

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE DIRECTOR

97-9721

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TO : School District and County Office Superintendents, Personnel Directors, SELPA Directors, Credential Analysts, Non-Public School Directors and Others Interested in California Code of Regulations, Title 5 Sections Pertaining to Procedures of the Committee of Credentials and the Division of Professional Practices

FROM : Sam Swofford, Ed.D., Executive Director

RE : New, Deleted and Amended Sections of California Code of Regulations, Title 5 Pertaining to the Procedures of the Committee of Credentials and the Division of Professional Practices

Senate Bill 1843 (Hart) made significant and far reaching changes to the discipline function of the California Commission on Teacher Credentialing (Commission) and to the work of the Committee of Credentials (Committee).

These changes required a major revision of the regulations governing the credential discipline responsibility of the Committee and the Commission. The bill requires the Committee to undertake several investigative responsibilities:

- preparation and presentation of a summary of the applicable law;
- preparation and presentation of a summary of the facts, both contested and uncontested;
- preparation and presentation of a summary of the circumstances in aggravation or mitigation of the allegation.

In addition, upon completion of its review, the Committee is to issue "findings" which include the following information:

- a description of the Committee's concurrence or nonconcurrence with the facts reported in the investigation;
- the Committee's determination as to which acts of misconduct occurred; and
- the relationship between the misconduct and the person's ability or fitness to perform the duties authorized by the credential.

The body of the new regulations includes an extensive definition section, articulation of the standards and guidelines for investigation, and clarification of many of the rights and responsibilities of professional educators.

SUMMARY OF THE CHANGES

Section 80300 defines terms used in the regulations contained in Title 5, Chapter 3 and in the Education Code. The definitions serve to clarify the regulations.

A portion of existing regulation section 80301 was repealed. Subdivision (c)(2) merely restated Education Code section 44346(b) and (c) and was, therefore, unnecessary. The remaining provisions of this section are re-numbered to conform with this change.

Section 80301.5 containing standards for investigation was deleted. New section 80302 now contains standards for investigation.

Section 80302 contains standards and guideline to conform with the case of *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, *Petit v. State Board of Education* (1973) 10 Cal.3d 29, *Watson v. State Board of Education*, (1971) 22 Cal.App. 3d 559.

New section 80303, formerly section 80311, requires credential holders and district superintendents to report changes in employment status when there are allegations of misconduct. This section provides information to the Commission in accordance with Education Code section 44242.5(b)(3).

Section 80304 serves to inform employing districts regarding the type of information which must be supplied to the Commission when filing a notice of sexual misconduct under Education Code section 44242.5(b)(4).

Section 80306 was repealed. New standards dealing with actions by the Committee are contained in section 80314 and new section 80315 pertains to reconsideration.

New section 80306 defines and clarifies the time limitations set forth in Education Code section 44242.7(a).

Section 80307 was repealed. New section 80307 permits the respondent to obtain information from the Commission's file and sets the cost of receiving such information.

Section 80307.1 provides the public with an ascertainable event to mark the time an investigation is started.

Former section 80308 was repealed. The operative portions of that provision are set forth in new section 80302.

New section 80303 allows the Committee to view preliminary information to make a determination as to whether that information warrants an investigation. An amendment to this regulation was added during the public hearing to protect the privacy of credential holders.

Section 80309.1 allows the Committee to review information after the commencement of an investigation to determine whether the information warrants setting the matter for review pursuant to Education Code section 44244.

Former section 80310 was repealed. This section defined probable cause. The new definition is contained in section 80300.

New section 80310 describes the notice requirement.

Former section 80311 was repealed. This section required reports of dismissals or resignations. This section is revised and included in new section 80303.

New section 80311 explains the method for requesting a personal appearance before the Committee.

Former section 80312 was repealed. New section 80312 allows a matter set for review by the Committee to be delayed upon a showing of good cause.

Former section 80313 was repealed. This regulation is now codified in Education Code section 44244 and does not need to be in regulation.

