

California's Educator Discipline Process

July 12, 2011



Ensuring Educator Excellence

Topics

- Purpose and Responsibilities
- Reports of Misconduct
- Jurisdiction
- Mandatory Actions
- Discretionary Review
- Adverse Actions
- After the Commission takes action
- Questions?



Questions!

Please send your questions to

CTCDiscipline@ctc.ca.gov

If possible, please try to identify the topic from Slide 2 under which your questions fits



What is the Purpose of the Educator Discipline Process?

State law establishes a multi-step discipline process to address allegations of misconduct in order to:

- keep students safe
- safeguard the integrity of the profession, and
- protect the due process rights of credential holders



Who is Responsible for Educator Discipline in California?

- **School Districts** are the first line of defense for student safety. Employers may place individuals on paid or unpaid leave, if necessary.
- **Commission on Teacher Credentialing** is the licensing agency responsible for awarding credentials to qualified individuals and, if appropriate, taking action against the credential.
- The Commission's **Committee of Credentials** is statutorily charged with evaluating the moral character and fitness of all certificated personnel.



What is the Committee of Credentials?

- The Committee of Credentials (COC) is the Commission-delegated body of individuals who review allegations of misconduct against credential holders and applicants and recommend an appropriate adverse action when necessary to the Commission
- Committee meets 3-4 days each month at the Commission's offices in Sacramento

§ 44240



What is the Committee of Credentials?

(continued)

- The COC is comprised of seven members appointed by the Commission for two-year terms:
 - (1) elementary teacher
 - (1) secondary teacher
 - (1) school board member
 - (1) school administrator, and
 - (3) public representatives
- The Division of Professional Practices (DPP) supports the disciplinary work of the Commission and the Committee of Credentials



How does the Commission Find out about Possible Educator Misconduct?

1. **Rap sheets**, law enforcement reports, and reports from other licensing agencies
2. An **affidavit** signed by a person with personal knowledge of the alleged misconduct
3. **Notification** from an **educational employer** that, as a result of or while allegations of misconduct were pending, a credential holder:
 - was non-reelected or dismissed
 - resigned, retired, or otherwise left employment
 - was suspended for more than ten days (not unpaid administrative leave).



How does the Commission Find out about Possible Educator Misconduct?_(continued)

4. **Notice** from an employer that a complaint was filed with the school district alleging **sexual misconduct** by a credential holder.
5. A **notice** regarding:
 - failure to fulfill an employment contract
 - recruitment of students as customers using school data
 - false expenditures
 - cheating on a licensing examination



How does the Commission Find out about Possible Educator Misconduct? (continued)

6. An **application** with a “yes” response to a **professional fitness question** or failure to disclose when a “yes” response was required.

§§ 44242.5(b)
44420, 44421.1,
44421.5, 44439



Misconduct Reports

	05/06	06/07	07/08	08/09	09/10
DOJ Reports and others	4846	4490	3376	3777	5352
Affidavit	139	47	223	134	130
School District Reports	139	238	211	231	241
Totals	5124	4775	3810	4143	5723



What is Jurisdiction?

Jurisdiction is the legal authority to take action

For the Commission's discipline process there are two kinds of jurisdiction:

- Initial
- Formal



What is Initial Jurisdiction?

- Any of the preceding (slides 8-10) provides the Committee with initial jurisdiction, which is necessary for the Committee to investigate allegations against a credential applicant or holder.
- In order to hold a formal review and recommend possible discipline, the Committee must also have formal jurisdiction.



How does the Commission Obtain Formal Jurisdiction?

- Similar to initial jurisdiction in most cases; however, the most significant difference is that **an arrest does not provide formal jurisdiction.**
- Generally, for formal jurisdiction in a criminal matter, the Commission must have evidence of a conviction.

§ 44242.5 (d)



When is a Credential Suspended by Operation of Law (“Auto-Suspend”)?

- When a **credential holder is charged** with:
 - Specified sex crimes, or
 - Specified narcotic crimes that involve a minor

(Note that an **arrest** is still not enough; the credential holder must be **charged** with the crime.)
- A “no contest” or nolo contendere plea to certain misdemeanors
- Revocation in another state for the type of misconduct that can lead to revocation in California

§ 44940 (d) (2)
44424(b),
44425(b) and
44423.5



When is a Credential Denied or Revoked by Operation of Law (“Mandatory”)?

The Commission is prohibited from issuing any credential to, and is required to revoke a credential already issued, to a person:

- convicted of specified sex offenses
- convicted of specified narcotics offenses
- convicted of any crime listed in Education Code § 44424
- found to be insane by a federal or state court
- judicially determined to be a mentally disordered sex offender under the law

§§ 44346, 44346.1,
44424 and 44425



When is a Credential Denied or Revoked by Operation of Law (“Mandatory”)? (continued)

- A credential holder will also have all credentials revoked if as a condition of probation or sentencing:
 - the holder’s ability to associate with minors has been limited, or
 - the holder has been ordered to surrender his or her credentials

§ 44423.6



Mandatory Revocations and Denials

Mandatory Actions					
	05/06	06/07	07/08	08/09	09/10
Revocations	114	114	103	90	202
Denials	38	36	42	29	64
Total Mandatory Actions	152	150	145	119	266



If the Misconduct does not Require Mandatory Revocation or Denial, What Happens?

- Investigation closes—consent calendar
- Letter of Inquiry (LOI)
- Confidential Investigative Report (CIR)
- Initial Review (case could close or move forward)
- Formal Review (case could close or recommend adverse action)

§ § 44242.5,
44242.5(c),
44242.5(c) (2),
and 44244(d)



What does the Committee Consider When it Reviews an Allegation of Misconduct?

The Committee considers:

- the nature and severity of the offense
- its relationship to children and teaching
- the recency of the acts or crimes
- compliance with court sanctions, and
- any evidence of rehabilitation



What Actions can the Committee Recommend?

For Credential Holders

- Close Case
- Private Admonition
- Public Reproval
- Suspension
- Revocation

For Applicants

- Grant
- Deny



Discretionary Actions

Discretionary Actions					
	05/06	06/07	07/08	08/09	09/10
Private Admonition	16	16	24	20	19
Public Reproval	56	78	82	66	55
Suspension	172	267	279	194	207
Revocation	245	197	166	131	104
Denial (Applicant)	107	82	65	44	49
Total	596	640	616	455	434



What Happens Next?

The holder or applicant may:

- Accept the Committee's recommendation
- Request reconsideration
- Request administrative hearing (appeal)



Questions?

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