

**CALIFORNIA CODE OF REGULATIONS, TITLE 5. EDUCATION
CHANGE IN EMPLOYMENT STATUS**

§ 80303 Reports of Change in Employment Status

- (a) The superintendent of an employing school district shall report a change in employment status to the Commission not later than 30 days after the final employment action whenever a credential holder, working in a position requiring a credential, as a result of an allegation of misconduct or while an allegation of misconduct is pending:
- (1) is dismissed or non-reelected;
 - (2) resigns;
 - (3) is suspended or placed on unpaid administrative leave as a final adverse employment action for more than 10 days;
 - (4) retires; or
 - (5) is otherwise terminated by a decision not to employ or re-employ;
 - (6) "Otherwise terminated by a decision not to employ or re-employ" as used in section (a)(5) above shall not include or be interpreted to include a change of status that is solely for unsatisfactory performance as listed in Education Code section 44932 subdivision (a)(4) or layoff or reduction in force as described in Education Code sections 44955 through 44958.
- (b) The report shall contain all known information about each alleged act of misconduct organized as follows:
- (1) Name of credential holder;
 - (2) Current address of credential holder;
 - (3) Name of reporting district;
 - (4) Name of last school or district assignment;
 - (5) An explanation of the allegation of misconduct or pending allegation of misconduct;
 - (6) Current contact information for all persons who may have information relating to the alleged misconduct;
 - (7) Any and all documentation related to the case.
- (c) The report shall be made to the Commission regardless of any proposed or actual agreement, settlement, or stipulation not to make such a report. The report shall also be made if allegations served on the holder are withdrawn in consideration of the holder's resignation, retirement, or other failure to contest the truth of the allegations. The Commission shall acknowledge receipt of such report within thirty (30) days of receipt by the Commission.
- (d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee shall investigate any superintendent who holds a credential who fails to file reports required by this section.
- (e) The superintendent of an employing school district shall, in writing, inform a credential holder of the content of this regulation whenever that credential holder, working in a position requiring a credential, is dismissed, non-reelected, resigns, is suspended or placed on unpaid administrative leave as a final adverse employment action for more than ten days, retires or is otherwise terminated by a decision not to employ or re-employ as a result of an allegation of misconduct or while an allegation of misconduct is pending. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.
- (f) Official records released in accordance with the Public Records Act (Government Code sections 6250-6270) by the Commission on Teacher Credentialing are sufficient bases for personal knowledge of any person or persons who file an affidavit or declaration with the Commission.
- (g) Jurisdiction to investigate a failure to submit a report required under this section may be based upon an affidavit or declaration of facts, submitted to the Commission on Teacher Credentialing under penalty of perjury, sufficient to establish that required reporting is not being done or not done in a timely manner.
- (h) Where the Commission has information or belief that a report has not been made under this regulation, a letter shall be sent to the responsible superintendent providing facts, detailing reporting responsibilities, and requesting a response.

Note: Authority Cited: Section 44225(q), Education Code. Reference: Section 44242.5(a) and (b)(3), Education Code; and California Teachers Association v. California Commission on Teacher Credentialing, (Sacramento Superior Court Case No. 98AS03278, Judgment Granting In Part Request For Declaratory Relief, filed April 26, 1999.)