New section 80313 sets forth the procedures whereby witnesses may testify before the Committee of Credentials.

New section 80314 states that four Committee members must agree if an action is to have effect.

New section 80314.5 describes the notice to be sent following a Committee meeting and makes the notice available to the public upon request. This is a renumber of former section 80306.

New section 80315 provides a right of reconsideration to holders, applicants, complainants and employers. Reconsideration may be requested within 30 days after notice and must include new, material information.

Portions of section 80316.5 are repealed and other portions are amended, eliminating provisions of the regulation which are superseded by Education Code section 44242.5. A provision is added to the regulation to describe action to be taken when allegations are determined to be groundless.

Former section 80317 is repealed. This regulation is superseded by Education Code section 44244(d).

New section 80317 describes the method by which respondents may request an administrative hearing.

Section 80319 was repealed. This regulation is superseded by Education Code section 44242.5(e)(1).

Section 80320 was amended to emphasize public protection in the consideration of case settlements.

TITLE 5

Chapter 3. Committee of Credentials

Article 1. General Provisions

80300. Definitions

- (a) "Adverse action" is a denial, a private admonition, public reproof, suspension or a revocation of one or more credentials.
- (b) "Aggravating factor" is an event or circumstance which demonstrates that a greater degree of adverse action for an act of professional misconduct is needed to adequately protect the public, schoolchildren or the profession. Aggravating factors may include, but are not limited to, the following:
- (1) a prior record of adverse action including the nature and extent of that record;
 - (2) that the misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct;
 - (3) that the misconduct was surrounded by or followed by bad faith, dishonesty or other violation of the laws governing educators;
 - (4) that the misconduct significantly harmed a child entrusted to the care of a credential holder or applicant, significantly harmed the public or the educational system;
 - (5) that the holder or applicant demonstrated indifference toward the consequence of the misconduct, which includes failure to comply with known court orders; or
 - (6) that the holder or applicant had prior notice, warnings or reprimands for similar conduct from any reliable source.
- (c) "Applicant" is an individual applying for a credential, permit, waiver or other certification document issued by the Commission on Teacher Credentialing.
- (d) "Commission" is the Commission on Teacher Credentialing or a predecessor agency.
- (e) "Committee" is the Committee of Credentials.
- (f) "Confidential investigative report" is a summary of applicable law and relevant facts, as well as information regarding aggravating and mitigating factors, prepared and presented to the Committee pursuant to Education Code section 44242.5(c)(2).
- (g) "Credential" is any credential, certificate, life document, life diploma, permit or other document which authorizes the holder to perform services which require certification and was issued by the Commission.

- (h) "Complainant" is the person or persons filing a statement pursuant to Education Code section 44242.5(b)(2), or an employer filing a notice pursuant to Education Code section 44242.5(b)(3), or (4).
- (i) "Denial" is refusal to grant a credential to an applicant whose conduct comes within the provisions of Education Code sections 44435 or 44346.
- (j) "Employer" is the entity which contracts with or otherwise engages a holder or applicant for the performance of educational services.
- (k) "Formal review" is the meeting or hearing held pursuant to Education Code section 44244.
- (l) "Holder" is an individual possessing a credential, permit, waiver or other certification document issued by the Commission.
- (m) "Mitigating factor" is an event or circumstance which demonstrates that the public, schoolchildren and the profession would be adequately protected by a more lenient degree of adverse action or no adverse action whatsoever. Mitigating factors may include, but are not limited to, the following factors:
- (1) absence of any prior record of adverse action over many years of educational service, coupled with present misconduct which is not deemed most serious;
 - (2) lack of harm to the person who is the object of the misconduct;
 - (3) emotional or physical difficulties suffered by the holder or applicant which substantially contributed to the misconduct; provided that the difficulties were not the product of illegal conduct by the credential holder or applicant, such as illegal drug or substance abuse; and further provided that the credential holder or applicant has established through clear and convincing evidence that he or she no longer has such difficulties;
 - (4) a demonstration of good character of the applicant or holder attested to by references from the educational community or the general community from individuals aware of the extent of the applicant's or holder's misconduct;
 - (5) objective action taken by the applicant or holder, spontaneously demonstrating remorse at the time of the misconduct, and recognition of the wrongdoing which is designed to timely make amends for the consequences of the misconduct;
 - (6) the proximity or remoteness in time relative to the seriousness of the misconduct; or
 - (7) the nature and extent of subsequent rehabilitation.
- (n) "Private admonition" is an adverse action defined and governed by Education Code section 44438.
- (o) "Probable cause" is reasonable grounds for belief in the existence of facts warranting adverse action.

