



CODED CORRESPONDENCE

DATE: December 26, 2008	NUMBER: 08-15
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Dale A. Janssen Executive Director Commission on Teacher Credentialing
SUBJECT: Information on Senate Bill 1105 (Chap. 577, Stats. 2008) and Senate Bill 1110 (Chap. 578, Stats. 2008)—Credential Holder Discipline Enhancement Legislation	

Summary:

On September 29, 2008, the Governor signed Senate Bill 1105 (Margett) and Senate Bill 1110 (Scott) into law. Effective January 1, 2009, these laws enhance credential holder discipline by closing loopholes in existing law related to sex offenses, extending the time period that the findings of the Committee of Credentials is available to subsequent employers, and suspending the credentials of individuals who have had their credential revoked in another state pending investigation.

Key Provisions:

Senate Bill 1105 removes the distinction between a plea of guilty to a crime and a plea of no contest to a crime for educator licensing purposes. Specifically, a plea of no contest to misdemeanor sex offenses will now result in a mandatory revocation of all credentials. Formerly such a plea would result in a suspension of the credential pending the outcome of a discretionary review by the Committee of Credentials with a right to an administrative hearing to appeal the Committee's recommendation. The bill specifically excepts pleas of no contest to Penal Code § 647(d). Senate Bill 1105 also extends the timeframe that a subsequent employer of a credential holder can receive a copy of the findings of the Committee of Credentials from one year from the date of the recommendation to five years from the date of the recommendation. However, if the individual appeals the recommendation of the Committee, the findings will not be made available to a subsequent employer. The final action adopted by the Commission to resolve the case will be available upon request. Lastly, the bill calls for the Legislature to convene a study group of interested parties to review all provisions of the Education Code that result in the mandatory revocation of credentials and for a report to be issued on or before December 1, 2009.

Senate Bill 1110 added two sections to the Education Code. One provision requires the Commission to revoke the credentials of an individual who is convicted of a crime and, as part of his or her sentencing, is prohibited from associating with minors or is ordered to surrender or self revoke educational licensing documents. The bill specifically excepts domestic relations no contact provisions provided for in Penal Code § 273.6. The second provision requires the Commission to suspend the credentials of an individual, whose credentials have been revoked in another state, pending a discretionary review by the Committee of Credentials and any subsequent appeal. This suspension is limited to instances in which the underlying misconduct in the other state could result in a revocation in California.

Important Dates:

These new laws are effective January 1, 2009.

Background:

Senate Bill 1105 brings licensing law and employment law into agreement as it relates to a no contest plea being treated as a conviction. It removes the distinction between the outcome of an individual who pled guilty to a sex offense and an individual who pled no contest to the same offense. The law extends the timeframe to five years for subsequent educational employers to learn of the findings of the Committee of Credentials in cases in which the individual does not appeal those findings.

Senate Bill 1110 closes a loophole where an individual would plead to an offense that was not listed as a sex offense in the Education Code, but would have sentencing provisions that treated him or her as a sex offender, such as ordering no contact with minors or ordering the surrendering of teaching credentials. These individuals are now subject to mandatory revocation upon implementation of these sentencing provisions. Senate Bill 1110 also protects the school children of California by requiring the suspension of the credentials of an individual who has had his or her credentials revoked in another state. The credentials remain suspended until the Committee of Credentials conducts its discretionary review and through any subsequent appeal process. The credential is only suspended if the underlying misconduct could result in a revocation in California. For example, contract abandonment cannot result in a revocation in California; therefore, a revocation of a credential in another state for contract abandonment would not trigger a suspension.

Source:

Senate Bill 1105 (Chap. 577, Stats. 2008) and Senate Bill 1110 (Chap. 578, Stats. 2008) Education Code Sections 44009, 44242.5, 44423.5, 44423.6, and 44425

References:

The full text of the bills may be found at <http://www.leginfo.ca.gov/>.

Contact Information:

Contact the Commission’s Division of Professional Practices by telephone at (888) 921-2682, Monday through Friday from 1:00 pm to 4:45 pm or by email at DPPInfo@ctc.ca.gov.

