

Division VIII of Title 5 of the California Code of Regulations

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

Initial Statement of Reasons

Rationale for Proposed Regulations

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 duplicate documents and name changes.

The Commission on Teacher Credentialing (Commission) is referred to as a “special fund” agency because the daily operations of the agency are supported by two special funds: (1) Teacher Credentials Fund; and (2) Test Development and Administration Account. The Commission does not receive a General Fund allocation to support its daily operations. The support comes from the fees collected as the result of issuing credentials and administering the various educator preparation examinations for candidates.

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 2000-2012. The credential processing fee restoration included in the 2012-2013 Budget Act (AB 1464, Chap. 21, Stats. 2012) aligned the credential fee with the statutory limit of \$70. However, as noted at the June 2013 Commission meeting, this action would only partially address the deficit issue and additional measures required at the time to address the deficit would only provide 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 limit will allow the Commission to maintain the essential functions of the agency.

Proposed Amendments to Regulations

§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).

Documents Relied Upon in Preparing Regulations:

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

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

[Coded Correspondence 15-04](#)

Economic Impact Assessment/Analysis

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments.

The purpose of the proposed regulations amendments is as follows:

- align the application processing fee in regulations with current statute
- allow the Commission to maintain the essential functions of the agency
- General clean-up of section to align with previous statutory and regulatory changes

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.