(p) "Public reproof" is a public warning from the Commission that conduct is not appropriate for a credential holder or applicant. Following a public reproof, commission of the same or similar misconduct may result in more serious adverse action. It is issued only when adequate to appropriately protect the public, schoolchildren and the profession.

(q) "Recurring conduct" is behavior involving the exercise of consistently poor judgment or misconduct.

(r) "Revocation" is the termination of an individual's ability to work in a position requiring certification. Once effective, the revocation continues unless the individual is reinstated by the Commission.

(s) "Sexual misconduct" is:

(1) acts or conduct, directed at a minor which a reasonable person would believe to be motivated by sexual interest;

(2) acts or conduct defined in Education Code section 44010 whether or not the applicant or holder was convicted or arrested; or

(3) the proliferation or distribution of child pornography or the exploitation of any minor through the use of any pornography by a credential holder or applicant. "Pornography" consists of the acts defined in Part 1, Title 9, Chapters 7.5 and 7.6 of the Penal Code, commencing with section 311.

(t) "Suspension" is the temporary inactivation of a credential for a specified period of time. A suspension may be stayed on conditions of probation or may be an actual suspension or may be both. If an actual suspension, the credential holder may not work in a position requiring a credential during the period of actual suspension.

(1) A "stayed suspension" may be issued for a specified period of time only if the stay and performance of specified rehabilitative or probationary duties by the credential holder during the period of the stay is deemed consistent with the purposes of professional discipline.

(2) An "actual suspension" may be issued for a specified period of time. Actual suspensions imposed for one year or longer shall require presentation of sufficient proof to the Commission of the credential holder's rehabilitation, or present fitness to perform the duties authorized by the credential before the suspension may terminate.

Note: Authority cited: sections 44225(q) and 44242.7(b), Education Code.
Reference: sections 44225(q), 44242.7, 44242.5, 44421, 44438, Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80301 Notice To Applicants For Issuance Or Renewal Of Credentials; Application For Character And Identification Clearance

(a) An applicant for issuance or renewal of a credential shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to his or her fitness or competence to perform the duties authorized by his or her credential.

(b) Each applicant for initial issuance of a credential shall submit a completed Application for Character and Identification Clearance on a form adopted by the Commission on which he or she will set forth evidence of identification and good moral character which shall be used for the sole purpose of determining the applicant's eligibility for a credential or Certificate of Clearance.

(c) The application for Character and Identification Clearance shall include, but not be limited to, the following information for applicants:

(1) that the Commission is prohibited from issuing to or renewing the credential of any person convicted of any sex offense listed under Education Code Section 44010; or any narcotics offense listed under Education Code Section 44011; or who has been determined to be a mentally disordered sex offender; or that if a person holds a credential and has been convicted of any offense listed in Education Code Section 44424, such credential must be revoked.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44339, 44346 and 44425, Education Code.

