be open only to persons directly involved in the matters to be heard. The chairman of the Committee may exclude a witness from the hearing when the witness is not giving testimony.

NOTE: Authority cited: Section 44225, Education Code.

80532. Conduct of Hearing.
 (a) The chairman of the Committee shall conduct the informal hearing.
 (b) The chairman may do whatever is necessary to carry out the intent and provisions of this article to insure that the informal hearing is conducted in a fair, dignified, and orderly manner which is not specifically prohibited by any applicable provision of law.

NOTE: Authority cited: Section 44225, Education Code.

Amend
 Same rationale as specified for Section 80511.

Amend
 Same rationale as specified for Section 80511.

Amend
 Same rationale as specified for Section 80511.

Amend
 Same rationale as specified for Section 80511.

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

Title 5 Regulation	Action Indicated	Action Indicated By Review	Staff Recommendation (If Different From Action Indicated By Review)
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80535. Rehearing by the Commission.

- (a) Within 30 days following a decision by the Committee, the applicant may apply for a rehearing by the Commission by filing with the Executive Secretary a written petition therefor.
- (b) Within 60 days after receipt of such petition, the Commission shall either grant or deny the petition in whole or in part. The Executive Secretary shall notify the applicant immediately of such decision.
- (c) If a rehearing is granted the proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Section 44225, Education Code.

80538. Finality of Decision.

Unless a proper application for a rehearing by the Commission is filed, each decision of the Committee shall become final 30 days after a copy of such decision is mailed to the parties to the proceeding in which the decision was rendered.

NOTE: Authority cited: Section 44225, Education Code.

Article 7. Application for Life Diploma Based on "Prior Regular Credentials"

80541. Life Diplomas.

- (a) A life diploma may be granted only when based upon a "prior regular credential." A "prior regular credential" means any credential, other than an emergency or provisional credential, that the State Board of Education was authorized to issue prior to January 1, 1964.
- (b) Combination life diplomas shall not be issued.
- (c) A life diploma shall authorize the holder to perform the services named therein.

NOTE: Authority cited: Section 44225, Education Code.

Amend

Same rationale as specified for Section 80511.

Amend

Same rationale as specified for Section 80511.

Repeal

Not necessary.

EC 22, EC 23, EC 44342, and EC 44343 already provide "grandfather" protection for holders of prior credentials, including availability of life diplomas.

STAFF REVIEW

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE FIVE STATUTORY STANDARDS

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80544. Application Procedure.

- (a) A separate application shall be submitted for a life diploma in each level or subject field for which application is made.
- (b) The application shall be submitted, on the form provided by the Commission, to the county superintendent of schools of the county in which the applicant is serving, or, if an applicant is not employed, to the county superintendent of schools of the county in which he or she last served.
- (c) When the application is approved by the county board of education, such approval shall be recorded on the county board of education recommendation form.
- (d) The application, when complete shall be submitted by the county superintendent of schools to the Commission. Such application shall include the materials required by Section 80547.

NOTE: Authority cited: Section 44225, Education Code.

80547. Materials to Accompany Applications.

Each life diploma application shall include the following materials: (a) A recommendation from the California County Board of Education in which the applicant was last employed for one full school year. Such recommendation that the candidate has rendered successful educational service in the public schools of the county for a period of not less than eight consecutive school months and that the candidate is a fit person to possess a life diploma.

(b) Original letters of recommendation verifying 48 months of successful school experience, at least 21 of which have been in public schools of California or in schools maintained for minors by publicly controlled California institutions. Experience secured on the basis of an emergency or provisional credential shall not apply.

(c) A money order or check for the fees for issuance of a teaching credential specified in Section 80487.

(d) The applicant's county certificate or state credential which authorizes the specific service to be designated on the life diploma for which the application is made. A combination certificate or combination state credential may be used as a basis for a life diploma in each of the levels or subject fields named therein.

(e) Where the application is based upon an elementary county certificate granted upon examination, a complete record of the history of such certificate. If the county certificate was issued upon a certificate originally issued by the county board of education of another county upon examination, the latter certificate must also be submitted if in the possession of the applicant; if such original certificate is not in the possession of the applicant, the necessary information shall be secured from the county of original issue by the recommending county board of education.

(f) Where the application is based upon a county certificate issued upon a normal school diploma, the date of the normal school diploma which appears on the certificate. If such date does not appear on the certificate, both the county certificate and the normal school diploma shall be submitted.

NOTE: Authority cited: Section 44225, Education Code.

Repeal

Same rationale as specified for Section 80541.

Repeal

Same rationale as specified for Section 80541.

STAFF REVIEW

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80550. Requirements.

