

COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

93-9328

DATE: December 8, 1993

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

FROM: 
Philip A. Fitch, Ed.D., Executive Director

SUBJECT: Addition of Sections 80339 through 80339.6 of Title 5,
California Code of Regulations, Pertaining to Unauthorized
Certificated Employee Assignments and Amendment of Section
80335 of Title 5, California Code of Regulations, Pertaining to
Performance of Unauthorized Professional Service

Prior to the approval of Title 5, Sections 80339 through 80339.6 and the amendment of Section 80335, there was no reasonable procedure that provided for a thorough review of questionable assignments and the placement of appropriate sanctions against those administrators who knowingly misassign individuals and those individuals who knowingly accept a misassignment.

The addition of these regulations create a procedure for a thorough review of questionable assignments by Commission staff and by a committee of assignment experts. Also, school districts with apparent misassignments are given the opportunity to enter into a Compliance Agreement that will lead to the correction of the situation before penalties are attached. But, if needed, those penalties are now more appropriate for the situation.

The following is an outline of the changes in the regulations. See the attached for the complete text which became effective October 20, 1993.

- The county superintendent of schools will submit to the Commission all relevant material regarding the misassignment, including all communications submitted to and received from the concerned school district administrators and the misassigned individual.

- The Commission staff will review the information and, if it is determined that a misassignment exists, the school district superintendent and district governing board will be notified and given the option to enter into a Compliance Agreement that would establish means to correct the misassignment. The notification will also include the possible sanctions if the misassignment is not corrected.
- If the misassignment is not corrected after staff notification, the case will be referred to the Commission's Committee on Authorized Assignments. The Committee will consist of two school teachers, a school administrator, a school service representative other than a school administrator and a school board member. If the Committee concurs that a misassignment exists, a letter of non-compliance will be sent to the district governing board to be read at its next public meeting.
- If, after 30 days, the misassignment still exists, the Committee will determine if the situation requires more severe sanctions and, if so, will refer it to the Committee of Credentials for review.
- The school administrator responsible for the misassignment and the knowingly misassigned individual will not be reviewed by the Committee of Credentials until the case is reviewed by the Committee on Authorized Assignments. A misassigned individual will not be held responsible for the misassignment if he or she verifies to the county superintendent of schools that he or she has made an effort to secure a correct assignment.
- An individual who feels that he or she is misassigned and has contacted the county superintendent of schools regarding this, may request a review of the county superintendent's decision by the Committee on Authorized Assignments. If the individual is employed at a county-operated school, the county may be reviewed and sanctions applied by the Commission as if it were a school district.

The Commission's primary objective is to have all certificated employees legally assigned in the public schools. The Commission believes that school districts that have poor assignment practices must be required to improve their procedures within a reasonable time. It is also the hope of the Commission that these regulations will result in the correction of misassignments before the need arises to assess more severe sanctions.

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EXAMINATIONS AND RESEARCH

CLAD/BCLAD

Reforms in the Preparation and Credentialing of Teachers
for Limited-English-Proficient Students

DIVISION VIII OF TITLE 5 CALIFORNIA CODE OF REGULATIONS

**PROPOSED ADDITION OF SECTIONS 80015 THROUGH 80015.3
PERTAINING TO CROSSCULTURAL, LANGUAGE AND ACADEMIC
DEVELOPMENT (CLAD) CERTIFICATES AND BILINGUAL,
CROSSCULTURAL, LANGUAGES AND ACADEMIC DEVELOPMENT
(BCLAD) CERTIFICATES**

and

**PROPOSED ADDITION OF SECTION 80015.4 PERTAINING TO MULTIPLE
AND SINGLE SUBJECT CREDENTIALS WITH A BILINGUAL,
CROSSCULTURAL, LANGUAGE AND ACADEMIC DEVELOPMENT
(BCLAD) EMPHASIS**

Contents:

- A memorandum to the field from the Executive Director announcing a public hearing
- A response form
- The text of the proposed regulatory actions
- The Initial Statement of Reasons for the proposed regulatory actions