HISTORY

- 1. New section filed 11-15-83; effective thirtieth day thereafter (Register 83, No. 47).*
- 2. Amendment of subsection (c)(1), repealer of subsection (c)(2) and amendment of NOTE: filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80302 Standards for Investigation

(a) The Committee, in conducting its investigation, shall determine the relationship between the alleged misconduct and the applicant's or holder's fitness, competence, or ability to effectively perform the duties authorized by the credential. Such relationship may be based on facts which include, but are not limited to, the following:

- (1) The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated;
- (2) The proximity or remoteness in time of the conduct;
- (3) The type of credential held or applied for by the person involved;
- (4) The extenuating or aggravating circumstances surrounding the conduct;
- (5) The praiseworthiness or blameworthiness of the motives resulting in the conduct;
- (6) The likelihood of the recurrence of the questioned conduct;

(7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certified persons;

(8) The publicity or notoriety given to the conduct.

(b) If the Committee finds no relationship between the alleged misconduct and the applicant's or holder's fitness, competence or ability to effectively perform the duties authorized by the credential the Committee shall close the investigation.

NOTE: Authority cited: sections 44225(q), Education Code.

Reference: *Morrison v. State Board of Education*, (1969) 1Cal.3d 214; *Pettit v. State Board of Education* (1973) 10Cal.3d 29; *Watson v. State Board of Education*, (1971) 22 Cal.App. 3d 559; section 44242.5(c), Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80303 Reports of Change in Employment Status

(a) Whenever a credential holder, working in a position requiring a credential:

(1) is dismissed;

(2) resigns;

(3) is suspended for more than 10 days;

(4) retires; or

(5) is otherwise terminated by a decision not to employ or re-employ; as a result of an allegation of misconduct, the holder and the superintendent of the employing school district shall each report such change in employment status to the Commission within 30 days.

(b) The report shall contain all known information about each alleged act of misconduct.

(c) The report shall be made to the Commission regardless of any proposed or actual agreement, settlement, or stipulation not to make such a report. Such report shall also be made if allegations served on the holder are withdrawn in consideration of the holder's resignation, retirement, or other failure to contest the truth of the allegations.

(d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee shall investigate any holder or superintendent who holds a credential who fails to file reports required by this section.

(e) The superintendent of an employing school district shall, in writing, inform a credential holder of the content of this regulation whenever that credential holder, working in a position requiring a credential, is dismissed, resigns, is suspended for more than ten days, retires or is otherwise terminated by a decision not to employ or re-employ as a result of an allegation of misconduct. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44242.5(b)(3), Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80304 Notice of Sexual Misconduct

(a) A notice filed pursuant to Education Code section 44242.5(b)(4) alleging sexual misconduct shall contain all of the following information:

- (1) name of the holder alleged to have engaged in misconduct;
- (2) name, age and address of each victim of the alleged misconduct;
- (3) a summary of all information known to the employer regarding the alleged misconduct; and
- (4) a summary of the action, if any, taken at the district level by the employer in response to the complaint of sexual misconduct.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44242.5(b)(4), Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80306 Time for Presentation of Allegations

(a) With the exceptions set forth in Education Code section 44242.7(a), an allegation of an act or omission by a credential holder shall be presented to the Committee within four years from the date of the alleged act or omission, or within one year from the date the act or omission should reasonably have been discovered by the Commission.

(b) For purposes of Education Code section 44242.7(a), a matter is presented to the Committee when the credential holder or applicant is notified that the matter is set for initial review by the Committee.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44242.5(d) and 44242.7(a), Education Code.

HISTORY

- 1. New subsection (b) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).*
- 2. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80307 Discovery

(a) All writings as defined by California Evidence Code section 250 which are included in the applicant's or holder's file including writings which form the basis for the allegations, with the exception of privileged information, shall be subject to discovery by the applicant or holder following commencement of an investigation.

(b) The fee for providing discovery is \$.10 per page for photocopies, \$.50 per page for copies from microfilm, the actual cost of postage, and the actual cost of staff time at the hourly rate of a program technician.

(c) Credential holders or applicants being investigated shall be notified of the availability and cost of discovery upon notice of initial review from the Commission. Upon receipt of a written request for discovery, Commission staff shall, within five working days, notify the requester of the fee for discovery. This fee shall be paid prior to the release of the documents subject to discovery.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44244(a), Education Code.

