

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

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is attached with the added text underlined and the deleted text lined out.

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized comment period.

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 vragudo@ctc.ca.gov.

Authority and Reference

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.

Informative Digest/Policy Statement Overview

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.

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.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, these are the only regulations that concern credential fees as approved by the Commission.

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](#)

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.

Effect on Small Businesses

The proposed amendments do not affect small businesses because they only apply to individuals seeking teaching credentials that authorize service in California’s public schools.

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.

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.

Contact Person/Further Information/Availability of the Initial Statement of Reasons and Text of Proposed Regulations

General or substantive inquiries concerning the proposed action may be directed to Vanessa Ragudo by telephone at (916) 323-8758 or Vanessa Ragudo, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to David Crable at (916) 323-5119 or at the address mentioned in the previous sentence. 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.

Availability of the Rulemaking File

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Vanessa Ragudo at the address or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public comment period. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Vanessa Ragudo.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the [Commission's website](#).