(a) In addition to any further requirements prescribed by the Commission or law, an applicant for a life diploma shall have completed the following requirements:

(1) In the case of applications for administration, supervision, attendance officer, or health and development life diploma, 48 school months of teaching experience. At least 21 of these months shall have been in the public schools of California, or in schools maintained for minors by publicly controlled California institutions, and must have been in the field of service to be listed in the life diploma for which application is made.

(2) In the case of applications for life diplomas other than those listed above, 48 school months of successful school experience. At least 21 of these months shall have been in the public schools of California or in schools maintained for minors by publicly controlled California institutions.

(b) Each 20 days of substitute service shall be accepted as one month of experience. In presenting evidence of such experience, the actual number of days thereof shall be submitted.

(c) Each 80 clock hours of night school or part-time service shall be accepted as one month of experience. In presenting evidence of such experience, the actual number of days thereof shall be submitted.

(d) In no case shall credit for more than one day or four clock hours of teaching experience be accepted for service rendered during any one calendar day.

NOTE: Authority cited: Section 44225, Education Code.

Repeal
Same rationale as specified
for Section 80541.

STAFF REVIEW

THE FIVE STATUTORY STANDARDS

POTENTIAL DISCREPANCIES BETWEEN TITLE 5 REGULATIONS AND THE
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Title 5
 Regulation

Article 1. Procedure for Validation

80600. Request for Approval of Service.

(a) A person, governing board, or county superintendent described in Education Code Section 45036 may request the Commission for Teacher Preparation and Licensing to approve the rendering of service by a person described in said section.

(b) The request pursuant to subsection (a) shall:

- (1) Be on a form provided by the Commission;
- (2) Include a statement by the chief administrative officer of the district in which the service was rendered or by the county superintendent of schools if the service was rendered for his office;

(A) Such statement shall give the reason for allowing the person to begin the services rendered and to continue during the period in question without having either the appropriate credential on file with the county superintendent of schools or a temporary certificate issued in accordance with Education Code Section 44332.

(B) If a warrant has been issued by the county superintendent of schools for the service, the request shall include a statement of the county superintendent giving the reason the warrant was issued in the absence of such a credential or county certificate.

(3) Include a statement of the person who rendered the service that a valid credential required for such position has been issued to him or her after the service was rendered or that he or she has filed his application therefor; and,

(4) When the request is made by the person who rendered the service or by a governing board, be approved by the county superintendent of schools having jurisdiction over the district in which the service was rendered and be forwarded by his office.

NOTE: Authority cited: Section 45036, Education Code.

HISTORY:

1. Redesignation from Chapter 2 of Division 7, Part 1 (Section 6680) to Chapter 5 of Part VIII filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

Retain
 Needed to implement and
 establish procedures for
 validation pursuant to
 EC 45036.

Add
 EC 44225 as authority
 cited. Move EC 45036
 to reference.

Title 5 Regulation	Action Indicated Rationale	Staff Recommendation (If Different From Action Indicated By Review)
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80603. Action Upon Receipt of Request.

Upon receipt of request, the Commission for Teacher Preparation and Licensing shall ascertain from its files whether:

(a) At all times during the period of service in question the person rendering the service had, in fact, the necessary qualifications for the credential required by law for the position in which the service was rendered;

(b) A valid credential required for such position has been issued to such person after the period when such service was rendered.

NOTE: Authority cited: Section 45036, Education Code.

80606. Determination of Approval.

(a) If items (a) and (b) of Section 80603 are so confirmed the request and the confirmation shall be reported to the Commission by way of the regular agenda process at its earliest meeting following such confirmation. At that meeting the Commission shall determine whether the rendering of the service should be approved. If approved, the Executive Secretary of the Commission shall notify the teacher, the school district, the State Board of Education, and the county superintendent of schools that the rendering of such service has been approved in accordance with Education Code Section 45036 and is fully legal for all purposes. Payment for such service is authorized upon the receipt of such notice.

(b) When item (a), but not item (b), of Section 80603 is confirmed, and the request shows application for, but not issuance of, the credential described in Section 80603, subsection (b), the Commission, as soon as the credential has been issued, shall proceed as specified in subsection (a) of this section.

(c) When item (a) of Section 80603 cannot be so confirmed, the Commission shall so notify the applicant, specifying the qualifications which cannot be confirmed from its files and requesting the applicant to supply evidence that he possesses them. If within 60 days from the mailing of that notice the evidence is supplied, the Commission shall proceed as specified in subsection (a) of this section. If within such 60-day period the evidence is not supplied, the Commission may allow more time for submission of evidence or shall deny the request for such validation.

NOTE: Authority cited: Section 45036, Education Code.

Retain
Same rationale as specified
for Section 80600.

Retain
Same rationale as specified
for Section 80600.