

COMMISSION ON TEACHER CREDENTIALING

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86-8707



November 26, 1986

TO: All Individuals and Groups Interested in the
Activities of the Commission on Teacher Credentialing

FROM: *Richard K. Mastain*
Richard K. Mastain, Ed.D.
Executive Secretary

SUBJECT: Administration of the License Examination Subversion
Act (LESA)

Chapter 632 of the Statutes of 1986 has added Section 44339 to the Education Code to expressly authorize the Commission on Teacher Credentialing to deny, suspend, revoke or otherwise restrict a license on the ground that an applicant or a licensee has subverted or attempted to subvert any licensing examination or the administration of an examination. The provisions of the statute are clear and specific and may be administered without enactment of administrative regulations.

Commencing with the effective date of the License Examination Subversion Act (January 1, 1987), all allegations of misconduct in violation of the Act will be presented to the Committee of Credentials for investigation and determination of probable cause for disciplinary action.

It is expected that most LESA cases will originate with the Educational Testing Service based on CBEST cheating; but other examination subversion cases will follow the same process. These include, but are not limited to the Bilingual Certificate of Competence, Language Development Specialist, Bilingual Certificate of Assessment Competence and other examinations taken for credentialing purposes.

In each case in which an examination administrator (such as ETS) has evidence of cheating or other subversion of the examination process, that evidence will be forwarded to the Committee of Credentials for investigation. Such evidence will normally consist of written statements of fact in the form of verified affidavits from the person who has knowledge of the facts, such as the examination proctor, the ETS handwriting analyst or other witness to the facts.

In most cases, the Committee of Credentials determination of probable cause will be made on the basis of the affidavits and certified copies of the evidentiary documents together with the response of the applicant or licensee.

Where the Committee makes an adverse decision and where administrative hearing is demanded, the witnesses and the documents will be produced and examined before an administrative law judge; and a proposed decision will be presented to the Commission for its acceptance or rejection.

The provisions of LESA follow:

"Section 44339. The Commission may deny, suspend, revoke or otherwise restrict a license on the ground that an applicant or licensee has subverted or attempted to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials; the unauthorized xerographic, photographic, or other mechanical reproduction of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination either before, during, or after an examination or use or purport to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing applicants for examinations; or selling, distributing, buying, receiving or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Conduct that violates the standard of examination administration; communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf."

County Offices of Education, Teacher Education Institutions, and others who have reason to contact potential examinees through the CBEST or other examinations necessary for credentials should make this information available to those persons.