HISTORY

- 1. Amendment filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).*
- 2. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80307.1 Investigation Commences

An investigation is commenced on the date respondent is first notified, in writing, that his or her fitness to hold a credential is under initial review.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44242.5 and 44242.7, Education Code.

HISTORY

- 1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32)*

80308 Preliminary Review

(a) If the Committee receives information about an applicant or holder, the Committee may conduct a preliminary review of the information prior to commencing an investigation. At the preliminary review, the Committee may either determine to end the review or instruct staff to set the matter for initial review at a later meeting.

(b) A credential holder's personnel records shall not be obtained without written notification to the holder.

(c) No contact shall be made by any Commission staff members with anyone except the complainant prior to opening the investigation.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44242.5, Education Code.

HISTORY

- 1. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80309.1 Initial Review

(a) Prior to issuance of a notice of meeting pursuant to section 80310 the Committee shall conduct an initial review of the matter based upon written information.

(b) Notification of the initial review shall be provided to the holder or applicant only.

(c) When the matter is set for initial review by the Committee the staff shall provide written notification to the applicant or holder and offer the applicant or holder a reasonable opportunity to provide written information to the Committee prior to the Committee meeting. All written statements by the applicant or holder provided to the Committee shall be verified under penalty of perjury.

(d) Staff shall submit a confidential investigative report to the Committee.

NOTE: Authority cited: section 44225(q), Education Code.

Reference: section 44242.5, Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).

80310 Notice of Meeting, Formal Review

(a) The notice of meeting required by Education Code section 44244(a), for the meeting also known as formal review, shall be sent to the holder or applicant by certified mail, return receipt requested. The notice shall be sent to the address of record and/or the last known address of the holder or applicant. The notice to the holder or applicant shall contain a confidential investigative report.

(b) The notice shall be sent to any complainant and known employer, or last known employer and to the university or college which submitted a pending application for certificate of clearance.

NOTE: Authority cited: section 44225(q), Education Code.

Reference: section 44244(a), Education Code.

HISTORY

1. Repealer of subsection (b) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).

2. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).

80311 Request for Appearance

(a) No later than 20 days prior to formal review before the Committee pursuant to section 80310, the holder or applicant may request an opportunity to personally appear before the Committee during the formal review to respond, under oath, to questions from the Committee.

(b) Upon receipt of a request for an appearance, staff shall schedule a specific day and time to appear before the Committee during the formal review. Staff shall also notify all complainants and the last known employer, of the scheduled appearance. This notice shall state that the complainant and/or employer may also appear to offer relevant testimony before the Committee.

(c) If the holder or applicant is unable to appear before the Committee at the scheduled time, the Committee shall conduct the meeting, as noticed pursuant to section 80310, without an appearance. The Committee may grant a continuance if an emergency situation exists.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44244, Education Code.

HISTORY

- 1. Amendment filed 4-23-85; effective thirtieth day thereafter (Register 85, No. 17).*
- 2. Amendment filed 8-25-88; operative 9-24-88 (Register 88, No. 36).*
- 3. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80312 Continuance

A matter set for review by the Committee may be continued only upon written request and in compelling and verifiable situations. As part of the written request for a continuance the respondent must submit a written waiver of time and a showing that there will be no harm to the public in the event the continuance is granted. A request for a continuance must be received at the Commission no later than 10 days prior to the date set for review by the Committee.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44244, Education Code.

HISTORY

- 1. New section filed 8-29-88; operative 9-28-88 (Register 88, No. 36). For prior history, see Register 82, No. 45.*
- 2. Repealer and new section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80313 Presence Of Material Witnesses

(a) Any person determined by the Committee of Credentials to be a material witness in a particular case shall be permitted to be present to provide testimony during formal review by the Committee and shall be examined for rebuttal evidence, if any.

(b) Whether a witness is called shall be at the sole discretion of the Committee of Credentials.

