



CODED CORRESPONDENCE

DATE:

November 1, 2019

NUMBER:

19-10

TO:

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

FROM:

Mary Vixie Sandy
Executive Director
Commission on Teacher Credentialing

**SUBJECT: Proposed Amendments to Title 5 of the California Code of Regulations
Pertaining to Fees**

Summary:

The Commission on Teacher Credentialing (Commission) proposes amendments to Title 5 of the California Code of Regulations §80487 related to credential fees as approved by the Commission at the August 2019 meeting. The proposed amendments also include general clean-up of the regulation section.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes on December 16, 2019. Comments must be received by that time. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, ATTN. Vanessa Ragudo, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to RuleMaking@ctc.ca.gov.

Key Provisions:

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) related to credential fees as approved by the Commission at the August 2019 meeting. The proposed amendments also include general clean-up of the regulation section.

The proposed amendments to Title 5 of the California Code of Regulations (CCR) will align the application processing fee with that originally set in the 2015-16 Budget Act (AB 104, Chap. 13, Stats. 2015). In addition, the proposed amendments update the fee required for processing fingerprints through the Federal Bureau of Investigation and delete all references to fees for duplicate documents and name changes as these are no longer required.

Background:

The Commission on Teacher Credentialing is a special-fund agency within state government, supported entirely by fees from two primary sources: credential application fees, which are the primary source of revenue for the Teacher Credential Fund (TCF) and educator exam fees, which fund the Teacher Development and Assessment Account (TDAA). The Commission does not receive a General Fund allocation to support its daily operations.

The credential fee, established annually in the Budget Act, had fallen below the statutory limit of \$70 at the direction of the Administration and the Legislature since 1998, and was at \$55 from 2000-12. The credential processing fee restoration included in the 2012-13 Budget Act (AB 1464, Chap. 21, Stats. 2012) aligned the credential fee with the statutory limit, at that time \$70. However, as noted at the June 2013 Commission meeting, this action only partially addressed the Commission's budget deficit, caused by a decrease in the Commission's revenue base, while nondiscretionary operating costs had continued to increase. Additional measures required at that time to address the deficit only provided a temporary solution to the issue of maintaining a stream of revenue sufficient to support the operating budget of the Commission. The 2015-16 Budget Act amended Education Code (EC) §44235 and set the statutory limit for credential fees at \$100. Aligning the credential application fee in regulations with the current statutory limit will allow the Commission to maintain the essential functions of the agency.

Summary of Proposed Amendments:

§80487

(a)(1): Proposed amendments to this subsection amend the application processing fee to the current statutory limit of \$100.00 to align with EC §44235 and add "a" before "credential" to correct a former typographical error.

(a)(2): Proposed amendments delete all references to requests for duplicate documents as well as the language pertaining to lost or destroyed documents as the Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission's website per 5 CCR §80001(e). The proposed amendments also delete the processing fee for name change requests, which can be done at no cost but still require a physical application and submission of pertinent legal documentation. Individuals may now update their other personal information (address, telephone number, and email address) free of charge via the CTC Online system implemented May 29, 2012.

Proposes adding the phrase "upgrading a Certificate of Eligibility to a preliminary" to make specific the process of how to change the certificate into a valid credential eligible for employment use.

(a)(5): Proposed amendments to this subsection align the fee with the current charges assessed by the Federal Bureau of Investigation.

(b): Proposed amendments delete all references to requests for duplicate documents as well as the language pertaining to lost or destroyed documents as the Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission's website per 5 CCR §80001(e). The proposed amendments also delete the processing fee for name change requests, which can be done at no cost but still require a physical application and submission of pertinent legal documentation. Individuals may now update their other personal information (address, telephone number, and email address) free of charge via the CTC Online system implemented May 29, 2012.

(e): Proposed addition of the word "met" for clarity.

Note: Proposing deletion of EC §44352 as a Reference as that statute pertains to duplicate documents, but the Commission discontinued the printing of documents on September 1, 2008. The official record of credentials, permits, authorizations, and certificates is the Commission's website per 5 CCR §80001(e). In addition, proposing the deletion of EC §§44253.10 and 52178 as References, which should have been deleted when §80487 was last amended in 2007 (§44253.10 pertains to issuance of the Certificate of Completion of Staff Development and §52178 pertains to bilingual education—topics no longer included in 5 CCR §80487). Also proposing the deletion of EC §52134 as a Reference as this section of EC was repealed with the passage of Assembly Bill 2587 (Chapter 922, Statutes 1994).

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code. Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulation amendments:

Creation or Elimination of Jobs Within the State of California

The proposed amendments pertain to teaching credentials that authorize service in California's public schools. The proposed amendments will not create or eliminate jobs in California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to teaching credentials that authorize service in California's public schools. The proposed amendments will not create or eliminate existing businesses in California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments pertain to teaching credentials that authorize service in California's public schools. As a result of the proposed amendments, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by allowing the Commission to maintain the essential functions of the agency, and fulfill its mission to ensure integrity, relevance, and high quality in the preparation, certification, and discipline of the educators who serve all of California's diverse students. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No alternatives have yet been proposed that will be less burdensome and equally effective.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with §17500) of the Government Code.

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact on Business

The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking teaching credentials that authorize service in California's public schools.

Sources:

[August 2019 Commission agenda item 4A](#)

[June 2015 Commission agenda item 4A](#)

[Coded Correspondence 15-04](#)

References:

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code section 44235 pertaining to fees.

Contact Information:

General or substantive inquiries concerning the proposed action may be directed to Vanessa Ragudo by telephone at (916) 323-8758 or David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to the address mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

CALIFORNIA CODE OF REGULATIONS

TITLE 5. EDUCATION

DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

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§ 80487. Fees.

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, extension, or renewal of a credential shall be ~~fifty-five~~ one hundred dollars unless otherwise established by law.

(2) The fee for upgrading a Certificate of Eligibility to preliminary credential ~~a duplicate credential or to change a name on a credential~~ shall be one-half the fee specified in (a)(1) or the credential fee established by law.

- (3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.
- (4) The fee for the state basic skills proficiency test shall be forty-one dollars.
- (5) ~~Twenty-four~~ Seventeen dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information on applicants for credentials.
- (6) Thirty-two dollars, or the actual fee charged if it is different from this amount, to reimburse the Commission for the amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.
- (7) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.
- (b) Except for the fee specified in (a)(4 ~~3~~), the fees shall accompany the application for issuance, reissuance or renewal, ~~or the request for a duplicate credential or name change~~; the fees 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 fee for examination administered by a contractor on behalf of the Commission shall be paid directly to the testing contractor unless otherwise specified by contract.
- (d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.
- (e) Where an applicant has met all the qualifications for a credential at the time the application 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 sixty days.

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, ~~44253.10~~, 44280, 44289, 44298, 44332.5(b), 44339, 44340, and 44341, ~~44352, 52134 and 52178~~, Education Code; and Section 11105(e), Penal Code.