(c) The order of witness testimony shall be determined by the Committee of Credentials.

(d) A minor witness (persons under 18 years of age) may have one support person present during their testimony. No support person will be allowed for adult witnesses, except the representative designated by the applicant or holder under investigation.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44242.5 and 44244, Education Code.

HISTORY

- 1. Amendment of subsection (a) filed 11-2-82; effective thirtieth day thereafter (Register 82, No. 45).*
- 2. Amendment filed 8-29-88; operative 9-28-88 (Register 88, No. 36).*
- 3. Repealer of former section 80313 and renumbering and amendment of former section 80317.2 to new section 80313 filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80314 Action

A quorum of the Committee must be present to consider any action, and at least four members must concur to take any action.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44244, Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80314.5 Notice of Committee Action

A written copy of the recommendation and findings of the Committee together with a notice of appeal rights available shall be sent by registered mail to the holder's or applicant's last known address within 14 days after the meeting or hearing at which the recommendation is made. Unless the recommendation involves private admonition, as provided in Section 44438 of the Education Code, a copy of the said recommendation, but not the findings unless otherwise provided by law, shall be mailed to all complainants and parties requesting notice of the Committee's decision in the case. Such recommendation, but not the findings, unless otherwise provided by law, shall also be made available to members of the public upon request.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44244 and 44438, Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32).

80315 Reconsideration

(a) A holder, applicant, complainant or employer may request, in writing, that the Committee reconsider its recommended decision. The request must be received by the Commission no later than 30 days after personal service or mailing notice of the Committee's recommendation. The request for reconsideration shall also contain new and different evidence which may materially affect the findings of the Committee.

(b) When a recommendation of the Committee is presented to the Commission pursuant to Education Code section 44244.1, the Commission may adopt the recommendation or request the Committee to reconsider its action, decision, or recommendation. Upon request of the Commission, the Committee shall reconsider its action, decision, or recommendation.

(c) A member of the Committee may participate in the reconsideration of a matter even though he or she was not present during the original consideration of the matter if the interested parties agree, or if the member reviews a transcript or tape recording of the proceedings and all other documents and evidentiary materials before the Committee.

Authority cited: section 44225(q), Education Code.
Reference: section 44244, Education Code.

HISTORY

1. New section filed 8-8-97; operative 9-7-97 (Register 97, No. 32). For prior history, see Register 82, No. 45.

80316.5 Confidential Report Of Investigation

Where the confidential investigative report shows that the allegations are groundless the file shall be sealed.

NOTE: Authority cited: section 44225, Education Code.
Reference: sections 44242.5 and 44244, Education Code.

HISTORY

- 1. Amendment filed 11-2-82, effective thirtieth day thereafter (Register 82, No. 45).*
- 2. Amendment of section and Non filed 8-8-97; operative 9-7-97 (Register 97, No. 32).*

80317 Administrative Hearing

The credential holder or applicant may, within thirty (30) days after personal service or the mailing of notice of the Committee's recommendation, request an administrative hearing by giving written notice to the Commission. The administrative hearing is a trial de novo. Any prayer contained in an Accusation or Statement of Issues shall request "appropriate adverse action according to evidence."

NOTE: Authority cited: section 44225(q), Education Code.
Reference: sections 44244(d) and 44244.1, Education Code.

HISTORY

- 1. Repealer and new section filed 8-8-97;operative 9-7-97 (Register 97, No. 32).*

80320 Consent Determinations

At any time after the Committee has determined that a Statement of Issues or an Accusation shall be filed against a respondent, but before a final determination of the matter has been made by the Commission, the respondent may propose and the Committee may recommend to the Commission a settlement upon terms which sufficiently provide for the protection of the public, schoolchildren and the profession.

NOTE: Authority cited: section 44225(q), Education Code.
Reference: section 44244, Education Code.

HISTORY

- 1. Amendment of section and NOTE filed 8-8-97;operative 9-7-97 (Register 97, No. 32).*